

# Newsletter

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on Nazi-Looted Art

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**We would like to share with you the press release that was issued on 4 October last on behalf of the Ministry of Education, Culture and Science**



## Restitutions Committee Chair Appointed

Jacob Kohnstamm has been appointed Chair of the Advisory Committee on the Assessment of Restitution Applications for Items of Cultural Value and the Second World War (the Restitutions Committee). Ingrid van Engelshoven, Minister of Education, Culture and Science, made the decision. The appointment, which took effect on 28 September 2021, is for a period of three years, with the option to renew once.

The Restitutions Committee is an independent body that advises the Minister of Education, Culture and Science about the restitution of items of cultural value lost involuntarily through the actions of the Nazi regime. Restitution policy was recently evaluated by a committee of the Council for Culture. It was chaired by Jacob Kohnstamm. This evaluation resulted in a change in the framework

for assessing restitution applications and in renewed efforts to investigate the provenance and original owners of possible looted cultural material. As Chair of the Restitutions Committee, Jacob Kohnstamm will now implement the revised restitution policy.

He studied law and became a member of the Dutch Bar. Later he was, among other things, a Member of the Lower and Upper Houses of the Dutch Parliament for the Democrats 66 Party and from 1994 to 1998 he served as State Secretary for the Interior. He chaired the Dutch Data Protection Authority from 2004 to 2016 and was the Coordinating Chair of the Regional Euthanasia Review Committees from 2016 to 2021. He furthermore served on a part-time basis on various boards and committees, including chairing the board of the Amsterdam Resistance Museum Foundation.

(MINISTRY OF EDUCATION, CULTURE AND SCIENCE PRESS RELEASE; SEE ALSO [HTTPS://WWW.RJKSOVERHEID.NL/ACTUEEL/NIEUWS/2021/10/04/BENOEMING-VOORZITTER-RESTITUTIECOMMISSIE](https://www.rijksoverheid.nl/actueel/nieuws/2021/10/04/benoeming-voorzitter-restitutiecommissie))

**More news about the appointment of Jacob Kohnstamm will follow in the next issue.**



ELSE VAN STERKENBURG

It gives me great pleasure to become involved with the Network of European Restitution Committees. I was appointed the new Secretary three months ago and since then I have been the focal point for various individuals and parties with regard to restitution matters in the Netherlands. My background is in law and art history and I therefore feel closely associated with the substantive, art historical and moral aspects of restitution issues at both national and international levels. My thesis for my master's degree, which I completed at the end of 2020, was entitled 'Restitutiebeleid in Nederland: publiek belang of individueel rechtsherstel?' ['Restitution Policy in the Netherlands: Public Interest or Individual Restoration of Rights?']. I found the research I did into the weighing up of interests in the restitution recommendations and rulings issued in the Netherlands very interesting.

The restitution of Nazi looted art is a very prominent issue in our society. Righting the wrongs done during the war is still a key factor. There is an important task facing everyone involved in the often complex process of unearthing the truth. I consequently consider it a privilege to be in a position to make a contribution to it.

The role of Dutch Restitutions Committee is evolving rapidly. New measures have been taken since the publication of the Kohnstamm Report. Currently, for example, we are developing a new website with the objective of making the Committee and the restitution application procedure more accessible and more transparent. The revamped website is scheduled for completion before November. This year we are marking the twentieth anniversary of the establishment of the Dutch Restitutions Committee by making a documentary, in which we share our story with a number of visitors from the past. We will, of course, announce how and when the documentary will be shown.

I am looking forward to us working together and I hope in any event to be able to meet you all in person in 2022.

Else van Sterkenburg

# Ninety-seventh meeting of the Art Restitution Advisory Board

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PIA SCHÖLNBERGER

**At its ninety-seventh meeting on 29 June 2021, the Austrian Art Restitution Advisory Board issued six recommendations for the return of objects from the Natural History Museum in Vienna, the MAK – Museum of Applied Arts, the Museum of Military History / Military History Institute, the Austrian National Library, the Kunsthistorisches Museum, and the Museum of Folk Life and Folk Art in Vienna.**

The first decision refers to the geological collection belonging to the amateur geologist Georg Rosenberg, who after the annexation of Austria to Nazi Germany was regarded as Jewish and lost his job in April 1938 following the “Aryanization” of the Josef Frank und Oskar Wlach company. In the same month he donated 846 geological and palaeontological objects to the Geology and Palaeontology Department of the Natural History Museum. Shortly afterwards, his wife Anna, who worked in a guesthouse, also lost her job. Until their flight in February 1939, they remained without income. On 27 February 1939, they managed to escape to Switzerland, from where they emigrated to Palestine. The years in exile were marked by poverty and extreme hardship. No doubt because of their difficult economic situation in Palestine, Georg Rosenberg began soon after the war to attempt to return to Austria. Newly discovered sources show that Georg Rosen-

berg asked the Natural History Museum and the Geology Survey of Austria for letters of recommendation to enable him to return to Austria. The addressee in the museum used the letter, in which Rosenberg confirmed the donation of his geological collection in 1938, in his denazification process as demonstration of his support for researchers who had been persecuted as Jews. The Advisory Board determined that from Georg Rosenberg’s perspective a return of the donation after the war would have had an adverse effect on his attempts to regain Vienna – Georg and Anna Rosenberg eventually crossed the Austrian border in March 1947 – and therefore decided that the objects should be restituted.

**The years in exile were marked by poverty and extreme hardship. No doubt because of their difficult economic situation in Palestine.**

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At the MAK – Museum of Applied Arts two silver candlesticks were identified as having belonged to Alfred Kirchenberger, who had a medical practice in St. Pölten, Lower Austria, which he was obliged to close in April 1938 following his forced retirement as a result of Nazi persecution. Kirchenberger then

DRAWING: FAMILY PORTRAIT OF K.K. OBEROFFIZIER FRIEDRICH PIATTOLI WITH HIS WIFE LUISE, NÉE VILLIER-SEIGNER, AND DAUGHTER MARIE, ANONYMOUS, UNDATED (C. 1809), PURCHASED IN OCTOBER 1940 BY THE PRESENT-DAY MUSEUM OF MILITARY HISTORY / MILITARY HISTORY INSTITUTE FROM SIEGFRIED FUCHS SHORTLY BEFORE HIS FLIGHT TO SHANGHAI.



moved to Vienna together with his wife and son, where they survived the Nazi period as a result of the marriage's classification as a "privileged mixed marriage". On the basis of the Regulation on the Use of Jewish Assets and its implementing regulations, Kirchenberger was forced on 25 October 1939 to surrender silver objects, including the two candlesticks, as "§ 14 deliveries", as they were called, to the Dorotheum auction house in Vienna, which in turn sold them to the State Museum of Arts and Crafts, as the MAK was called at the time. The Board found that the discriminatory surrender of the objects was an invalid legal transaction and recommended the return of the two candlesticks to Alfred Kirchenberger's heirs.

### Objects sold

The Board also recommended the return of objects sold by the persecuted Jewish



**“As the surviving documents show, after the annexation of Austria to Nazi Germany, Siegfried Fuchs was forced gradually to sell parts of his collection of books, pictures, prints, porcelain, etc., as a means of subsistence and to pay the discriminatory taxes after he had been disbarred from working.”**

attorney Siegfried Fuchs to the present-day Museum of Military History in preparation for his flight from Austria. As the surviving documents show, after the annexation of Austria to Nazi Germany, Fuchs was forced gradually to sell parts of his collection of books, pictures, prints, porcelain, etc., as a means of subsistence and to pay the discriminatory taxes after he had been disbarred from working. In October 1940, a few weeks before he escaped to Shanghai, he sold seventy objects to the Museum of Military History. The Art Restitution Advisory Board qualified this sale as an invalid legal transaction, as it had done from 2005 to 2015 in connection with objects from Siegfried Fuchs's collection in the Austrian National Library, the MAK, the Kunsthistorisches Museum and the Museum of Folk Life and Folk Art in Vienna.

GLASS NEGATIVE FROM ANNA AND KONRAD MAUTNER'S COLLECTION OF PHOTOGRAPHIC OBJECTS RECOMMENDED FOR RESTITUTION, WHICH WAS SECURED IN AUGUST 1938 AND SUBSEQUENTLY INVENTORIED BY THE MUSEUM OF FOLK LIFE AND FOLK ART IN VIENNA. THE PICTURE IS OF KONRAD MAUTNER IN STYRIAN TRADITIONAL COSTUME WITH HIS BACK TO THE CAMERA. THE BACKGROUND WAS RETOUCHEED. PERMISSION GRANTED BY THE HEIRS OF ANNA AND KONRAD MAUTNER.



PARTS OF GEORG ROSENBERG'S GEOLOGICAL COLLECTION THAT HE GAVE TO THE NATURAL HISTORY MUSEUM IN PREPARATION FOR HIS FLIGHT.

## Books

The Board also recommended the return of Judaica books confiscated as a result of Nazi persecution and assigned to the National Library. The confiscation was deemed to have been demonstrated by the stamp "AB 46" on the back flyleaf, indicating that these books had been given to the National Library by the Gestapo in 1938 and were highly likely to have belonged previously to persons persecuted by the Nazis. In accordance with Section 2.(1).2 of the Austrian Art Restitution Act, thirteen of these books are to be given for sale to the National Fund of the Republic of Austria for Victims of National Socialism, as their previous owners could no longer be identified; three books are to be returned to the legal successors of the Austrian writer Gina Kaus, the Keren Hayesod Foundation Fund, Belgrade, and the Higher Institute for Jewish

Studies, Berlin. Twelve print items from this Judaica set have some indications of former owners, but in spite of intensive research, it has not been possible to identify them definitively. The Board nevertheless considered it possible that they could be identified at some future date and they have therefore been entered in the art database of the National Fund in order to assist in their identification by the public at large.

Sixty-one books were found in the library of the Kunsthistorisches Museum belonging to the art historian and psychoanalyst Ernst Kris. No doubt aware of the ominous developments, Kris, who came from a Jewish family and had worked with Sigmund Freud, applied in early March 1938 to go on a research trip to London. The trip was approved, but he was unable to leave on account of the annexation

**Ernst Kris, whose pension entitlement had been cancelled in October 1938, was unable to recover it after the war. The Board stated that the donation of the books is to be seen in direct connection with his persecution and recommended their restitution to Ernst Kris's heirs.**

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of Austria to Nazi Germany. To escape persecution by the Nazis, he asked to be retired and attempted to leave for England. In a letter to Fritz Dworschak, provisional director of the Kunsthistorisches Museum, he stated that he would donate his library and collection of photographs to the museum. Referring to the donation, Dworschak subsequently supported Kris's application to the Nazi authorities to be allowed to leave for England. He finally left in May 1938, and in 1940 the family continued to the USA. Ernst Kris, whose pension entitlement had been cancelled in October 1938, was unable to recover it after the war. The Board stated that the donation of the books is



Pia Schölnberger is administrative director of the Commission for Provenance Research and head of the office of the Austrian Art Restitution Advisory Board at the Federal Ministry of Art, Culture, the Civil Service and Sport.

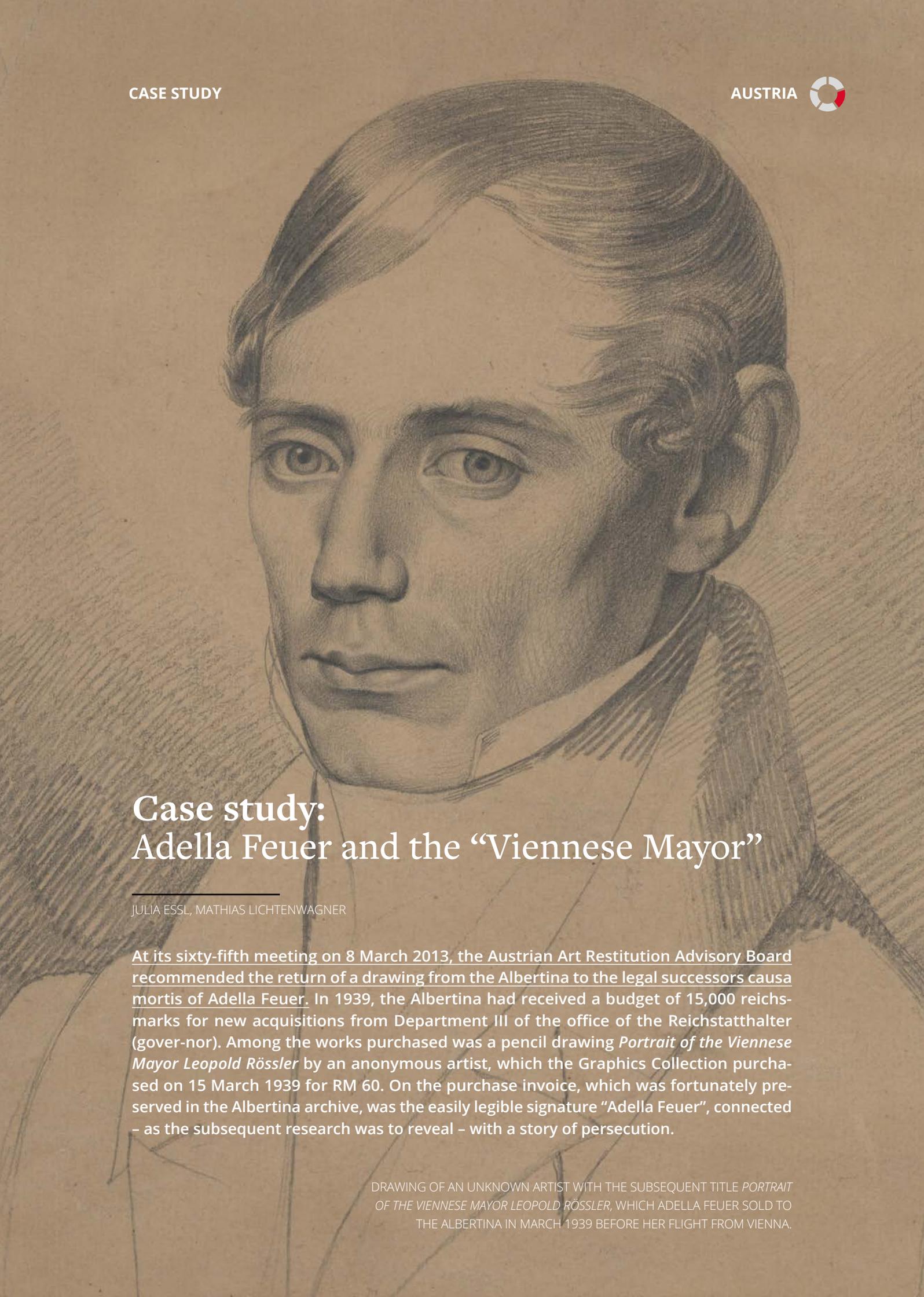
to be seen in direct connection with his persecution and recommended their restitution to Ernst Kris's heirs.

### **The sixth recommendation**

The same meeting considered objects from the Museum of Folk Life and Folk Art in Vienna owned by the Verein für Volkskunde, which asked the Board for its opinion. The sixth recommendation thus concerned positives, negatives and slides (174 inventory numbers) from the photo collection there, which was deemed to have been part of the folk art collection belonging to Anna Mautner secured by the Vienna Municipal Authority. The widow of the folk life researcher Konrad Mautner, who had continued her husband's business and also his folk art collection after his death in 1924, was persecuted by the Nazis as a Jew and survived the war in exile in the USA. She later returned to Austria, where she died in Bad Ischl at the age of eighty-two. The recommendation was an addition to the restitution of objects from the Mautner folk art collection following a recommendation by the Board in 2016.

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<https://www.provenienzforschung.gv.at/en/kunstrueckgabebeirat-2/beschluesse/beschluesse-chronologisch/?decisions-year=2021>

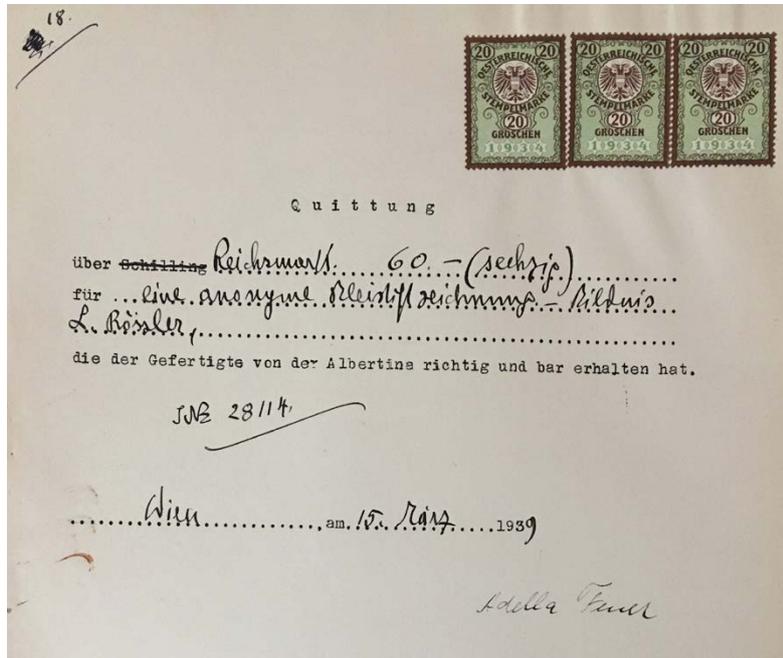


## Case study: Adella Feuer and the “Viennese Mayor”

JULIA ESSL, MATHIAS LICHTENWAGNER

At its sixty-fifth meeting on 8 March 2013, the Austrian Art Restitution Advisory Board recommended the return of a drawing from the Albertina to the legal successors causa mortis of Adella Feuer. In 1939, the Albertina had received a budget of 15,000 reichsmarks for new acquisitions from Department III of the office of the Reichstatthalter (governor). Among the works purchased was a pencil drawing *Portrait of the Viennese Mayor Leopold Rössler* by an anonymous artist, which the Graphics Collection purchased on 15 March 1939 for RM 60. On the purchase invoice, which was fortunately preserved in the Albertina archive, was the easily legible signature “Adella Feuer”, connected – as the subsequent research was to reveal – with a story of persecution.

DRAWING OF AN UNKNOWN ARTIST WITH THE SUBSEQUENT TITLE *PORTRAIT OF THE VIENNESE MAYOR LEOPOLD RÖSSLER*, WHICH ADELLA FEUER SOLD TO THE ALBERTINA IN MARCH 1939 BEFORE HER FLIGHT FROM VIENNA.



SALES INVOICE OF 15 MARCH 1939 FROM THE ALBERTINA ARCHIVE SIGNED BY ADELLA FEUER.

Research into the life of Adella Feuer, who had to leave Austria because of her Jewish background around a month after the sale, turned out to be quite complicated. Adella Taubmann, also known as Adele or Ada, was born in Aachen, Germany, in 1903. She came to Vienna in the 1920s and married the Viennese businessman Max Feuer (1897–1944) in 1927. They lived in an apartment at Starhembergasse 29 in the 4th district. The couple divorced in 1934 and Adella Feuer remained there until mid-February 1939. She then stayed briefly in a hotel in Bechardgasse in the 3rd district until she was able to flee in April 1939.

### Applications

In February 1939 she had already applied to the Central Monument Protection Office for authorization to export her artworks – oil paintings, pastels, watercolours and drawings

– which were approved as “tax-free removal goods”. She also applied for permission for the pencil drawing under consideration, but it was refused for unspecified reasons. She therefore apparently decided to sell the drawing to the Albertina, as demonstrated by the invoice of 15 March 1939 signed by her.

### The fate of Adella Feuer

The fate of Adella Feuer, who according to the Viennese registration records left for the USA in mid-April 1939, was only fully uncovered after investigating the circumstances surrounding it. Women in particular often have different names in the course of their lives – as was the case here – which adds a further complication if not an insurmountable obstacle to the research into their escape and persecution.

There was another person, Hermann Herlinger, registered at Adella Feuer’s last place

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of abode, evidently her companion. She fled with him to Milan, where they lived from 1 May 1939 at Via Carlo Poerio 32. Although they were not officially registered as being married – they had only married according to the Jewish ritual – Adella Feuer was called from then on Ada Herlinger. But the couple, who were classed as “foreign Jews”, were not safe in Italy either. Hermann Herlinger was interned in 1940 in a camp at Urbisaglia (Macerata province) and transferred in 1942 to the nearby Sant’Angelo (Pontano province). After the occupation of Italy by German troops, he was deported to Auschwitz in April 1944 from the Italian transit camp (Modena province) and murdered there. The date of his death is not known, but he was posthumously declared dead as of 31 March 1943.

Adella Feuer was interned in February 1944 in the women’s camp at Pollenza established in 1940 and also deported to Auschwitz in April. She survived in Malchow, a satellite camp of Ravensbrück women’s concentration camp, and was liberated from there in May 1945. She returned first to Italy, where she was issued a temporary passport by the Red Cross in April 1946 in the name Adele Feuer-Taubmann. In 1947 she finally emigrated to the USA and in 1952 she obtained US citizenship in her mother’s maiden name Imberman. She died on 28 February 1979 in Miami Beach, Florida, having been hit by a car while crossing the street.

To enable the drawing recommended for restitution in 2013 to be returned to Ada Imberman’s legal successors, the Jewish Community Vienna (IKG) were entrusted with tracing the heirs of Ada Imberman, née Taubmann, divorced Feuer, “widowed” Herlinger.

### **Ada Imberman**

As Ada Imberman had no direct descendants, an extended family search was required. She had a younger brother, Jakob Taubmann, born in 1905, like Ada in Aachen. He married Alta Sara Brod in 1935 at the synagogue at Leopoldgasse 29 in the 2nd district. His wife was born in 1912 in Radomyšl. As Jews, the couple were forced like Ada to flee from Vienna. They left in August 1938 and arrived via Aachen in Brussels. Jakob Taubmann was arrested there in May 1940 and subsequently interned in various French camps (Saint-Cyprien, Gurs, Les Milles). He managed to escape from the last-named in 1942. Of note in this episode of flight, persecution and separation of the family is the fact that during this time two children were born: Harry in Brussels in 1940 and Sylvia in Basel in 1944. The birthplaces of the two children given an indication of the route the family took in flight. The family of four experienced the liberation of Europe in the safety of Switzerland. On their exit visas, Jakob is listed as a cook. In November 1946 they finally left Europe, sailing from Genoa



DANIELLE SPERA, DIRECTOR OF THE JEWISH MUSEUM VIENNA, IN AUGUST 2021 WITH SYLVIA TAUBMAN, WHO DONATED HER AUNT'S DRAWING TO THE MUSEUM AFTER IT HAD BEEN RESTITUTED TO HER.

to the USA. Ada Feuer followed them three months later and was able to establish a new existence in New York close to her brother and his family.

The subject of the drawing that Ada sold personally to the Albertina before her flight from Vienna cannot be identified. There is no mayor of Vienna by the name Leopold Rössler. On the back of the drawing there is only the word "mayor" (Bürgermeister) alongside the name. The word "Viennese" (Wiener) was added by the Albertina when it inventoried the sheet.

The researchers were finally able to decide on the recipients of the portrait recommended for restitution in 2013 and to be returned by the Republic of Austria, i.e., the museum, namely the niece and nephew of the former owner. The succession was demonstrated by the IKG in July 2020 and confirmed in August of that year by the Office of the Financial Procurator of the Republic of Austria (Finanzprokurator). The nephew Harry, who lives today

The first step in this direction was taken in August 2021 when museum director Danielle Spera interviewed Ms Taubman in New York and asked about her life and the story of the family expelled from Vienna – as a further form of remembrance.

in Ohio, waived his share in favour of his sister Sylvia Taubman in New York, who decided to donate it to the Jewish Museum Vienna in memory of the Jewish inhabitants forced to leave Vienna and to offer a possibility of enlightenment, research and learning.

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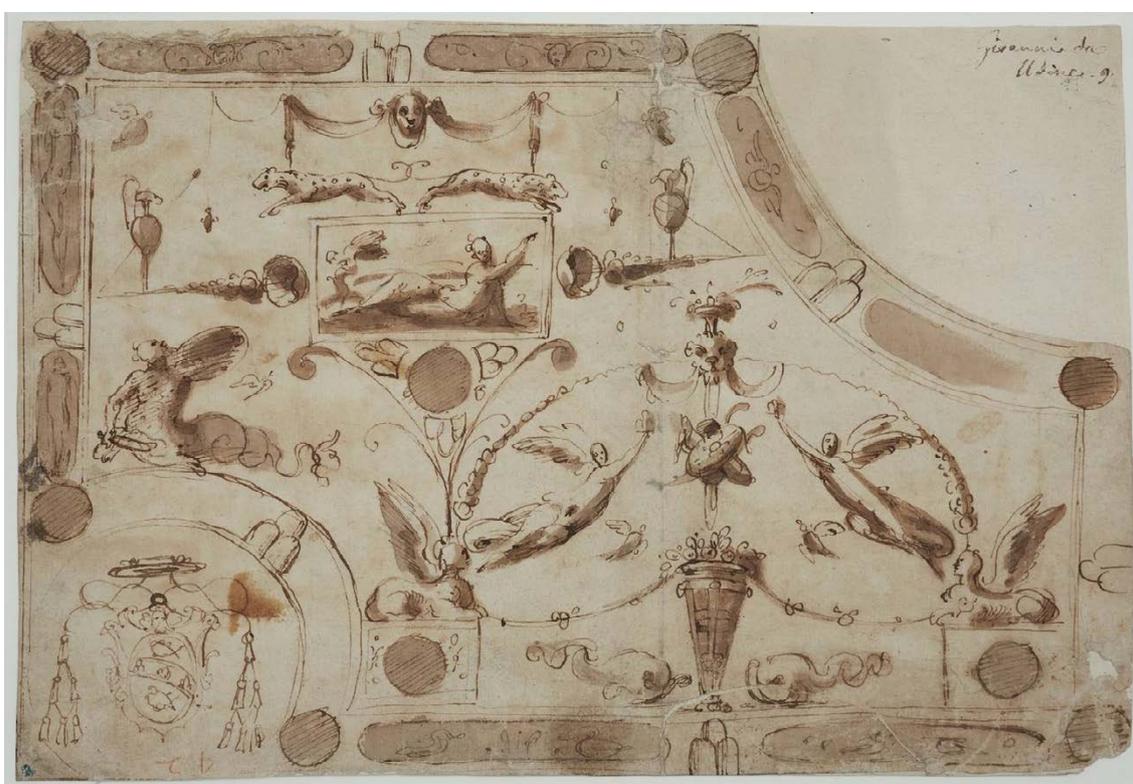
Julia Eßl is provenance researcher at the Albertina on behalf of the Commission for Provenance Research at the Federal Ministry for Art, Culture, the Civil Service and Sport.

Mathias Lichtenwagner works in the Restitution Department of the IKG Vienna and is involved in identifying heirs in restitution cases.



# The drawing by Giovanni da Udine from the Michael Berolzheimer collection

RAINALD FRANZ, LEONHARD WEIDINGER



GIOVANNI DA UDINE, *STUDY OF A GROTESQUE DÉCOR WITH CARDINAL'S COAT-OF-ARMS*, PEN DRAWING, C. 1530, MAK INV. NO. KI 10169, ACQUIRED BY THE MAK IN A FORCED AUCTION IN 1939 OF MICHAEL G. BEROLZHEIMER'S COLLECTION AT THE VIENNA AUCTION HOUSE ADOLF WEINMÜLLER; RECOMMENDED IN 2018 FOR RESTITUTION TO BEROLZHEIMER'S HEIRS. COPYRIGHT GEORG MAYER/MAK

In December 1939, the State Arts and Crafts Museum in Vienna (now the MAK) acquired a drawing by Giovanni da Udine, *Study for a Grotesque Décor with a Cardinal's Coat-of-Arms*, from Auktionshaus Weinmüller in Vienna.

The sheet was listed in the inventory of works on paper under the number KI 10169. There

was no indication of where the drawing came from and who it had belonged to. In late November 2017, Rebecca Friedman from the Holocaust Claims Processing Office (HCPO) in New York State informed the MAK provenance research that the drawing came from the forced auction of a collection belonging to Michael Berolzheimer. A dossier was established, on the basis of which the

## The drawing acquired in 1939 under director Richard Ernst was therefore an ideal addition to the museum's engraving and drawing collection.

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Art Restitution Advisory Board recommended in its meeting of 15 June 2018 that the drawing be restituted. This was done in November 2020, and in May 2021, the MAK bought back the drawing. Michael G. Berolzheimer visited the MAK on 15 July 2021 to take part in a small – and delayed – event to mark the handing over and purchase.

### The art historical and cultural significance of the drawing by Giovanni da Udine

(RAINALD FRANZ)

The *Study for a Grottesque Décor with Cardinal's Coat-of-Arms* by Giovanni da Udine is a pen drawing, with the aid of which the artist was planning the decoration of a palace ceiling area. Giovanni Riccamatore, known as da Udine (1487–1564), trained in Venice and as an assistant in the studio of Raffael Sanzio (Raphael) in Rome. He became a specialist in painted interior designs and grotesque-style stucco decorations. He was highly involved in the renaissance of the ancient Roman style of ceiling decoration and took part in the inspirational first excavation of antique buildings during the early sixteenth century in Rome, including Emperor Nero's Domus Aurea. As Raphael's assistant, he painted the garden loggia of Villa Farnesina and the Stanza di Eliodoro in the Vatican, Villa Madama (1520) and the Vatican loggias (1517-19). Then with Pierino del Vaga he added stucco decorations and painting to the ceiling of the Borgia Apartments in the Apostolic Palace. After the Sack of Rome, he worked in upper Italy, in Florence

with Michelangelo on the design of the Sagrestia Nuova in the Basilica of San Lorenzo (1532) and in Venice on the design of Palazzo Grimani. His style of grotesque decoration also spread throughout Europe from around 1520 as a result of the copper engravings by Agostino dei Musi and Marcantonio Raimondi and was copied until well into the twentieth century. As a designer of architectural embellishments, his work became an important component of the collections of the Viennese "model museum for the art industry", the former k.k. Österreichisches Museum für Kunst und Industrie (Imperial Royal Austrian Museum of Art and Industry). The engravings of his works provided inspiration for the High Renaissance historicist revival in all areas of design. The drawing acquired in 1939 under director Richard Ernst was therefore an ideal addition to the museum's engraving and drawing collection. Recognized original drawings by Giovanni da Udine, immortalized in Giorgio Vasari's *Vite*, are rare, and the sheet is therefore of great significance – not least on account of the provenance marking with the stamp of the Dresden collector Boguslav Jolle, from where it was probably purchased at an auction of the collection by Hugo Helbing in Munich in 1895 for the Berolzheimer collection.

### The drawing by Giovanni da Udine as an object of provenance research

(LEONHARD WEIDINGER)

During the Nazi period, the present-day MAK purchased fifty objects from Auktionshaus



MEETING WITH MICHAEL G. BEROLZHEIMER IN THE MAK TO HAND OVER THE DRAWING BY GIOVANNI DA UDINE, 15 JULY 2021: PIA SCHÖLNBERGER, MAK DIRECTOR CHRISTOPH THUN-HOHENSTEIN, MICHAEL G. BEROLZHEIMER, RAINALD FRANZ, LEONHARD WEIDINGER. COPYRIGHT GEORG MAYER/MAK

Weinmüller in Vienna. The auctioneer and committed Nazi Adolf Weinmüller “Aryanized” Auktionshaus S. Kende in Rotenturmstraße in autumn 1938 and established it as the Vienna branch of his main auction house in Munich. From the start of provenance research in Austrian federal collections in 1998, it was clear that acquisitions from Weinmüller might well have come from confiscated or forcibly sold assets. In subsequent years, three objects owned by Rudolf Bittmann and fourteen by Heinrich Rothberger were identified in the MAK collections as having been confiscated under the Nazi regime and acquired by the museum via Weinmüller. Five of the objects were already restituted in 1947, seven in 2003, two in 2006 and three in 2014.

This left thirty-six objects whose provenance remained undetermined, sixteen of them drawings. It was likely that the sheets had

**To verify this assumption, it was necessary to study the catalogues of Auktionshaus Weinmüller in Vienna and, of course, all other Viennese auction houses as well. There were no complete sets of these in any library, however, or a list of all published catalogues.**

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been offered but not picked up at auctions and thus sold privately by Weinmüller. To verify this assumption, it was necessary to study the catalogues of Auktionshaus Weinmüller in Vienna and, of course, all other Viennese auction houses as well. There were no complete sets of these in any library, however, or a list of all published catalogues. Together with provenance researchers from

**We could now identify which acquisitions by art and auction houses had been listed in auction catalogues. I was able to allocate some of the objects from the MAK to auctions, but unfortunately the drawing by Giovanni da Udine was not to be found in any of the catalogues.**

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the Commission, I therefore initiated a project in 2006 for the digitization of the Viennese auction catalogues from 1938 to 1945. At first we worked on our own initiative, until the Commission for Provenance Research agreed in 2008 to finance the project. By the end of 2008, just under 270 Viennese auction house catalogues had been digitized and over 130,000 lot descriptions entered in a searchable database. We could now identify which acquisitions by art and auction houses had been listed in auction catalogues. I was able to allocate some of the objects from the MAK to auctions, but unfortunately the drawing by Giovanni da Udine was not to be found in any of the catalogues.

In view of my experience with the Vienna catalogues, I was invited in 2008 to collaborate in the German Sales project. In the first phase, the auction catalogues published in Germany, Austria and Switzerland between 1930 and 1945 were scanned, the texts read and partially categorized. The data from the Vienna auction house project from 1938 to 1945 were incorporated in the German Sales project. Since 2013 the catalogue scans have been available on the [Heidelberg University Library website](#), and detailed searches for paintings, drawings and sculptures can be made through the [Getty Provenance Index on the Getty Research Institute website](#). This meant that the catalogues from the main Weinmüller auction house in Munich were also available

online. Unfortunately, I omitted at the time to search there for the drawing by da Udine.

On 18 March 2013 catalogues with handwritten comments were found in a steel cabinet at Auktionshaus Neumeister in Munich, the successor to Auktionshaus Weinmüller, documenting the submitters and purchasers at all Weinmüller Munich auctions between 1936 and 1943 and eleven of the eighteen auctions at Weinmüller Vienna. Adolf Weinmüller claimed after the Second World War that these documents had been burnt in an air raid. Meike Hopp, who had presented a comprehensive publication on Adolf Weinmüller a short time before, headed the [project for transcription and evaluation of the annotated catalogues at the Zentralinstitut für Kunstgeschichte in Munich](#). The results can be found on the [lostart.de website](#). Although I was kept informed of the processing of the annotated Weinmüller catalogues and was also marginally involved in the final phase of the project, it did not occur to me to look for the drawing by da Udine in the detailed data available.

Fortunately, there were colleagues such as Rebecca Friedman from the HCPO, who was able to study the digitized sources with a view from the outside and make the right connections. Without Rebecca's indication, the drawing by da Udine would not have been identified as part of the Berolzheimer collection. Thank you! Here again, the importance

of communication and the exchange of information for successful provenance research is evident.

When the NSDAP came to power in the German Reich in 1933 and particularly after the entry into force of the Nuremberg Laws in 1935, Michael Berolzheimer (1866–1942) and his wife Melitta, née Dispeker, divorced Schweisheimer (1867–?), were persecuted in the Nazi German Reich as Jews. In 1938 they fled to the USA. Michael Berolzheimer was forced to place most of his assets, including his art collection, in the charge of his stepson Robert Schweisheimer. In order to pay the levies imposed by the Nazi regime, the art objects had to be put up for sale at the Adolf Weinmüller art auction house in Munich.

## Restitution and purchase of the drawing by Giovanni da Udine

(RAINALD FRANZ)

The dossier by Leonhard Weidinger on the drawing by Giovanni da Udine in the MAK, inventory number KI 10169, *Study for a Grottesque Décor with Cardinal's Coat-of-Arms*, which demonstrated clearly the sheet that belonged to Michael Berolzheimer's art collection was established in May 2018. On the basis of this dossier, the Art Restitution Advisory Board recommended the restitution of the drawing at its meeting of 15 June 2018. In a letter of 24 October 2019 in response to the Art Restitution Advisory Board's recommendation of 15 June 2018, the Austrian Federal Minister for the EU, Art, Culture and the Media ordered the drawing by Giovanni da Udine to be restituted to Michael Berolzheimer's legal successors *causa mortis*. The curators concerned at the MAK quickly agreed that the drawing, as an important component of the Library and Works on Paper Collection, should be

**When the NSDAP came to power in the German Reich in 1933 and particularly after the entry into force of the Nuremberg Laws in 1935, Michael Berolzheimer (1866–1942) and his wife Melitta, were persecuted in the Nazi German Reich as Jews.**

legally repurchased as a priority after its restitution. This opinion was also held by the MAK management. A reasonable purchase price was estimated by the Munich art dealer Angelika Arnoldi-Livie, a drawing expert and representative of Michael Berolzheimer's legal successors *causa mortis*.

Because of the COVID-19 pandemic, the restitution took place in November 2020 in the absence of the heirs' representative. In May 2021, the contractually agreed purchase price was paid. The drawing is now in the MAK under its old inventory number but with detailed documentation on its provenance and restitution. It is an important and now legally purchased acquisition for the MAK collection of works on paper and marks a precedent for the museum, which could well be repeated.

Rainald Franz is the Curator of the Glass and Ceramics Collection and in charge of provenance research at the MAK – Museum of Applied Arts, Vienna.

Leonhard Weidinger is provenance researcher at the MAK – Museum of Applied Arts, Vienna, on behalf of the Commission for Provenance Research.

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# Introduction:

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On July 2 and 9 this summer, two long-awaited plenary sessions were held at the Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force during the Occupation – CIVS - headquarters in Paris to examine three cases likely to lead to the restitution of seven works from the MNR (Musée Nationaux de Récupération, National Recovery Museum).

These three very distinct cases are part of a new generation of cases which, thanks to the 2018 reform<sup>1</sup>, have been submitted by the Ministry of Culture and not by a claimant or rightful owner. In fact, in the framework of the article 1-2 of the modified decree n°99-778, the Mission for Research and Restitution of Spoliated Cultural Property between 1933 and 1945 - M2RS – can refer a restitution file to CIVS relating to artworks that were repatriated to France after the Second World War.

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<sup>1</sup> FRANCE'S NEW ORGANIZATION FOR THE RESTITUTION OF CULTURAL PROPERTY SPOLIATED DUE TO NATIONAL SOCIALISM: [HTTP://WWW.CIVS.GOUV.FR/IMAGES/PDF/UK-FLYER-PAGEAPAGE.PDF](http://www.civs.gouv.fr/images/pdf/uk-flyer-pageapage.pdf)

## Case 1:

# Eglise de Pont-Saint-Martin (Maurice Utrillo)

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Between 15 and 18 March 1939, Stefan Osusky (1899-1973) former Ambassador of Czechoslovakia in Paris from 1921 to 1940, transferred his paintings and other precious assets and property to a safe house belonging to a person of Jewish faith in Paris in the 16th arrondissement. The painting by Maurice Utrillo, *Église de Pont-Saint-Martin*, was among them.

On 29 August 1940, the painting was seized by the Geheime Feldpolizei acting on behalf of the German Embassy in Paris. The goods were collected in 43 boxes, which were transported to the Embassy's warehouse in the rue de Lille, in the 7th arrondissement.

The German embassy transferred some of the works to the Reich Foreign Office in Berlin. Because of the possibility of bombing, the paintings were sent to Austria, to Tentschach Castle, near Klagenfurt, later in the British occupation zone.

At an unknown date, probably in early 1951, the painting was found in an attic among other works. The painting was repatriated to France in the ninth convoy from Vienna on 20 December 1951, arriving in Paris on 26 December. On June 17, 1953, the work was selected by the eighth Commission de choix des œuvres de la récupération artistique - commission for the selection of works of artistic recovery, then entered on July 18, 1953, in the special inventory of the Musée national d'Art moderne and attributed to the same museum Musée national d'Art moderne in 1954. It was deposited at the Musée d'Art

After the discovery of the painting in Austria, the Commission de récupération artistique - Artistic Recovery Commission conducted research to identify its owner.

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et d'Histoire du Judaïsme in Paris from 20 November 1998 to 15 December 1999.

After the discovery of the painting in Austria, the Commission de récupération artistique - Artistic Recovery Commission conducted research to identify its owner. Its comparison with the titles of claimed works collected in the Répertoire des biens spoliés opened three leads, two of which turned out to be false, and the third of which was unsuccessful, as the person concerned was no longer living at the address given by the Artistic Recovery Commission.

The MNR unit of the Service des Musées de France, the Musée National d'Art Moderne and an independent researcher reopened the provenance research in 2016. Provenance has now been established and the painting must therefore be returned to its rightful owners. The CIVS's panel, examining this case on July 9 of this year, considered that the victim, although not Jewish, was spoliated because of the anti-Semitic legislation. In fact, this artwork and the other assets were taken during an operation targeting the Jewish person to whom Stefan Osusky had entrusted them.



EGLISE DE PONT-SAINT-MARTIN (MAURICE UTRILLO)

## Case 2: a portrait of a woman and a tapestry from the Gobelins factory

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The owner of the artworks, an elderly lady, was well off and had a collection of master paintings and antique furniture. She died in December 1941. Seals were affixed so that the bailiffs could make an inventory of the contents of her flat. The inventory was drawn up on 25 February 1942 in the frame of her estate.

A few months later, in August 1942, the flat was completely looted by agents of the Einsatzstab Reichsleiters Rosenberg (E.R.R.), resulting in the spoliation of her heirs. Her children took various steps after the war to obtain the restitution of the looted works from the French authorities of the Commission de récupération artistique (C.R.A.) and the Office des biens et intérêts privés (O.B.I.P.).

The two works claimed: a painting, MNR 32, Portrait de femme, anonymous, Italian school, 17th century, previously attributed to Simon Vouet under the title "Portrait of Madame de Longueville", kept in the Louvre Museum, Paintings Department, and the tapestry, OAR 64, from the Gobelins Manufacture, entitled "Tenture des mois de Lucas: le mois d'avril ou le signe du taureau", 18th century, wool and silk, kept in the Louvre Museum, Department of Artworks, are not mentioned in the inventory drawn up on 25 February 1942. They were acquired in August and September 1941 by Walter BORNHEIM of the Munich gallery "Für Alte Kunst" on behalf of Hermann GÖRING for his residence in Carinhall. These two works



A PORTRAIT OF A WOMAN

were sold in 1941 by the lady herself, a few months before her death and the subsequent looting of her collection. If these works were not seized by the E.R.R., it seems possible to consider this supposed sale to a German intermediary, on behalf of Hermann Goering, who included the two works in his "collection", as a forced or coerced sale.

It is not known whether she was worried because of her family background. The spo-



TAPESTRY FROM THE GOBELINS FACTORY

liation of her flat took place seven months after her death, possibly as a result of the registration of the estate documents, in which the three heirs were mentioned as being of “Jewish race”. The conditions of the sale therefore remain unknown. The actual freedom of this sale, carried out in August and September 1941 on behalf of Goering, three months before her death and few months before her flat was emptied by the Dienststelle Westen, must be questioned.

The CIVS’s panel, meeting in plenary session on 2 July, noted the particular circumstances of this sale, made to a highly dubious intermediary by an elderly owner who died shortly afterwards, and before an undeniable plundering.

**It is not known whether she was worried because of her family background. The spoliation of her flat took place seven months after her death, possibly as a result of the registration of the estate documents, in which the three heirs were mentioned as being of “Jewish race”.**

The CIVS considered, in its recommendation, that the freedom of the victim at the time of the sale was hindered by anti-Semitic legislation, that it was certainly a sale under duress. The two MNR works should therefore be returned to their rightful owners.



MARÉE BASSE À GRANDCAMP-VEYRASSAT JULES-JACQUES

## Case 3: four drawings and watercolours

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In this case, there is no doubt about the spoliation, nor about the attribution to Moïse Lévi de Benzion, a major Jewish Egyptian collector of the time. His castle in Draveil, in the Paris region, was looted in 1940. In addition, a first restitution of an MNR pastel, REC 163, was made in 1996 by the French Ministry of Foreign Affairs. However, it turned out that the identification of the rightful owners, and especially of their respective heirs, was very difficult.

This case calls for another of the CIVS's competencies: the application of inheritance law to allow restitution to the rightful owners once the rightful owners have been identified. Determining the order of the estate and the rights of each party requires the legal skills of the CIVS magistrates and its departments.

In this case, research was conducted by the Ministry of Foreign Affairs to understand how the estate had been divided between the children of Moïse Levi de Benzion and the children of his second wife's first marriage. The solution was sought as far away as Egypt, where a special court in Cairo dealt with the issue in 1950.

For the attribution of the four drawings and watercolours: Paysage (REC 95), Portrait de femme (REC 99), Portrait de femme (REC 115) and Marée basse à Grandcamp (REC 117), the CIVS has benefited from the work of a curator in the Louvre's Department of Graphic Arts and now deputy director of the Department of Studies and Research of the National Institute of Art History (INHA), and of the Service des Musées de France.

The CIVS recommended the restitution of these works at its plenary sessions on 9 July.

## Contextualisation and conclusion

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**These seven restitutions are the result of a fairly recent close collaboration between the Ministry of Culture and more specifically the M2RS and the Prime Minister's services with CIVS.**

The examination of these files is the result of the increasing mobilisation and research efforts of researchers and curators over the past several years.

Indeed, research into the provenance of works in the collections of public museums and libraries has been developing steadily for several years, both for existing collections and for new additions to the collections (acquisitions, donations, bequests).

This is a very important task, since it is necessary, in theory, to verify the provenance of all works acquired since 1933 that have a vague or dubious history for the period 1933-1945. This does not only concern works acquired between 1933 and 1945, but all works acquired since 1933 and created before 1945, as works spoliated in Germany from 1933 onwards or in Austria from 1938 onwards may have circulated on the art market as soon as they were spoliated and entered public collections before the war. In addition, works looted between 1933 and 1945 obviously continued to circulate after the war and entered public collections sometimes several decades after the spoliation.

In addition to the work of reviewing the MNR National Museums Recovery works, which has been underway for several years (the MNR works do not belong to the national collections and are not, moreover, all spoliated

works), the national museums have begun to review the works acquired since 1933 to verify their provenance.

In addition, numerous checks and searches are now carried out when works are acquired by public museums and libraries, in order to prevent suspect works from entering the collections. Museums and libraries must carry out the necessary checks before offering to purchase a work. An unknown provenance between 1933 and 1945, a lack of indication of the owner between, for example, the 1920s and the 1950s, must be resolved. In some cases, museums refrain from acquiring a work, so as not to run the risk of bringing in a looted work. The Ministry of Culture's Mission M2RS is regularly called upon by national and local museums to clarify the provenance of a work of art during an acquisition project. In this case, it endeavours to gather the elements of provenance available in the archives.

The M2RS also provides awareness-raising and training sessions for the museum teams concerned.

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