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Museum Websites and Restitution: Rediscovering Holocaust-Era Objects in the Digital
Age

by

Gabriella Bloom

A thesis submitted in conformity
with the requirements for the
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Abstract

Under the Third Reich, Europe experienced one of the most far-reaching examples of plunder of cultural property in modern history. While the Allies succeeded in returning many objects and artworks towards the end of the war and initially following it, many objects remained missing and hidden. The late 1990s led to a resurgence of interest in Holocaust-Era looting, resulting in a rise of cases and litigation over previously plundered objects. As many looted artworks materialized in United States museums, museums began further researching their collections' provenance and inputting this information online. Today, most major museums have a section of their website dedicated to World War II-Era objects that contain gaps in provenance from any time between 1933 – 1945. This thesis examines the link between Holocaust-Era restitution and the Internet, exploring how museum websites and their online provenance programs can be used to promote discovery of objects that may have been plundered during World War II. Using five museums as case studies, it will analyze the strengths and weaknesses of each institution's online provenance features, and how these programs could be improved to aid in future discoveries. It will also explore several instances in which a museum website has proved beneficial in the discovery of information about a Holocaust-Era artwork. Through case studies and examining existing lost art databases, this thesis posits that more standardized museum provenance projects and a centralized database would be beneficial in facilitating future resolutions of Holocaust-Era objects.

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Introduction

Under the Third Reich, European Jews suffered one of the most pervasive instances of looting of property, assets, and art in modern history. Initially following World War II, the Allies and the Monuments, Fine Arts, and Archives (MFAA) Program worked to return works of art to their countries of origin. While these efforts did result in numerous successful restitutions, by the mid-1950s, efforts of returning Nazi-Era works of art had slowed significantly and public interest in the matter had waned.¹

In the late 1990s, the subject again became a matter of public interest as a result of several factors: Lynn H. Nicholas published a fundamental text on the subject titled *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* in 1994, and in 1997, Hector Feliciano published another key book titled *The Lost Museum: The Nazi Conspiracy to Steal the World's Greatest Works of Art*. Also beginning in 1997 was the landmark case *United States v. Portrait of Wally*, which generated widespread attention and subsequently sparked other claimants to come forward with similar cases.²

This resurgence of interest in Holocaust-Era Restitutions occurred shortly after the invention of the World Wide Web in 1991. As the Internet became more widely available, museums began to use technology more effectively. Museums also began the process of digitizing their collections and publishing this information online. Today, museum websites and online collections have become integral to the

¹ Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* (New York: Vintage Books, 1994), 442.

² Nicholas O'Donnell, *A Tragic Fate: Law and Ethics in the Battle Over Nazi-looted Art* (Chicago: American Bar Association, 2017), 74.

museum structure, and nearly all major museums have a department dedicated to their digital presence.³

The literature on Nazi-Era looting is vast, and although a newer field of study, the literature on museums' use of technology is also quite comprehensive. The fundamental texts on these subjects have helped to form the basis of this research. However, very little scholarship has been published on the relationship between Holocaust-Era restitution and the Internet. Although the advances of museum digitization occurred almost simultaneously with the resurgence in Holocaust-Era restitution, little research has been conducted to examine the link between these two subjects. This study will survey how the digitization of United States museum collections and the creation of museum provenance research projects has contributed to Holocaust-Era Restitution of works of art (and moreover), how these online collections and provenance projects could be further improved, using several museums as case studies.

The first chapter will provide a brief history of Nazi looting during World War II and the years directly following the war. This chapter will discuss the systematic process of looting undertaken by the Nazi Regime. It will highlight the role of documentation in the Nazis' bureaucratic and organized plunder of Jewish property and assets, as well as in restitution efforts. The chapter will also examine how the art market affected the dissemination of these works of art. As the epicenter of the art market shifted from Europe to the United States, many restituted works have materialized in the United States in recent history. For this reason, this study is centered around United States museums.

³ Loic Tallon, "Digital Is More Than a Department, It Is a Collective Responsibility," last modified October 24, 2017, <https://www.metmuseum.org/blogs/now-at-the-met/2017/digital-future-at-the-met>.

Chapter Two will analyze the revival of interest in stolen Nazi-Era works of art. This chapter will cover the various factors that led to this resurgence, as well as the initial efforts in recent history to address this issue. This chapter will analyze the government initiatives and conferences that have been implemented to aid restitution efforts, as well as initiatives created by the American Alliance of Museums (AAM) and the Association of Art Museum Directors (AAMD), and the landmark case *United States v. Portrait of Wally*.

Chapter Three will discuss the implications of the Internet and digital technology on museums. It will begin by detailing the costs and benefits related to museum digitization. It will also discuss other digital initiatives museums have implemented. This chapter will examine how the Internet and museum websites have been beneficial to Holocaust-Era research and restitution, despite the subject's absence from the scholarship on digital technology in museums.

Chapter Four will consist of a survey of museum websites. This survey will use five museum websites as case studies. The institutions surveyed will be The Metropolitan Museum of Art, the J. Paul Getty Museum, The Museum of Modern Art, the National Gallery of Art, and the Museum of Fine Arts, Boston. Using a set of six guidelines, this survey will analyze the museum websites and their provenance data, examining their strengths and weaknesses.

Chapter One: History of Looting during World War II

Wartime looting is a practice that has endured for centuries, originating with the Ancient Greeks and Romans, and continuing with the Crusades and the Napoleonic era, along with countless other instances throughout history.⁴ Although the Nazis were not the first to plunder cultural objects during wartime, they formalized the process. The history of Nazi looting during World War II is a complicated account of avarice, organization, and documentation. Hitler's vested interest in art accounts, in large part, for why looting is such an integral component of World War II. Hitler was appointed Chancellor in 1933, and almost immediately after, Nazis began establishing cultural policies and ideologies, rejecting art and individuals who did not fall within their guidelines.⁵ This Nazi cultural ideology escalated in 1937, with two complementary state-sponsored exhibitions. The first exhibition, *Große Deutsche Kunstausstellung*⁶ depicted the art that was acceptable within the regime: Aryan works of Germanic descent, often those depicting family and pasture scenes, as well as those glorifying the human body.⁷ Conversely, *Entartete Kunst*⁸ was held simultaneously, displaying works of 113 "degenerate" artists, including Jewish, Marxist, Abstract, and Constructivist Artists.⁹

The Nazi's methodical process of looting began slowly and expanded with each new occupation or invasion of a country. In 1938, beginning with the Anschluss, the

⁴ Ivan Lindsay, *The History of Loot and Stolen Art: From Antiquity until the Present Day* (Luton, Bedfordshire: Andrews UK Ltd., 2013), <http://ebookcentral.proquest.com/lib/sothebysis-ebooks/detail.action?docID=1727850>, xvi; xix.

⁵ Jonathan Petropoulos, *Art as Politics in the Third Reich* (Chapel Hill: UNC Press Books, 1999), 44.

⁶ "The Great German Art Exhibition."

⁷ Nicholas, 20.

⁸ "The Degenerate Art Exhibition."

⁹ Stephanie Barron, *"Degenerate Art: The Fate of the Avant Garde in Nazi Germany"* (Los Angeles: Los Angeles County Museum of Art, 1991).

Nazis intensified their systematic pillage of Jewish art and property.¹⁰ Hermann Goering, the avaricious Nazi military leader who held titles including Prime Minister of Prussia and Reichsmarshall, was instrumental in this institutionalized plunder and was also an avid pillager of artworks from Jewish collections.¹¹

Under Hermann Goering's instruction, Austrian Jews purchased exits visas from Austria by ceding their possessions and assets to the Office of Jewish Emigration.¹² In doing so, the Third Reich amassed the wealth and art collections of prominent Jewish families. Following Kristallnacht in November 1938, the German pillage of Jewish property became more methodical and systematic.¹³ Under the Dutch occupation, all German Jews who had relocated to the Netherlands after 1933 were arrested and their property was subsequently seized.¹⁴

Another instrumental organization in formalizing this looting process was Dienststelle-Mühlmann, created by Kajetan Mühlmann.¹⁵ This organization was in charge of sifting through seized property and property that had been abandoned by Jewish-Dutch families.¹⁶ The Dutch occupation also legalized the search of any crates that were being shipped abroad.¹⁷ Furthermore, Arthur Seyss-Inquart, the Reichskommissar for the Occupied Netherlands, legalized the search and seizure of objects from abandoned private homes, which were usually those of Jewish families.¹⁸ Through these

¹⁰ Nicholas, 38.

¹¹ Nancy Yeide, a World War II-era provenance specialist, researched the mass quantities of artworks looted by Goering which culminated in her book: Nancy H. Yeide, *Beyond the Dreams of Avarice: The Hermann Goering Collection* (Dallas: Laurel Publishing, LLC, 2009).

¹² Nicholas, 39.

¹³ Nicholas, 43.

¹⁴ Nicholas, 101.

¹⁵ Nicholas, 99.

¹⁶ Nicholas, 102.

¹⁷ Nicholas, 102.

¹⁸ Nicholas, 102.

systematized procedures, the Nazis succeeded in pillaging massive quantities of artwork from Jewish-Dutch families.

The Nazis were particularly cunning in their pillage of French art. Under the Third Reich, around one-third of all private art was taken by the Nazis in France.¹⁹ Hitler enlisted Otto Kummel, the director of Berlin museums, to create a list of every object that had been stolen from Germany. This list, which came to be known as The Kummel Report, was a comprehensive list of any object that had exited Germany beginning in the sixteenth century.²⁰ The report was not solely comprised of objects in France, although it was heavily concentrated on France. Kummel focused in particular on the objects that had been looted during the Napoleonic Wars and were later displayed in French museums.²¹

Under the new Vichy government, any French citizen who fled the country between May 10 and June 30, 1940 was no longer considered a citizen, and as a result, any property left behind was subject to seizure.²² The works of art taken from Aryanized, formerly Jewish businesses and private collections were initially deposited at the Louvre Museum.²³ However, as large quantities of artworks began to crowd the Louvre, the Nazis decided that the Jeu de Paume, a smaller museum that would be dedicated solely to these confiscations, would be a more appropriate collection point.²⁴ Hitler and Goering

¹⁹ Hector Feliciano, *The Lost Museum: The Nazi Conspiracy to Steal the World's Greatest Works of Art*, (New York: BasicBooks, 1997), 4.

²⁰ Feliciano, 24.

²¹ Feliciano, 28.

²² Nicholas, 126.

²³ Nicholas, 126.

²⁴ Nicholas, 126.

both collected heavily from the Jeu de Paume, and any works that did not provide value to the Third Reich were sold.²⁵

The most prominent organization in this looting operation was the Einsatzstab Reichsleiter Rosenberg (ERR), which was controlled by Alfred Rosenberg. The ERR managed the pillage of cultural property throughout Europe and was also responsible for the inventory and cataloguing of the looted works.²⁶ The Currency Control Unit also went through private bank vaults where individuals had stored their possessions for safekeeping and took anything that was deemed valuable.²⁷ Furthermore, Nazi officials received lists of the fifteen preeminent Parisian-Jewish art dealers and upon visiting their galleries, removed anything that was found there.²⁸ The Nazi plunder of France was particularly fast-paced; by mid-1941, three quarters of what would be looted in total from France had already been stolen.²⁹

It is essential to note the art market's role in the circulation of many looted works during the war. Despite the rampant plunder that was occurring around Europe, the art market continued to prosper. Under the German occupation, the Parisian art market flourished, due to the dissemination of works that had been seized or sold under duress.³⁰ Swiss art dealers sold works through the Parisian art market at this time, and many looted artworks later materialized in Switzerland in Swiss museums and vaults.³¹ The art market's prosperity may have even contributed to the widespread looting, as the majority

²⁵ Nicholas, 129.

²⁶ Nicholas, 129; 110.

²⁷ Nicholas, 124.

²⁸ Nicholas, 124.

²⁹ Jonathan Petropoulos, *Art as Politics in the Third Reich* (Chapel Hill: UNC Press Books, 1999), 130.

³⁰ Feliciano, 7.

³¹ Nicholas, 161.

of looted works were either those that the Nazis desired or believed would be profitable on the market.

Some of the plundered artworks even appeared in the United States, as collectors and United States museums “privately purchase[d]” artworks on the market.”³²

Purchases such as these can explain, in part, why many artworks and objects of questionable provenance materialized in United States museums. Having fled Europe, some art dealers also opened gallery branches in South and Central America, in cities such as Buenos Aires and Mexico City.³³ These combined factors led to the dissemination of plundered artworks. The role of the global art market would later render the return of these objects increasingly more difficult.³⁴

Although primarily confined to private collections, Nazi pillage affected museums as well. Both European and United States museums took measures to protect themselves and their collections from Nazi pillage and other war damages. The French museums began preparing and safeguarding their collections as early as 1937.³⁵ Customized cases for France’s most precious artworks were created in the case of evacuation.³⁶ British museums similarly arranged for possible evacuations and the onset of war.³⁷ In the Netherlands, museums sent off their collections to castles, banks, and barges.³⁸ By August of 1939, many of the major museums in Europe had closed entirely.³⁹

³² Ana Filipa Vrdoljak, *International Law, Museums and the Return of Cultural Objects* (Cambridge: Cambridge University Press, 2006), 150.

³³ Nicholas, 164.

³⁴ Michael J. Bazyler, *Holocaust Justice: The Battle for Restitution in America’s Courts* (New York: NYU Press, 2003), 210.

³⁵ Nicholas, 50.

³⁶ Nicholas, 51.

³⁷ Nicholas, 51.

³⁸ Nicholas, 54.

³⁹ Nicholas, 53.

Museums in the United States also felt the effects of this Nazi plunder. In 1941, as it became clear that the United States would soon be entering the war, American museums began to make preparations to safeguard of their collections.⁴⁰ Attempting to defend themselves, The Met began closing before dark and The Frick Collection had its skylights painted black.⁴¹ The Met also sent over 15,000 works away for safekeeping and The Frick Collection and the Philadelphia Museum of Art stored their collections in vaults underneath the museums.⁴² Although no United States museum suffered directly from Nazi looting, the precautions taken demonstrated just how pervasive this plunder was.

Initial restitutions began as the war was coming to a close. In 1943, the American and British Allies created the Monuments, Fine Arts and Architecture organization (MFAA), which was formed to protect cultural property and aid in restitution.⁴³ The MFAA attempted to track down the hundreds of thousands of misplaced and looted objects.⁴⁴ The Monuments Men, as they were called, discovered and entered the hiding places of the Third Reich to recover works of art and other cultural objects. Once found, the objects were collected and sent to repositories, such as the Central Collecting Point in Munich, where they would be organized and returned to their countries of origin.⁴⁵ The Allies requested the assistance of Swiss government in finding objects that had been safeguarded by Germans in Switzerland during the war, but the Swiss were reluctant to share this information.⁴⁶

⁴⁰ Nicholas, 205.

⁴¹ Nicholas, 206.

⁴² Nicholas, 208.

⁴³ Feliciano, 173.

⁴⁴ Nicholas, 308.

⁴⁵ Nicholas, 338.

⁴⁶ Feliciano, 192.

In addition to the Collecting Points created by the MFAA, France also created the Commission de Récupération Artistique in 1944.⁴⁷ However, over 15,000 works recovered by the French government were unclaimed following the war.⁴⁸ Around 2000 of these artworks were housed in French public museums for safekeeping, and were titled Musées Nationaux Récupération (MNR).⁴⁹ While the efforts of the Allies and the Monuments Men resulted in the restitution of thousands of artworks, many objects such as the MNRs, remained unclaimed.

The importance of documentation is ubiquitous throughout this arduous history of plunder. The Nazis were incredibly organized and bureaucratic, and the pillage of Jewish cultural property was no exception. Nothing exemplifies this better, perhaps, than The Kummel Report, which listed every work taken from Germany beginning in the sixteenth century.⁵⁰ The ERR also inventoried and catalogued a large majority of the objects they confiscated, a practice that would later be useful for the Allies in recovering these works.

Documentation was just as important to the return of objects as it was to their pillage. Rose Valland, the overseer for the Jeu de Paume, was indispensable to documentation practices at the Jeu de Paume, however, she worked on the side of the Resistance. Prior to Nazi occupation, Valland was the museum curator and remained at the Jeu de Paume to inventory the confiscated works that arrived there.⁵¹ She attempted to make note of where the ERR was depositing works of art; she would also take the

⁴⁷ Nicholas, 414.

⁴⁸ Feliciano, 218.

⁴⁹ Feliciano, 218.

⁵⁰ Feliciano, 24.

⁵¹ Nicholas, 127.

Nazis archival inventory photographs and have a friend reprint them for her own records.⁵² Her clandestine work was invaluable in facilitating the return of many objects.

When the Monuments Men entered the Nazi hiding place at the Neuschwanstein Castle in 1945, they discovered over 20,000 catalogue cards of seized artworks, as well as photograph negatives, records of shipments, and stamps that had been used to code each collection, along with artworks, jewelry, and silver.⁵³ The documents and archives found at Neuschwanstein aided in the return of thousands of objects. Documentation was also intrinsic to the work at the Central Collecting Point in Munich (CCP), a fundamental organization to Allied restitution. Following the war, objects at the CCP were carefully documented, noting provenance, subject matter, and the dates the works entered and exited the facility.⁵⁴ Documents, photographs, shipping lists and correspondence were also sent to the CCP, including those discovered at Neuschwanstein, to further aid in restitutions.⁵⁵

The keeping of records and inventory was also a critical resource for the Jewish collectors and dealers who sought the return of their artworks after the war. The stories of two prominent art dealers, Jacques Goudstikker and Paul Rosenberg, exemplify the significance of documentation. Jacques Goudstikker owned the Goudstikker Gallery in Amsterdam before the war, and fled Amsterdam in 1940.⁵⁶ Although Goudstikker died on the boat from Amsterdam, his wife, Dési, sought the return of his collection after the

⁵² Nicholas 135-6.

⁵³ Nicholas, 342.

⁵⁴ The objects that arrived at the CCP were not categorized by artist name, which made organizing them considerably more difficult. [Iris Lauterbach, *The Central Collecting Point in Munich: A New Beginning for the Restitution and Protection of Art* (Los Angeles: Getty Publications, 2019), 95.]

⁵⁵ Lauterbach, 100.

⁵⁶ Peter C. Sutton and Jewish Museum, *Reclaimed: Paintings from the Collection of Jacques Goudstikker* (Greenwich: Bruce Museum, 2008), 57.

war.⁵⁷ The main source in recovering these paintings was a small black book, which contained the inventory of 1,113 of Goudstikker's paintings, including their titles, sizes, and purchase dates.⁵⁸ Although it took many years and several lawsuits for the Goudstikker heirs to see the return of the majority of their paintings, this "black book" was a crucial resource that without which, the restitution of many of these paintings would not have occurred.

Similarly, Paul Rosenberg was a preeminent Parisian art dealer who fled to New York in 1940.⁵⁹ Around 400 works from Rosenberg's collection were looted, and after the war, Rosenberg returned to Europe to reclaim them.⁶⁰ Rosenberg kept incredibly thorough records of his inventory, sales, and correspondence, and as a result, was able to reclaim around 340 artworks, a large majority of his collection.⁶¹ Today, the comprehensive Paul Rosenberg Archives are housed at the Museum of Modern Art and access is available for researchers.⁶²

Examining the methods by which Nazis, Allies, art dealers, and Monuments Men kept archives demonstrates how documentation practices permeated every aspect of Nazi looting. These aforementioned records were instrumental in both the plunder and return of many artworks. However, not everything looted by the Nazis was well-documented,

⁵⁷ Peter C. Sutton and Jewish Museum, 42.

⁵⁸ Peter C. Sutton and Jewish Museum, 46.

⁵⁹ Patricia Cohen and Tom Mashberg, "Family, 'Not Willing to Forget,' Pursues Art It Lost to Nazis," *The New York Times*, April 26, 2013, sec. Arts, <https://www.nytimes.com/2013/04/27/arts/design/rosenberg-family-s-quest-to-regain-art-stolen-by-nazis.html>.

⁶⁰ Patricia Cohen and Tom Mashberg, "Family, 'Not Willing to Forget,' Pursues Art It Lost to Nazis."

⁶¹ It is important to note that the collections with the best documentation were usually collections of the highest quality. It was much more difficult for families to recover artworks that were not as valuable. [Cohen and Mashberg.]

⁶² Paul Rosenberg et al., "The Paul Rosenberg Archives: A Gift of Elaine and Alexandre Rosenberg," Museum of Modern Art, accessed October 4, 2019, <https://www.moma.org/research-and-learning/archives/finding-aids/PaulRosenbergf>.

and even of the items that did receive adequate documentation, many were not found.

Following these initial restitutions led by the Allies and the Monuments Men, it would be several decades before the subject of Holocaust restitution would be comprehensively revisited.

Chapter Two: The Revival of Interest in Holocaust-Era Looting: New Scholarship, Policies, and Practices

After several decades in which the matter of Holocaust-Era looting and restitution was overlooked, the 1990s and early 2000s were characterized by a resurgence of interest in the subject. This was a result of several factors: several key texts on the subject were published, increasing public knowledge. Additionally, government initiatives were set forth, including the Washington Principles, and the landmark case *United States v. Portrait of Wally* was filed, subsequently sparking other claimants to come forward with similar cases. Another key component was the rise of the Internet. With increased use of the Internet, information could be more easily disseminated. These factors led the public to realize how widespread the problem of undiscovered Holocaust-Era assets was, and as a result, restitution efforts increased.⁶³

In 1994, Lynn Nicholas published her book *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War*. This text was the first significant piece of literature that drew attention to the mass quantity of artworks that still remained to be returned. *The Rape of Europa* remains the most comprehensive text on the history of Nazi looting today, and thus is cited heavily in this paper. Nicholas details the Nazis' systematic looting processes, the fate of artworks during wartime, the end of the war, and restitution efforts with precision and detail. She ends the book by declaring it "a story without an end," further highlighting the mass numbers of artworks

⁶³ At least 100,000 objects are estimated to still be missing today. [Stuart Eizenstat, "Art stolen by the Nazis is still missing. Here's how we can recover it," last modified January 2, 2019, https://www.washingtonpost.com/opinions/no-one-should-trade-in-or-possess-art-stolen-by-the-nazis/2019/01/02/01990232-0ed3-11e9-831f-3aa2c2be4cbd_story.html.]

that remained to be found or returned.⁶⁴ *The Rape of Europa* perhaps served as a call to action, as research and attempts at resolutions increased greatly after its publication.

Shortly thereafter, in 1997, Hector Feliciano published his book, *The Lost Museum: The Nazi Conspiracy to Steal the World's Greatest Works of Art*.⁶⁵ Like Nicholas, Feliciano also details the history of Nazi plunder. Feliciano focuses on several preeminent collections from which the Nazis stole, having worked with the families to write these narratives.⁶⁶ Feliciano also highlights the role of Switzerland in this account of plunder, detailing the Swiss art market during the war, and the country's reluctance to aid in restitution.⁶⁷ This research on Switzerland was significant, as it illuminated the country's complicity during and after the war. Feliciano elucidated the role of the French museums during and after the war and made the status of the *Musées Nationaux Récupération* (MNRs) more publicly known.⁶⁸ Feliciano also details the histories of specific MNRs housed in the Louvre and the Musée d'Orsay, presenting new provenance research.⁶⁹ The scholarship of Lynn Nicholas and Hector Feliciano was integral to publicizing the subject, and encouraged other scholars to continue this research.

The late 1990s and early 2000s also saw a rise in government initiatives pertaining to Holocaust-Era assets. The most significant of these initiatives was the Washington Conference on Holocaust-Era Assets, held in December 1998, hosted by the Department of State and the US Holocaust Memorial Museum.⁷⁰ The conference

⁶⁴ Nicholas, 444.

⁶⁵ *The Lost Museum* was first published in France in 1995.

⁶⁶ Feliciano, vii.

⁶⁷ Feliciano, 155-162; 191.

⁶⁸ Feliciano, 213-240.

⁶⁹ Feliciano, 226.

⁷⁰ "Washington Conference on Holocaust-Era Assets, 30 November-3 December 1998," Lootedart.com, accessed October 7, 2019, <https://www.lootedart.com/MG8D5622483>.

included delegates from forty-four countries and lasted five days.⁷¹ Representatives from NGOs, museums, auction houses, and art dealers also were present.⁷² The conference centered around the restitution of looted works from World War II and culminated in the creation of the “Washington Conference Principles on Nazi-Confiscated Art.”⁷³ These principles were a set of eleven non-binding tenets that served as guidelines for how the participating countries should approach issues of Nazi-looted art.⁷⁴ The Washington Principles were especially significant, as they were the first major attempt at resolving Holocaust-Era claims in recent history.

Two of these principles in particular relate to the matter of museums, Holocaust restitution, and the Internet:

V. Every effort should be made to publicize art that is found to have been confiscated by the Nazis and not subsequently restituted in order to locate its pre-War owners or their heirs.

VI. Efforts should be made to establish a central registry of such information.⁷⁵

Both statements underscore the importance of transparency with regard to Nazi-looted art. While the use of the Internet is not explicitly stated in either of these principles, it is the most effective way of publicizing information.⁷⁶ Although a momentous achievement in terms of addressing World War II-Era looted objects, the Washington Principles were by no means a panacea. The principles are non-binding, and therefore unenforceable. Museums in the United States are predominately privately owned, rendering the

⁷¹ “Washington Conference on Holocaust-Era Assets, 30 November-3 December 1998.”

⁷² Stuart Eizenstat, “05/20/99: Eizenstat Briefing on Holocaust-Era Assets Conference,” last modified May 20, 1999, <http://fcit.usf.edu/holocaust/resource/assets/heac.htm>.

⁷³ “Washington Conference Principles on Nazi-Confiscated Art,” Washington Conference on Holocaust-Era Assets, accessed October 7, 2019, <http://www.commartrecovery.org/docs/WashingtonConferencePrinciples.pdf>.

⁷⁴ Refer to Appendix for full Washington Principles.

⁷⁵ “Washington Conference Principles on Nazi-Confiscated Art.”

⁷⁶ Michael J. Bazyler, *Holocaust Justice: The Battle for Restitution in America’s Courts*, 262.

principles' enforcement increasingly more difficult.⁷⁷ However, the Washington Principles served as the first major step in addressing this enduring problem and encouraged museums to begin both researching and publishing the provenance of their collections.

The first year of the Presidential Advisory Commission on Holocaust Assets in the United States occurred in 1998.⁷⁸ The Commission suggested policy changes that would better aid the victims and heirs in restitutions.⁷⁹ A decade later, in 2009, at the Holocaust Era Assets Conference in Prague, the “Terezín Declaration on Holocaust Era Assets and Related Issues” was approved.⁸⁰ This declaration served, in a way, as an addendum to the Washington Principles, and was approved by forty-seven countries.⁸¹ The declaration addressed Nazi looted art, and acknowledged the importance of Holocaust remembrance.⁸² In this declaration, the use of the Internet is explicitly mentioned, stating the importance of provenance research and making such information available online.⁸³ However, like the Washington Principles, the Terezín Declaration is

⁷⁷ Bert Demarsin, “Let’s Not Talk about Terezín: Restitution of Nazi Era Looted Art and the Tenuousness of Public International Law” *Brooklyn Journal of International Law* 37; no. 117, (2011): 159, <https://advance-lexis-com.ezproxy.sothebysinstitute.com/api/document?collection=analytical-materials&id=urn:contentItem:5514-9Y20-00CT-X013-00000-00&context=1516831>.

⁷⁸ The findings from this Commission were submitted to President Clinton in December 2000. [“Presidential Advisory Commission on Holocaust Assets,” *Clinton Digital Library*, accessed October 7, 2019, <https://clinton.presidentiallibraries.us/collections/show/20>.]

⁷⁹ “Introduction: The Historical Context, Plunder and Restitution: Findings and Recommendations of the Presidential Advisory Commission on Holocaust Assets in the United States and Staff Report,” December 2000, https://govinfo.library.unt.edu/pcha/PlunderRestitution.html/html/Intro_CommissionFindings.html.

⁸⁰ “Prague Holocaust Era Assets Conference: Terezín Declaration,” U.S. Department of State, accessed October 7, 2019, [//2009-2017.state.gov/p/eur/rls/or/126162.htm](https://2009-2017.state.gov/p/eur/rls/or/126162.htm).

⁸¹ “Terezín Declaration,” World Jewish Restitution Organization, accessed October 7, 2019, <https://wjro.org.il/our-work/international-declarations-resolutions/terezin-declaration/>.

⁸² “Prague Holocaust Era Assets Conference: Terezín Declaration.”

⁸³ Refer to Appendix. [“Prague Holocaust Era Assets Conference: Terezín Declaration.”]

also non-binding and thus relies heavily on self-regulation.⁸⁴ Furthermore, critics have argued that the Terezín Declaration does not present any significant new ideas.⁸⁵

As the United States and other countries began to address the enduring problem of unreturned Holocaust-Era assets, museums also began to address the situation. In June 1998, several months before the creation of the Washington Principles, the Association of Art Museum Directors (AAMD) published the “Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945).”⁸⁶ This report emphasizes the importance of provenance research within museum collections, as well as for incoming museum gifts and bequests.⁸⁷ The report also specifies that all information regarding provenance on Nazi-Era artworks should be made publicly available, commending the museum websites that have already posted relevant information.⁸⁸ There are also guidelines set forth about how to address “unlawfully confiscated works of art,” as well as claims against a museum.⁸⁹ Lastly, the report proposes a centralized database for claimants, including works that have already been restituted, as well as those that have not.⁹⁰

⁸⁴ Demarsin, “Let’s Not Talk about Terezín: Restitution of Nazi Era Looted Art and the Tenuousness of Public International Law,” 145.

⁸⁵ Demarsin, 145.

⁸⁶ “Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945),” Association of Art Museum Directors, accessed October 7, 2019, <https://aamd.org/document/report-of-the-aamd-task-force-on-the-spoliation-of-art-during-the-nazi/world-war-ii-era>.

⁸⁷ “Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945).”

⁸⁸ “Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945).”

⁸⁹ “Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945).”

⁹⁰ “Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945).”

In addition to the AAMD report, the American Alliance of Museums (AAM) and International Council of Museums (ICOM) published similar reports, both in 1999.⁹¹ The AAM report, “Unlawful Appropriation of Objects During the Nazi Era,” declares that museums should research the provenance of possible loans and acquisitions, and details how to address potential claims.⁹² It emphasizes museums’ duties to publicize provenance information, stating that as part of their fiduciary obligations, museums should implement their own individual policies on the matter.⁹³

The aim of these reports and recommendations was to create a standardized method by which museums could address the issues relating to Nazi-Era works of art and promote transparency within their collections. The culmination of the Washington Principles, AAM, and AAMD reports led museums to more thoroughly research the ownership history of works in their collections. Ronald Lauder enlisted his staff to examine 225 museum catalogues and discovered around 1700 objects that had been unlawfully confiscated.⁹⁴ However, just as with the Washington Principles and the Terezín Declaration, enforcing these guidelines proved difficult and the reports themselves are relatively vague.⁹⁵

In an effort to create a central registry as recommended by the Washington Principles, AAM, and AAMD, the Nazi Era Provenance Internet Portal was created by

⁹¹ Refer to Appendix. [“Unlawful Appropriation of Objects During the Nazi Era,” American Alliance of Museums, last modified April 2001, <https://www.aam-us.org/programs/ethics-standards-and-professional-practices/unlawful-appropriation-of-objects-during-the-nazi-era/>.]

⁹² “Unlawful Appropriation of Objects During the Nazi Era.”

⁹³ “Unlawful Appropriation of Objects During the Nazi Era.”

⁹⁴ Norman E. Palmer, *Museums and the Holocaust: Law, Principles and Practice* (Wales: Institute of Art and Law, 2000), 5

⁹⁵ Bazylar, 210.

the AAM in 2003.⁹⁶ The portal is a searchable database that provides information on objects in United States museums that may have changed hands in Europe between 1933 and 1945.⁹⁷ However, this portal is both incomplete and difficult to use. A 2006 U.S. Museums Survey published by the Claims Conference and the World Jewish Restitution Organization posits that United States museums contain at least 140,000 “covered objects,” although the actual number is probably higher.⁹⁸ However, of these “covered objects” mentioned, the Nazi-Era Provenance Internet Portal only lists 18,000 objects, around twelve percent of the estimated total.⁹⁹ Using the search tool, a user may search an artist’s name and discover a list of covered objects by the artists in various museums. However, after arriving at the covered works of the artists, the portal links to the museum’s collection homepage, rather than the actual object page, making it more difficult to discover further information about the object.¹⁰⁰

The 2006 U.S. Museum Survey states that out of the 214 museum respondents, only 114 museums, or fifty-three percent, replied that they were conducting provenance research within their collections.¹⁰¹ Additionally, only twelve of the 114 museums that were conducting provenance research had hired or planned to hire a full-time provenance researcher.¹⁰² This survey, although now dated, illustrates how museums have failed to comply with the AAMD standards and implement proper provenance practices.

⁹⁶ “Nazi-Era Provenance Internet Portal,” Nazi-Era Provenance Internet Portal, accessed October 9, 2019, <http://nepip.org/>.

⁹⁷ “Nazi-Era Provenance Internet Portal.”

⁹⁸ “Covered objects” refers to those that may have been in Europe any time after 1932 and before 1946. [“U.S. Museum Survey Report,” Claims Conference/WRJO Looted Art and Cultural Property Initiative, accessed October 14, 2019, <http://art.claimscon.org/u-s-museum-survey-report/>.]

⁹⁹ “U.S. Museum Survey Report,” 11.

¹⁰⁰ “Nazi-Era Provenance Internet Portal.”

¹⁰¹ “U.S. Museum Survey Report,” 9.

¹⁰² “U.S. Museum Survey Report,” 10.

Furthermore, although many of these museums have not complied with the AAMD guidelines, the AAMD has never criticized a museum for its failure to follow these procedures.¹⁰³

Nicholas O'Donnell, lawyer and author of *A Tragic Fate: Law and Ethics in the Battle over Nazi Looted Art*, explains that although the policies created by the AAMD increased public awareness of this problem, there is no clear way to enforce these guidelines and moreover, the AAMD has not attempted to do so.¹⁰⁴ Self-enforcement is the main means of regulation for United States museums, which has not been entirely successful. Although no updated survey exists as of yet, in 2015 the WRJO published the "Report Concerning Current Approaches of United States Museums to Holocaust-Era Art Claims," and came to the conclusion that "certain prominent U.S. museums are not living up to their stated commitment to promote the just resolution of Holocaust-Era restitution claims."¹⁰⁵ U.S. Museums rejected the claims made against their progress in both the 2006 and 2015 reports.¹⁰⁶

The final major factor that contributed to this resurgence in Holocaust restitution was the landmark case *United States v. Portrait of Wally*. This case was the first major restitution lawsuit in recent history; it both increased public awareness and demonstrated the legal intricacies regarding Holocaust restitution and international museum loans.¹⁰⁷

¹⁰³ Nicholas M. O'Donnell, *A Tragic Fate: Law and Ethics in the Battle over Nazi-Looted Art* (Chicago, American Bar Association, 2017), 57.

¹⁰⁴ Nicholas M. O'Donnell, *A Tragic Fate: Law and Ethics in the Battle over Nazi-Looted Art*, 58.

¹⁰⁵ "Report Concerning Current Approaches of United States Museums to Holocaust-Era Art Claims," World Jewish Restitution Organization, June 25, 2015, <https://wjro.org.il/cms/assets/uploads/2015/12/ReportMuseums.pdf>.

¹⁰⁶ Alanna Martinez, "Museums Respond to Biting Report on Nazi-Looted Art," last modified July 2, 2015, <https://observer.com/2015/07/museums-respond-to-biting-report-on-nazi-looted-art/>; Verena Dobnik, "Museums Disagree with Nazi-Era Art Survey," last modified July 25, 2006, <https://lootedart.com/news.php?r=ML225T135451>.

¹⁰⁷ Bazylar, 226.

As the first lawsuit determined by the U.S. criminal law system, *United States v. Portrait of Wally* served as a template for future cases involving museums and claimants.¹⁰⁸

Lea Bondi Jaray was a Viennese art dealer who owned the Egon Schiele painting, *Portrait of Wally Neuzil* (453) before the war (Figure 1).¹⁰⁹ In 1947, the United States Reparations, Deliveries and Restitution Division, a department of the U.S. Forces that was charged with returning plundered works to their countries of origin, mistakenly returned the painting to the Rieger family, who later sold the work to the Belvedere Museum in Vienna.¹¹⁰ Rudolph Leopold, a collector of Egon Schiele, later purchased the work in 1954.¹¹¹ A year prior to Leopold's purchase of the painting, Bondi had requested his help in reclaiming it.¹¹² Leopold claimed he was unable to help Bondi and moreover, did not notify her upon purchasing the painting a year later.¹¹³

The Museum of Modern Art opened the exhibition *Egon Schiele: The Leopold Collection* in 1997, in which *Portrait of Wally* was included.¹¹⁴ Following the end of the exhibit in 1998, the Manhattan District Attorney subpoenaed the painting on behalf of the Bondi heirs.¹¹⁵ The Museum of Modern Art and other U.S. museums opposed the subpoena, arguing that this would complicate future museum loans in the United States.¹¹⁶ Furthermore, MoMA Director Glenn Lowry testified that Bondi did not have title to the painting and the museum attempted to nullify the subpoena, employing the

¹⁰⁸ Bazyler, 226.

¹⁰⁹ *United States v. Portrait of Wally*, 663 F. Supp. 2d 232 (S.D.N.Y. 2009).

¹¹⁰ *United States v. Portrait of Wally*, 663 F. Supp. 2d 232 (S.D.N.Y. 2009).

¹¹¹ *United States v. Portrait of Wally*, 663 F. Supp. 2d 232 (S.D.N.Y. 2009).

¹¹² O'Donnell, 61.

¹¹³ O'Donnell, 61.

¹¹⁴ O'Donnell, 63.

¹¹⁵ *United States v. Portrait of Wally*, 663 F. Supp. 2d 232 (S.D.N.Y. 2009).

¹¹⁶ Marissa Carroll, "The Painting That Launched a Thousand Lawsuits," last modified May 24, 2012, <https://hyperallergic.com/51575/andrew-shea-portrait-of-wally/>.

N.Y. Arts and Cultural Affairs Law § 12.03, which forbids seizure of loaned works by a foreign exhibitor.¹¹⁷ The N.Y. Court of Appeals rejected the subpoena in 1999.¹¹⁸ Following this rejection, the United States Magistrate issued a seizure warrant for the painting.¹¹⁹

This case continued without resolution for over ten years and eventually, a trial date was set for July 2010.¹²⁰ Leopold died shortly before the trial date, which benefitted the Bondi heirs, as a resolution became more likely without Leopold's unyielding obstinacy.¹²¹ Ultimately, the parties reached a settlement in 2010, a week before the trial date.¹²² The Leopold Museum paid the Estate of Lea Bondi Jaray \$19 million and the Estate relinquished its claim to the painting.¹²³ Today, *Portrait of Wally* remains in the Leopold Foundation in Vienna.¹²⁴ As part of the settlement, it was agreed upon that wherever the painting is exhibited, there must also be accompanying signage detailing the painting's history.¹²⁵ Furthermore, the settlement included that the painting would be loaned to the Museum of Jewish Heritage in New York to be exhibited there for three weeks, where there was a ceremony held celebrating Bondi Jaray and the litigation efforts.¹²⁶

¹¹⁷ O'Donnell, 64.

¹¹⁸ *United States v. Portrait of Wally*, 663 F. Supp. 2d 232 (S.D.N.Y. 2009).

¹¹⁹ *United States v. Portrait of Wally*, 663 F. Supp. 2d 232 (S.D.N.Y. 2009).

¹²⁰ O'Donnell, 73.

¹²¹ O'Donnell, 74.

¹²² Howard N. Spiegler, "What the Lady Has Wrought: The Ramifications of the Portrait of Wally Case," *Art and Advocacy: The Art Law Newsletter of Herrick, Feinstein, LLP*, 07 (2010): <http://www.herrick.com/content/uploads/2016/02/Vol.-7-Fall-2010.pdf>, 2.

¹²³ Spiegler, "What the Lady Has Wrought: The Ramifications of the Portrait of Wally Case," 2.

¹²⁴ Spiegler, 2.

¹²⁵ Stipulation and order of settlement and discontinuance, *United States v. Portrait of Wally, A painting by Egon Schiele, Defendant in Rem* (S.D.N.Y. 2010).

¹²⁶ Stipulation and order of settlement and discontinuance, *United States v. Portrait of Wally, A painting by Egon Schiele, Defendant in Rem* (S.D.N.Y. 2010).

U.S. v. Portrait of Wally demonstrated the complicated nature of Holocaust restitution cases, as deliberations lasted over ten years before a final settlement was reached. This case has been particularly influential, as it raised questions of museums' responsibilities with regard to loans and demonstrated the United States' commitment to identifying Nazi-plundered objects.¹²⁷ In examining MoMA's reaction to Bondi's claims, one could argue that the museum seemed more concerned with its future loans than with righting the injustices Bondi had endured. Unfortunately, this reaction would be replicated in other cases to come.

Following the *Portrait of Wally* case, many other claimants were emboldened to come forward with other similar cases. Between 1998 and 2006, twenty-two objects from American museums were either restituted or resulted in a settlement.¹²⁸ However, this number pales in comparison to the estimated 140,000 "covered objects" thought to reside in United States museums.¹²⁹ The law firm Herrick Feinstein, LLP, a preeminent law firm for Holocaust-Era claims, created a list of "Resolved Stolen Art Claims," in which fifty-seven cases have been resolved in the United States.¹³⁰

However, as more claims materialized, museum reactions varied. In his article for the Brooklyn Journal of International Law, Bert Demarsin explains that by the late 2000s, "the United States shifted away from the spirit of the 1998 Washington Principles."¹³¹ Some museums began to employ legal technical defenses in an effort to

¹²⁷ Howard N. Spiegler, "What the Lady Has Wrought: The Ramifications of the Portrait of Wally Case," 3.

¹²⁸ Demarsin, 183.

¹²⁹ "U.S. Museum Survey Report," 1.

¹³⁰ This number may not be completely accurate, as this document lists the resolution for *Portrait of Wally* as occurring in Austria, although the resolution occurred through United States courts. ["Resolved Stolen Art Claims," Herrick Feinstein, LLP, accessed October 26, 2019, <http://www.herrick.com/content/uploads/2016/01/Resolved-Stolen-Art-Claims.pdf>.]

¹³¹ Demarsin, 185.

retain the works in their collections, filing declaratory actions in an effort to quiet title against claimants.¹³² Although the number of un-restituted Holocaust-Era artworks had become a matter of public knowledge, claimants and heirs still faced many obstacles in achieving justice.

¹³² Demarsin, 160.

Chapter Three: Museums in the Digital Age

The World Wide Web (WWW or “The Web”) became available to the public in 1991, and museums began employing the Internet shortly thereafter. Museums started digitizing their collections, posting object records and archives online. As technology use in museums has expanded, so has the related scholarship. However, while this relatively new field of research has been extensively covered, there is no mention of how museum technologies have been and can continue to be utilized to promote research and resolutions on Holocaust-Era artworks. This chapter will begin by addressing museum theories relating to the rise of technology in museums, museum processes of digitization and the associated challenges and costs, as well as other museum digital initiatives. It will then discuss how digital technology and online collections have been utilized with regard to Holocaust-Era artworks, despite the lack of scholarship on the subject.

“New museology” describes the museum’s transformation to a socio-political entity.¹³³ While the term new museology predates the invention of the World Wide Web, the theory relates directly to the “wired museum.”¹³⁴ According to the concept of new museology, the “new museum” is a democratized institution, accessible to all. This shift in museum theory and practice can be explained, in large part, by the rise in technology. In her book *Museums in the Digital Age: Changing Meanings of Place, Community, and Culture*, Susana Smith Bautista explains that the museum has moved from a “*place*-based cultural institution” to a “more dispersed (post) modern *space*,” arguing that the

¹³³ André Desvallées and François Mairesse, eds., *Key Concepts of Museology* (Paris: Armand Colin, 2010), 55.

¹³⁴ The term “Wired Museum” originates from Katherine Jones-Garmil in her book, *The Wired Museum: Emerging Technology and Changing Paradigms* (Washington, D.C.: American Association of Museums, 1997).

museum's physical location is no longer its tethering feature.¹³⁵ This “post-modern space” is demonstrated through the museum website, as the “visitor” no longer needs to attend the physical museum.

Although the invention of the Web led to a sharp rise in museum digitization, museums began digitizing their collections in the 1980s.¹³⁶ There are several motivations that are cited as benefits of digitization: the main reason being that this process would increase “access.”¹³⁷ Museums only display a fraction of their total collection, thus online collections render the remainder of the collection publicly available.¹³⁸ Online collections also serve to democratize the museum, as the online user is not barred by the price of admission to the museum.¹³⁹ Another rationale for digitizing museum collections is that online availability would draw more attention to the collection and increase traffic to the museum website.¹⁴⁰

However, while there are many benefits to digitization, there are also challenges. In the *Manual of Digital Museum Planning*, the challenges associated with digitization are listed as such: “copyright, technological change, conservation, cost, and managing stakeholder expectation.”¹⁴¹ In Nick Poole's 2010 report “The Cost of Digitising Europe's Cultural Heritage: A Report for the Comité Des Sages of the European

¹³⁵ Susana Smith Bautista, *Museums in the Digital Age: Changing Meanings of Place, Community, and Culture* (California: AltaMira Press, 2013), <http://ebookcentral.proquest.com/lib/sothebysi-ebooks/detail.action?docID=1574406>, xxi.

¹³⁶ Melissa Terras, “Should We Just Send a Copy? Digitisation, Usefulness and Users,” *Art Libraries Journal* 35, no. 1 (January 2010): 22–27, <https://doi.org/10.1017/S0307472200016242>, 23.

¹³⁷ Anna Stow, “Digitisation of Museum Collections. A Worthwhile Effort?,” September 16, 2011, <https://gupea.ub.gu.se/handle/2077/26817>, 28.

¹³⁸ Stow, 24.

¹³⁹ Lianne McTavish, “Visiting the Virtual Museum: Art and Experience Online” in *New Museum Theory and Practice: An Introduction*, ed. Janet Marstine, (Chichester: John Wiley & Sons, Incorporated, 2005), <http://ebookcentral.proquest.com/lib/sothebysi-ebooks/detail.action?docID=239859>, 229.

¹⁴⁰ Lianne McTavish, “Visiting the Virtual Museum: Art and Experience Online” 241.

¹⁴¹ Ali Hossaini and Ngaire Blankenberg, *Manual of Digital Museum Planning* (Lanham: Rowman & Littlefield, 2017), 200.

Commission,” he projects the cost of digitizing libraries, museums, archives, AV materials, and other artifacts of European cultural heritage.¹⁴² This study found that digitizing all European museum collections would cost an estimated 38.51 billion Euros.¹⁴³ According to a 2010 estimate, for every 1000 objects or more digitized, the cost averages between 70 to 100 Euros.¹⁴⁴ There has not been an updated report in recent years, so it is unclear whether digitization costs would have increased with time or decreased due to new technological advancements.

Due to the costliness of digitization, it is important that online collections are useful to the institutions and the greater public. In 2004, Paul F. Marty and Michael B. Twidale attempted to address the issues of usability with regard to museum websites, generating fifteen common issues associated with museum websites.¹⁴⁵ While navigating museum websites has become easier in the past fifteen years, users may still encounter usability issues and other bugs. Additionally, institutions are reticent in their discussions of digitization, and most will not provide statistics on their digitization processes or usage.¹⁴⁶ For online collections, the database search fields can be limiting, which can make it difficult for a user to arrive at the correct search result.¹⁴⁷ In order for digitized

¹⁴² Nick Poole, “The Cost of Digitising Europe’s Cultural Heritage: A Report for the Comité Des Sages of the European Commission,” The Collections Trust, November 2010, http://nickpoole.org.uk/wp-content/uploads/2011/12/digiti_report.pdf.

¹⁴³ Estimate comes from both art and other museums.

Nick Poole, “The Cost of Digitising Europe’s Cultural Heritage: A Report for the Comité Des Sages of the European Commission,” 57.

¹⁴⁴ Terras, “Should We Just Send a Copy? Digitisation, Usefulness and Users,” 26

¹⁴⁵ Paul Marty and Michael Twidale, “Lost in Gallery Space: A Conceptual Framework for Analyzing the Usability Flaws of Museum Web Sites,” *First Monday* 9, no. 9, (2004), <https://doi.org/10.5210/fm.v9i9.1171>.

¹⁴⁶ Terras, 25.

¹⁴⁷ Stow, 24-25.

collections to have real value, these records must be updated often, which is costly and time-consuming.¹⁴⁸

Museums have also enhanced and invested in their websites and digital platforms as a whole, creating interactive features in an effort to generate more web traffic. Examples of these interactive features include the Rijksstudio, an online feature launched by the Rijksmuseum in 2012, where users can explore the online collection and create their own exhibitions.¹⁴⁹ The Museum of Modern Art has similarly implemented unique online features, including solely online exhibits.¹⁵⁰ In the past twenty years, museums have also begun to establish their own digital departments.¹⁵¹ Loic Tallon, the former Chief Digital Officer at The Metropolitan Museum of Art, explains that while a digital department was effective in the beginning of this digital revolution, the centralized departments have become more complicated as technology and needs have changed.¹⁵² Tallon posits that museums should strive to implement digital strategies throughout each department, rather than solely relying on one department.¹⁵³

The invention of the Web and the subsequent emphasis on digital strategy in museums began roughly around the same time as the resurgence of interest in World War II-Era looted artworks. As previously mentioned, the 2009 Terezin Declaration specifically stated the importance of the Internet in publicizing provenance information.¹⁵⁴ The discourse on museum websites and online collections emphasizes the

¹⁴⁸ Melissa Terras, *Digital Images for the Information Professional* (Abingdon: Routledge, 2016).

¹⁴⁹ "Rijksstudio," Rijksmuseum, accessed October 23, 2019, <https://www.rijksmuseum.nl/en/rijksstudio>.

¹⁵⁰ McTavish, 228.

¹⁵¹ Tallon, "Digital Is More Than a Department, It Is a Collective Responsibility."

¹⁵² Tallon.

¹⁵³ Tallon.

¹⁵⁴ "Terezin Declaration on Holocaust Era Assets and Related Issues," U.S. Department of State, June 30, 2009, <https://2009-2017.state.gov/p/eur/rls/or/126162.htm>.

importance of transparency, accountability, and access, however the meanings of these terms and their broader implications are never fully explained.¹⁵⁵ Although a discussion of the intersection between Holocaust-Era artworks and digital technology would strengthen claims of museum websites as tools for transparency and access, this subject is altogether absent from the scholarship.

In his book, *ECulture: Cultural Content in the Digital Age*, Alfredo M. Ronchi discusses the benefits of Object ID, an international standard for how to describe an object, created by the J. Paul Getty Trust in 1993.¹⁵⁶ Object ID can be used to combat art theft.¹⁵⁷ Ronchi explains that although detailed documentation and Object ID are useful tools in preventing art thefts, it is rare that object descriptions provide enough detail such that their documentation can substantially aid in a recovery.¹⁵⁸ Although documentation practices were integral to every aspect of World War II-Era looting, from the looting itself to the recovery of objects, Ronchi does not mention World War II-Era plunder in his discussion of documentation and art theft.

Although the potential benefits of the Internet on restitution of Holocaust-Era assets is absent from the scholarship on museums and their digital presence, the Internet has been employed in several initiatives relating to Holocaust-Era looted assets. Examples of these programs include the aforementioned Nazi Era Provenance Internet Portal, the Art Loss Register, and the German Lost Art Foundation's Lost Art Database,

¹⁵⁵ Terras, "Should We Just Send a Copy? Digitisation, Usefulness and Users," 23.

¹⁵⁶ Alfredo M. Ronchi, *ECulture: Cultural Content in the Digital Age* (Berlin, Heidelberg: Springer, 2009), <http://ebookcentral.proquest.com/lib/sothebysi-ebooks/detail.action?docID=429124>, 280.

¹⁵⁷ Alfredo M. Ronchi, *ECulture: Cultural Content in the Digital Age*, 277.

¹⁵⁸ Ronchi, 277.

among others. Each website contains an online database for objects that were looted or thought to have possibly been looted during World War II.

As we have seen, the Nazi Era Provenance Portal serves a central online database for all objects in museums in the United States that may have been in or changed hands in Europe between 1933 and 1945.¹⁵⁹ The Art Loss Register (ALR) is a private database in which users can register both lost and stolen works of art.¹⁶⁰ While the ALR includes Holocaust-Era works of art, it extends to lost or stolen works of art from any time period or circumstance. The ALR also conducts due-diligence provenance research for those selling artworks, as well as a recovery service.¹⁶¹ There is also a service specifically for museums, in which the ALR will research artworks before a museum acquisition or exhibition.¹⁶²

Similarly, the German Lost Art Foundation's Lost Art Database is a repository for both lost and found World War II-Era objects.¹⁶³ Objects that were stolen from individuals or institutions can be registered to the database, as well as objects that were known to have been plundered or those with gaps in provenance.¹⁶⁴ Unlike the ALR, however, the Lost Art Database is a public database. Although the Nazi Era Provenance Internet Portal is the only website exclusively for museum objects, each database includes museum objects or information relating to museums. Without the Internet, these

¹⁵⁹ "Nazi-Era Provenance Internet Portal," Nazi-Era Provenance Internet Portal, accessed October 23, 2019, <http://www.nepip.org/>.

¹⁶⁰ "Our Company," The Art Loss Register, accessed October 23, 2019, <http://www.artloss.com/about-us/our-company>.

¹⁶¹ "Our Company."

¹⁶² "Museums," The Art Loss Register, accessed October 25, 2019, <http://www.artloss.com/services/museums>.

¹⁶³ "Lost Art Internet Database," *Lost Art-Database*, accessed October 23, 2019, <http://www.lostart.de/Webs/EN/Datenbank/Index.html>.

¹⁶⁴ "Lost Art Internet Database."

databases would not be publicly available, and it would be much more difficult for claimants or interested parties to be made aware of this information.

There have also been several instances in which a restitution or resolution has occurred with the assistance of a museum website. These examples include the National Gallery of Art, the Museum of Fine Arts, Boston, the Toledo Museum of Art, and the Virginia Museum of Fine Arts.¹⁶⁵ The first noted instance of online discovery occurred in 2000 with the Frans Snyders painting *Still Life with Fruit and Game* at the National Gallery of Art.¹⁶⁶ The painting belonged to the Stern family in Paris, until it was confiscated by Hermann Goering and later traded to Karl Haberstock in 1941.¹⁶⁷ Herman and Lila Schickman purchased the painting around 1968, and in 1990, the couple gifted it to the National Gallery of Art.¹⁶⁸ Nancy Yeide researched archival records on the paintings and discovered its provenance and ties to Hermann Goering and Karl Haberstock.¹⁶⁹ This information was then published to the National Gallery of Art's website, from which the Stern family learned of the painting's history and whereabouts.¹⁷⁰ The family contacted the National Gallery of Art after discovering the painting on their website, and both parties agreed to return the painting to the Stern family.¹⁷¹

¹⁶⁵ It is possible that there are other instances in which claimants or other interested parties have used a museum website to discover information about a Nazi-Era object, but information on Holocaust-Era asset cases and resolutions do not always detail how the claimant learned of the object's whereabouts.

¹⁶⁶ Although there are several paintings by Frans Snyders with similar subject matter, I was unable to find a photograph of this specific painting. The NGA has removed the painting from its website.

¹⁶⁷ "National Gallery of Art to Return Painting to Heirs as a Result of Gallery Research and Web Posting," National Gallery of Art, last modified November 20, 2000, <https://www.nga.gov/press/archive/frans-snyder.html>.

¹⁶⁸ "National Gallery of Art to Return Painting to Heirs as a Result of Gallery Research and Web Posting."

¹⁶⁹ "National Gallery of Art to Return Painting to Heirs as a Result of Gallery Research and Web Posting."

¹⁷⁰ "National Gallery of Art to Return Painting to Heirs as a Result of Gallery Research and Web Posting."

¹⁷¹ "National Gallery of Art to Return Painting to Heirs as a Result of Gallery Research and Web Posting."

The first of two instances involving the Museum of Fine Arts, Boston concerns the fifteenth century Polish painting *Virgin and Child* (1970.77, Figure 2). This painting was one part of a triptych that was in the possession of Józef Konopka of Jaroslaw and Warsaw and his wife, Helena.¹⁷² Józef was killed in 1940, and in the 1944 Warsaw Uprising, the family's apartment was looted, including the painting.¹⁷³ The MFA purchased the painting in 1970, at a time when its attribution was different and its provenance was unknown.¹⁷⁴ Upon further research, the museum realized the painting's provenance and false attribution. The museum posted this information to the website, enabling Anna Konopka Unrug, daughter of Józef and Helena, to learn of its whereabouts.¹⁷⁵ The Ministry of Foreign Affairs of Poland requested the return of the painting on behalf of Anna Konopka Unrug in July 2004, and in November 2004, the painting was deaccessioned and returned to her.¹⁷⁶ Although not directly related to Holocaust looting, this case demonstrates how plundered art can be discovered and returned using museum online collections.

The second instance involving the Museum of Fine Arts, Boston involves the Eglen van der Neer painting *Portrait of a Man and Woman in an Interior* (41.935, Figure 3). The painting originally belonged to Walter Westfeld, a German-Jewish art dealer.¹⁷⁷ In 1935, Westfeld was banned from selling art by the Reichs Chamber of Fine Arts and

¹⁷² "Ownership Resolutions," Museum of Fine Arts, Boston, accessed October 28, 2019, <https://www.mfa.org/collections/provenance/ownership-resolutions>.

¹⁷³ "Ownership Resolutions," Museum of Fine Arts, Boston.

¹⁷⁴ "Ownership Resolutions."

¹⁷⁵ "Ownership Resolutions."

¹⁷⁶ "Virgin and Child," Museum of Fine Arts, Boston, accessed October 28, 2019, <https://collections.mfa.org/objects/34073/virgin-and-child>.

¹⁷⁷ "Boston MFA Settles Van Der Neer Case," *Artnet Magazine*, June 27, 2011, <http://www.artnet.com.ezproxy.sothebysinstitute.com/magazineus/news/artnetnews/boston-mfa-settles-van-der-neer-case.asp>.

was forced to close his gallery shortly thereafter, eventually being sent to Theresienstadt and later to his death at Auschwitz.¹⁷⁸ It is unknown exactly what happened to *Portrait of Man and Woman in an Interior* during this period, and although Westfeld's artworks were auctioned off at Cologne in 1939, the painting was not listed.¹⁷⁹ In 1941, the MFA purchased *Portrait of Man and Woman in an Interior* from the E. and A. Silberman Galleries, which is no longer open.¹⁸⁰ The online provenance function of the MFA's website was introduced in 2000, and in 2004, Fred Westfeld, nephew of Walter Westfeld, saw the painting on the website and contacted the museum.¹⁸¹ The museum hired a full-time provenance researcher for the first time in 2010, and upon researching the painting's provenance, the parties reached a settlement in 2011.¹⁸² The Westfeld family was compensated, and the painting is on view at the museum today.¹⁸³

The case *Toledo Museum of Art v. Ullin* presents another example in which a claimant discovered the whereabouts of an object through the museum's website. This case was over the matter of Paul Gauguin's painting *Street Scene in Tahiti* (1939.82) and originated with Martha Nathan, the wife of art collector Hugo Nathan (Figure 4).¹⁸⁴ Martha Nathan, a German Jew, left Germany in 1937 and moved to Paris to escape Nazi persecution.¹⁸⁵ Nathan sold the painting, as well as other artworks in her possession, to European art dealers in Switzerland in December 1938.¹⁸⁶

¹⁷⁸ "Boston MFA Settles Van Der Neer Case," *Artnet Magazine*.

¹⁷⁹ "Boston MFA Settles Van Der Neer Case."

¹⁸⁰ "Boston MFA Settles Van Der Neer Case."

¹⁸¹ "Boston MFA Settles Van Der Neer Case."

¹⁸² "Boston MFA Settles Van Der Neer Case."

¹⁸³ "Portrait of a Man and Woman in an Interior," Museum of Fine Arts, Boston, accessed October 28, 2019, <https://collections.mfa.org/objects/32816/portrait-of-a-man-and-woman-in-an-interior;jsessionid=8B5C56414CF25DF63500C73D2EA7E0A3>.

¹⁸⁴ *Toledo Museum of Art v. Ullin*, 477 F. Supp. 2d 802.

¹⁸⁵ *Toledo Museum of Art v. Ullin*, 477 F. Supp. 2d 802.

¹⁸⁶ *Toledo Museum of Art v. Ullin*, 477 F. Supp. 2d 802.

The Toledo Museum of Art purchased *Street Scene in Tahiti* from Wildenstein & Co. in 1939.¹⁸⁷ The Toledo Museum of Art posted the painting online in 2004, in accordance with the AAM and AAMD Guidelines, and it was from this online web posting that the heirs of Martha Nathan found the painting and subsequently contacted the museum.¹⁸⁸ The museum responded a year later, rejecting the claim of the heirs.¹⁸⁹ In January 2006, the Toledo Museum of Art took action to quiet title on the part of the Nathan heirs, arguing for declaratory judgment and a permanent injunction on any future action that could be taken by the heirs to obtain title to the painting.¹⁹⁰ The court ultimately ruled in favor of museum, granting the museum's Motion to Dismiss and holding that the statute of limitations for the Nathan heirs to have taken action had passed.¹⁹¹ Today, the painting can be found on view at the Toledo Museum of Art.¹⁹²

Toledo Museum of Art v. Ullin is significant for several reasons. Not only does it exemplify a case in which a claimant discovered an object through a museum website, but it also demonstrates the declaratory judgment actions some museums began taking to ward off Holocaust-Era restitution claims. *Toledo Museum of Art v. Ullin* also illustrates how settling issues of Holocaust-Era assets in court can be more complicated than mediation and agreements made out of court. It is also worth noting that although the Nathan heirs found this painting through the Toledo Museum of Art's website, today the

¹⁸⁷ *Toledo Museum of Art v. Ullin*, 477 F. Supp. 2d 802.

¹⁸⁸ *Toledo Museum of Art v. Ullin*, 477 F. Supp. 2d 802.

¹⁸⁹ *Toledo Museum of Art v. Ullin*, 477 F. Supp. 2d 802.

¹⁹⁰ *Toledo Museum of Art v. Ullin*, 477 F. Supp. 2d 802.

¹⁹¹ *Toledo Museum of Art v. Ullin*, 477 F. Supp. 2d 802.

¹⁹² On the Toledo Museum of Art website, this painting is titled as *Street in Tahiti*, however in the case and discussion thereof it is referred to as *Street Scene in Tahiti*.

painting's object page makes no mention of Martha and Hugo Nathan, or of the painting's provenance whatsoever.¹⁹³

The example of Claude Lorrain's painting *Battle on a Bridge* (60.37) demonstrates how the sharing of online resources between countries and institutions can fill gaps about a painting's provenance (Figure 5). Although this painting, now in the possession of the Virginia Museum of Fine Arts, was restituted to the Wildenstein family after the war, the museum still had questions as to the painting's provenance before it was returned.¹⁹⁴ Karen Daly, Virginia Museum of Fine Arts registrar for exhibitions and coordinator of provenance research, was preparing for the museum to launch a new website when she stumbled upon documents pertaining to *Battle on a Bridge*.¹⁹⁵ Daly found a number referencing the painting on a German website, and as a result, was able to discover that the painting had been taken by Karl Haberstock, and had been purchased as part of the collection for Hitler's planned Führermuseum in Linz, Austria.¹⁹⁶ Through this tip found on a German website, Daly learned much more about the painting's past than had been previously known. Daly shared her findings at the German/American Provenance Research Exchange Program (PREP), a collaborative initiative founded by the Smithsonian Provenance Research Initiative and the Prussian Cultural Heritage Foundation.¹⁹⁷

¹⁹³ "Street in Tahiti," accessed October 30, 2019,

<http://emuseum.toledomuseum.org:8080/objects/55062/street-in-tahiti>

¹⁹⁴ Elaine Heinzman, "How U.S. and German Art Experts Are Teaming Up to Solve Nazi-Era Mysteries," *Smithsonian*, last modified February 27, 2018, <https://www.smithsonianmag.com/smithsonian-institution/how-us-and-german-art-experts-are-teaming-solve-nazi-era-mysteries-180964955/>.

¹⁹⁵ Elaine Heinzman, "How U.S. and German Art Experts Are Teaming Up to Solve Nazi-Era Mysteries."

¹⁹⁶ Heinzman.

¹⁹⁷ "German /American Provenance Research Exchange Program for Museum Professionals, 2017-2019," Smithsonian Institution, accessed October 30, 2019, <https://www.si.edu/events/prep>.

Each of these examples demonstrates how museum websites and online resources can be used to shed light on Holocaust-Era works of art, both for heirs and researchers alike. Organizations such as the Smithsonian Provenance Research Initiative and PREP, as well as the aforementioned databases, have realized the value of online resources and digital technology in Holocaust-Era artwork research, however, this subject is still altogether missing from the scholarship surrounding museums and digital technology.

Chapter Four: Museum Website Surveys

In the AAM report, “Unlawful Appropriation of Objects During the Nazi Era,” the AAM, the Presidential Advisory Commission on Holocaust Assets in the United States (PCHA), and the AAMD coalesced to summarize these museum responsibilities, stating they should

“(1) identify all objects in their collections that were created before 1946 and acquired by the museum after 1932, that underwent a change of ownership between 1932 and 1946, and that were or might reasonably be thought to have been in continental Europe between those dates (hereafter, “covered objects”); (2) make currently available object and provenance (history of ownership) information on those objects accessible; and (3) give priority to continuing provenance research as resources allow.”¹⁹⁸

The report also notes that museums should strive to make this information accessible online.¹⁹⁹ While the AAM was instrumental in establishing these provenance norms, critics including the World Jewish Restitution Organization, have argued that the organization does not adequately enforce these guidelines.²⁰⁰

This survey will examine the provenance research efforts of The Metropolitan Museum of Art, the J. Paul Getty Museum, The Museum of Modern Art, the National Gallery of Art, and the Museum of Fine Arts, Boston. Each of these institutions has conducted significant provenance research on their collections and has implemented a provenance project onto their website. The aforementioned institutions are at the forefront of provenance research for Holocaust-Era assets; however, these websites are still far from

¹⁹⁸ “Unlawful Appropriation of Objects During the Nazi Era.”

¹⁹⁹ “Unlawful Appropriation of Objects During the Nazi Era.”

²⁰⁰ “Report Concerning Current Approaches of United States Museums to Holocaust-Era Art Claims,” WJRO, June 25, 2015, <http://art.claimscon.org/wp-content/uploads/2015/06/WJRO-Report-Concerning-Approaches-of-United-States-Museums-to-Holocaust-Era-Art-Claims.pdf>.

perfect. In examining each of these websites, there were several factors that I took into consideration. These factors include:

1. Is the provenance project easily discoverable on the website?
2. How is the provenance data entered and is it understandable to the average user?
3. Are there multiple paths on the website by which one can arrive at the provenance project?
4. If a user were to come across a covered object through the collections search function, does the object page state that it is part of the provenance project and link to the project's homepage?
5. Can a user browse through the covered works in the provenance project or is an advanced search necessary?
6. Are the provenance gaps explicitly stated?

This survey will examine the strengths of each individual project and website, as well as how each could be further improved.

The Metropolitan Museum of Art

The Metropolitan Museum of Art (The Met) serves as the closest example of ideal provenance practices and website transparency. It is fairly straightforward to arrive at The Met's Provenance Research Project homepage; one can do so by scrolling down to the bottom of the homepage and following this path: "About the Met" to "Policies and Documents" to "Provenance Research Project." This homepage provides a brief background on The Met's process of creating the project in 2000 and its role in helping create the guidelines set forth by the AAM and AAMD.²⁰¹ Perhaps it is because of the

²⁰¹ "Provenance Research Project," The Metropolitan Museum of Art, accessed September 20, 2019, <https://www.metmuseum.org/about-the-met/policies-and-documents/provenance-research-project>.

museum's role in the creation of these fundamental guidelines that its provenance research is so strong. Regarding works that were not restituted following the war, as well as potential claims, the museum states:

Should The Met determine that a work in its collection was unlawfully appropriated during the Nazi era without subsequent restitution, the Museum will make this information public.

If the Museum receives a claim that an artwork in the Museum's collection was unlawfully appropriated during the Nazi era without subsequent restitution, the Museum will seek to resolve the matter in an equitable, appropriate, and mutually agreeable manner.²⁰²

These statements are significant; The Met's commitment to equitably address potential claims demonstrates the museum's dedication to transparency and adherence to the AAM and AAMD guidelines. There is an unofficial formula for these provenance project pages, in which the museum provides basic background information on Nazi-Era looting and subsequently provides a contact for any party who has further information about any of the covered works, as well as relevant links, such as the Nazi-Era Provenance Research portal. By explicitly stating its determination to make any available information public, The Met surpasses the norms of what is typically covered on a museum provenance page.

The Met also provides a list of every work in or formerly in the museum's collection that has resulted in a restitution or settlement. There are 3152 works that are part of the Provenance Research Project.²⁰³ One can freely browse the covered works or use available filters to narrow down the search results. The selected works can be filtered by object type, location of the work's origin, date, and the collection at The Met. These

²⁰² "Provenance Research Project."

²⁰³ "Provenance Research Project."

advanced search filters are especially useful, as they enable the user to narrow down results that would otherwise be overwhelming. The Met is relatively unique in this function, further highlighting its project's exemplary nature.

Another notable feature of The Met's website is that the Provenance Research Project is not only discoverable through the aforementioned path. On the object pages of each of the works in the Provenance Research Project, the work is tagged as being included in this project (Figure 6). This tagged feature is significant, as it appears on the standard collection search feature as well. If a user were browsing through the online collection and happened upon a work belonging to the Provenance Research Project, it would indicate this status and link to the other covered works. An additional way for a user to arrive at the Provenance Research Project would be to use the main collection page and to filter by department and select the "Provenance Research Project." These various paths by which to arrive at these works illustrate The Met's commitment to transparency and increase the likelihood that someone would discover this project on the website.

The Met's website and Provenance Research Project are excellent examples to which other museums should look. However, there are still areas in which the website and project could be ameliorated. Provenance documentation practices are often confusing, and The Met's style of documentation is no exception. This style of provenance documentation is commonly used: a change in ownership is denoted by a semicolon and owner, date, and sale information is included in each entry. The provenance entry thus appears in a block, which can make it difficult to visualize the ownership changes and passages of time. These block-entries can obfuscate where the

gaps in provenance are. While there are some other museums that use a more digestible style of provenance documentation, the Museum of Fine Arts, Boston appears to be one of the few museums that publicizes where the gap in provenance occurs. It is curious that museums have dedicated their time and resources to researching provenance within their collections and making this information publicly available, but the actual gap is concealed within a sea of other provenance entries, particularly in older works with extensive ownership histories. However, this provenance style employed by The Met is standard practice. Although it can be difficult for the average user to understand these provenance entries, The Met's website and Provenance Research Project are laudably clear and coherent.

J. Paul Getty Museum

In comparing the J. Paul Getty Museum (the Getty)'s website to the other museums in this survey, it is the least updated in terms of design, user interface, and user experience. However, the Getty has historically been at the forefront of digitization and although outdated, this website provides the highest quantity of information. This wealth of information available is partially due to the Getty Research Institute and its Provenance Index Databases.

On the Getty website, the primary drop-down bar of the website has a tab labeled "Research and Conservation." Upon clicking on this tab, the first section of this page immediately links to the "Provenance 1933-1945" section. This page provides an overview detailing the Getty's dedication to provenance research. There are also links to continue this provenance research: the first link allows the user to search through the museum collection and explore the provenance of the works in the collection. The next

link routes to all the works in the collection that have gaps in provenance between 1933-1945. There is also an available link for works that were “known to have been confiscated during the period 1933-1945 and restituted to the previous owners prior to the Museum’s acquisition of them.” The museum also provides the customary contact information for the provenance research department at the museum.²⁰⁴

One of the primary strengths of the Getty’s online collection feature is the style of provenance documentation. The homepage of the project provides an example of a provenance entry, which explains how to understand the meanings of these provenance entries (Figure 7). Through the Getty’s sample explanation and documentation style, the provenance data is more digestible than many other museums’ provenance entries. The provenance is listed in column form, with dates on the left column and the owners who correspond to the dates beside it, contrasting the paragraph format employed by many other institutions. Displaying this information in a timeline form aids the user’s understanding of this information and creates a better visualization of where the gaps might be.

The website makes it relatively easy to find this provenance information, as it is the first link under the “Research and Conservation” tab. However, this appears to be the only path by which one can arrive at the works in the collection with gaps in provenance. To browse through the works with gaps in provenance, there is a section that allows the user to do a more advanced search. Under “Additional Filters,” “Nazi Era Provenance Gaps” is selected as a filter (Figure 8). However, when comparing this page with the search page for the entire collection, there is no such additional filter available to click for

²⁰⁴ “Research on Museum Collection Provenance, 1933-45,” J. Paul Getty Museum, accessed September 16, 2019, <http://www.getty.edu/museum/research/provenance/index.html>.

“Nazi Era Provenance Gaps” (Figure 9). The two pages look almost identical, but the additional filters are different. Using the main collection page to search, there is no path by which a user can arrive at a search for Nazi-Era objects.

Additionally, if a user were to arrive at a work from the standard collection search that does contain provenance gaps, there is no tag to denote that the object is included in either of the relevant groups.²⁰⁵ As a result of this lack of documentation, if a user were merely browsing through the online collection feature, it would be more difficult to discern which works have gaps in provenance. Someone would have to carefully comb through the provenance records to determine if there is any incomplete information between 1933-1945, which would be particularly challenging for older works.

The Getty Research Institute’s website and publicly available data secures the institution’s position as a pioneer in provenance and World War II-Era research. The Getty Provenance Index Database contains over 1.7 million relevant records that are publicly available.²⁰⁶ The Provenance Index Database homepage details the main categories of records available.²⁰⁷ The primary records available are sales catalogues, with over 1.2 million entries available for public search. The site also illustrates what is covered in the databases, using bar graphs to denote which records have available data and which records have not yet had content input.²⁰⁸

²⁰⁵ Relevant groups mentioned are: “Has Catalogued Provenance Gaps 1933-1945” and “Nazi Era Restitution Prior to Acquisition.”

²⁰⁶ “Provenance Index Remodel,” The Getty Research Institute, accessed September 20, 2019, http://www.getty.edu/research/tools/provenance/provenance_remodel/index.html.

²⁰⁷ Categories of records available are archival inventories, sales catalogues, dealer stock books, payments to artists, and works in public collections in Great Britain and the United States. [“What’s Covered in the Indexes,” The Getty Research Institute, accessed September 20, 2019, <http://www.getty.edu/research/tools/provenance/charts.html>.]

²⁰⁸ “What’s Covered in the Indexes,” The Getty Research Institute, accessed September 20, 2019, <http://www.getty.edu/research/tools/provenance/charts.html>.

There is also a webpage detailing how to navigate the databases. Each database is separate and can be searched individually, however, there is only an advanced search feature available: a user wishing to search through these databases must use a keyword, as there is no way to freely browse. With this search style, any user wishing to use these datasets must have an idea of what to search for beforehand. Allowing researchers to browse the datasets freely would result in more relevant discoveries.

The Getty Provenance Index Database is in the process of a remodel project. These databases were introduced over thirty years ago, further highlighting the institution's important role in museum technology and digitization.²⁰⁹ This remodel was begun in 2016 and was framed as a three-year initiative to “remodel the Getty Provenance Index databases and publish them as Linked Open Data (LOD).”²¹⁰ Part of this remodel has consisted of uploading the datasets to GitHub, a software development platform that allows users to download and build upon data for their own use. According to the updates on the remodel, the team is also working to create a new user interface, although it appears that they are behind schedule on this three-year plan.²¹¹

This plan for a new user interface demonstrates that the Getty Research Institute is dedicated to enhancing the user experience of its site and simplifying the website for researchers. While it is true that the Getty's website is more dated than the other museum websites, this can likely be attributed to the fact that the museum was one of the earliest institutions to digitize this information. The provenance information provided by the Getty is vast and comprehensive, despite the sole path by which a user can arrive at this

²⁰⁹ “Provenance Index Remodel.”

²¹⁰ “Provenance Index Remodel.”

²¹¹ “Provenance Index Remodel.”

information. Making this information more accessible throughout the website would increase discoverability.

The Museum of Modern Art

The Museum of Modern Art (MoMA)'s provenance project provides extensive information on the covered objects, including a searchable Excel spreadsheet, however, there is no available provenance on any other works in the collection. On the homepage, there is a tab at the bottom of the page titled "Research and learning," which consists of various projects and initiatives at the MoMA. The Provenance Research Project is listed here, with a hyperlink to the page. The project homepage states that there are approximately 800 works in the museum's collection that may have been in Europe between 1933-1945.²¹² There are 1360 works in this project, which differs from the number previously mentioned, however this discrepancy could merely be a result of not updating the homepage.

It is with relative ease that a user would be able to sift through these object thumbnails. A user may search through the entire collection online; if someone were to come across a work covered in the Provenance Research Project through the collection homepage, the work's object page would indicate that it is included in the project. It also links back to the project's homepage, offering a more in-depth description. As not all museums indicate when works are included in the provenance project on individual object pages, it is significant that the MoMA does so, as it creates different pathways by which a user could learn of an object's history.

²¹² "Provenance Research Project | MoMA," The Museum of Modern Art, accessed September 20, 2019, <https://www.moma.org/collection/provenance>.

There is no publicly available provenance for works that are not covered in the Provenance Research Project. Artworks without available provenance on their object pages include those by artists whose other works were looted during the Holocaust, such as Pablo Picasso, Georges Braque, and Paul Cézanne, among others. Although it is plausible that the museum has conducted the appropriate research and determined the complete provenance for these works, it seems curious that this information is not publicly available online. It is probable that some of these works were in Europe between 1933 and 1945. If so, regardless of whether they switched hands, according to the AAM and AAMD guidelines, the provenance should be published.

Although the Provenance Research Project allows the user to scroll through and explore the covered works, there is no feature that allows the user to filter by artist, collector or year. However, the MoMA has provided a comprehensive Excel spreadsheet with over 1370 entries of works covered in the project. Basic information about each artwork and links to the object pages are provided on the spreadsheet (Figure 10). This spreadsheet rectifies the issue of the user not being able to filter their search within the project.

The Excel spreadsheet centralizes this information, thereby making it easier and faster for a researcher or heir to locate a certain object page. However, there is still no way for the user to do a filtered search for a collection to which a work previously belonged. Based on this spreadsheet's title "PRP_Objects_1March2016.xlsx," it can be inferred that this document was last updated in 2016. The project asserts that it is a

“work in progress” with new information being added often, although it appears as if that the spreadsheet of covered works has remained the same for the past three years.²¹³

While there are many positive features to the MoMA’s Provenance Research Project, publishing provenance on the complete collection would improve the museum’s website. In 2015, the MoMA restituted the painting *Sand Hills in Engadine* by Ernst Ludwig Kirchner to the heirs of German art collector Max Fischer.²¹⁴ This restitution was relatively recent, and MoMA was commended for its conduct in the matter, however, there is no available information on this restitution on the MoMA website.²¹⁵ News articles written at the time of this restitution provide links to the museum’s official statement, but the link no longer exists.²¹⁶ Providing a list of past restitutions and settlements enhances a museum’s credibility regarding its dedication to provenance research and is also relevant information for these projects. While the MoMA does not need to further publicize this information, doing so would positively contribute to its Provenance Research Project.

National Gallery of Art

The National Gallery of Art (NGA)’s provenance research efforts are the most puzzling of all of the museums in this survey. The National Gallery of Art is integral to World War II Era Provenance Research for several reasons: the National Gallery of Art, although not completely federally funded, is a federal government institution. Because of

²¹³ It is conceivable that the information on the object pages has been updated and the title has remained the same, or that there has been no need to update this spreadsheet.

²¹⁴ Henri Neuendorf, “MoMA Restitutes Ernst Ludwig Kirchner Artwork,” last modified November 17, 2015, <http://news.artnet.com/market/moma-restitution-kirchner-painting-365402>.

²¹⁵ “MoMA Restitutes Ernst Ludwig Kirchner Artwork.”

²¹⁶ “404 Not Found,” Museum of Modern Art, accessed September 23, 2019, http://press.moma.org/app/files_mf/moma_kirchner_pressrelease.pdf.

this, the museum is arguably more tightly bound to the Washington Principles and the Terezín Declaration than other American museums. The National Gallery of Art also played a crucial role in safeguarding works of art during World War II. The Roberts Commission, or The American Commission for the Protection and Salvage of Artistic and Historic Monuments in Europe, was created to preserve cultural objects during the war.²¹⁷ The Roberts Commission was headquartered at the National Gallery of Art, and the museum's then-director, David Finley, was the vice-chairman of the commission.²¹⁸ The museum also aided in returning confiscated works after the war, and introduced the idea of the MFAA, which was instrumental in initial restitutions.²¹⁹ Furthermore, Nancy Yeide served as the head of Department of Curatorial Records at the gallery from 1990 until 2017, and is one of the preeminent scholars in World War II-Era provenance research. Nonetheless, the National Gallery of Art's provenance research efforts are considerably incomplete compared to the other museums surveyed.

The National Gallery of Art's provenance research can be found by going to the collection homepage, following the "Provenance" tab and selecting "World War II Provenance Research."²²⁰ This page describes provenance research within the collection and mentions the works that were discovered to have been looted in the collection and were not recovered or resolved until recent history. There is also an image gallery of

²¹⁷ "Research Resources Relating to World War II Roberts Commission and Monuments, Fine Arts, and Archives Officers," National Gallery of Art, accessed October 23, 2019.

https://www.nga.gov/content/dam/ngaweb/research/gallery-archives/pdf/WWII_4_TheRobertsCommission.pdf, 1.

²¹⁸ "Research Resources Relating to World War II Roberts Commission and Monuments, Fine Arts, and Archives Officers."

²¹⁹ "Research Resources Relating to World War II Roberts Commission and Monuments, Fine Arts, and Archives Officers."

²²⁰ "World War II Provenance Research," National Gallery of Art, accessed November 7, 2019, <https://www.nga.gov/collection/wwii-research.html>.

thirty-three works that were looted and later restituted. Under each work, there is a brief description detailing the provenance of the work as it directly relates to World War II and a link to the work's full object page.²²¹

However, the information provided on this page is limited. The thirty-three works highlighted on this page are not the only works in the collection that were restituted. Upon searching the collection using the keywords "restituted" and "recovered," twelve additional works materialize as having been looted and restituted during the World War II-Era.²²² It is possible that this is merely an oversight on the museum's part, or perhaps the museum only wished to highlight the more prestigious works. However, it is odd to list numerous works in this category, but to exclude at least a quarter of works in the collection that were restituted to their original owners or heirs.

In addition to the restituted works not featured on the World War II Provenance Research page of the museum, there is also virtually no mention of any works in the collection that have gaps in provenance or could have possibly been plundered and not properly restituted. The only instance in which there is any mention of provenance gaps is in the description of the three works that were found to have not been properly restituted in recent history.²²³ Although an exact number is difficult to determine, there are numerous works in the collection that were in Europe between 1933-1945 and conceivably could have changed hands during that period. An example of a work with provenance gaps is the 1645 painting *River Scene with Windmill and Boats, Evening* by

²²¹ "World War II Provenance Research."

²²² Because of the breadth of the National Gallery's collection, I was unable to go through each work to find other examples of previously restituted works of art, but it is likely that there are other restituted works also not featured on this provenance homepage.

²²³ "World War II Provenance Research."

Anthonie van Borssom (2012.99.1, Figure 11). This painting's provenance is listed as such:

Private collection, Lugano, by c. 1955; purchased through (anonymous dealer, Austria) by (David M. Koetser Gallery, Zurich);[1] purchased April 1998 by Robert H. [1928-2009] and Clarice Smith, Arlington, VA; by inheritance to Clarice Smith; gift 2012 to NGA.

[1] Wolfgang Schulz, Aert Van Der Neer, Doornspijk, 2002: 432, no. 1239, fig. 266; letter, David Koetser to Robert Smith, 20 March 1998, copy in NGA curatorial files.²²⁴

While gaps in provenance do not, by nature, indicate any nefarious activity in an object's past, there are several notable features about this painting and its provenance. Although this painting was created in 1645, the first provenance entry is from 1955. It is noteworthy that it was in a private collection in Lugano by 1955, as many looted artworks appeared in Switzerland during and after the war. Additionally, Dutch paintings were considered to be of "Aryan" origin and thus were highly favored by Nazi collectors. While there is no reason to assume this work has a tainted past, these facts demonstrate that these provenance gaps have the potential to be significant. There are numerous other works in the collection with similar provenance gaps, and it is surprising that the NGA would not create a comprehensive list of such objects.

The museum highlights its role during World War II, with informational web pages titled "Resources Relating to World War II" and "Monuments Officers and the NGA." With these resources drawing attention to the museum's role during the war, it would seem that the collection's provenance research would be more comprehensive. The gallery states that it "welcomes any information that would augment or clarify the

²²⁴ "River Scene with Windmill and Boats, Evening," National Gallery of Art, accessed September 20, 2019, <https://www.nga.gov/collection/art-object-page.106339.html#provenance>.

ownership history of objects in its collection,” however, there is no contact information provided, which is somewhat unusual.²²⁵ As the government has aided in restitution of Holocaust-Era assets in recent history and encouraged museums’ transparent practices, it is curious that the a partially federally-funded institution such as the National Gallery of Art would not provide a list of covered works.

Museum of Fine Arts, Boston

The Museum of Fine Arts, Boston (MFA)’s website is clear and easy to maneuver: the online collection allows the user to browse the available works in the collection and perform advanced online searches. The provenance research component of the website is prominently featured and can be found by following the path: “Collections,” “Provenance,” and “Nazi Era Provenance Research.”²²⁶ The Nazi-Era Provenance Research page is separated into three sections: works with provenance gaps that should be researched further, works that are associated with people who lost works of art but are not believed to have been looted, and a list of claims that have been resolved at the MFA.²²⁷

The most significant aspect of the MFA’s provenance research is its works listed as “priorities for further research.”²²⁸ Whereas other museums list every work in their collection that changed hands in Europe between 1933-1945, most do not specify which works are most concerning. Henri Met De Bles’s *Landscape with Burning City* (46.1143) is the first work listed on the MFA’s list of works in need of further research

²²⁵ “World War II Provenance Research.”

²²⁶ “Nazi-Era Provenance Research,” Museum of Fine Arts, Boston, accessed September 18, 2019, <https://www.mfa.org/collections/provenance/nazi-era-provenance-research>.

²²⁷ Nazi-Era Provenance Research,” Museum of Fine Arts, Boston.

²²⁸ “Nazi-Era Provenance Research.”

(Figure 12). Its object page exemplifies transparent practices employed by the MFA. The painting was consigned to Jaques Goudstikker Gallery, and later sold to Alois Miedl, who sold it to Hermann Goering in 1940.²²⁹ Regarding the purported ownership history at the time of the MFA's purchase of the painting in 1946, it is noted that the "account is inconsistent and was almost certainly fabricated."²³⁰ This level of candor is uncommon for a museum. The museum was informed of the painting's past by 1948, and the Dutch government sought the return of the painting.²³¹ The MFA states that it "awaits communication from the interested parties regarding their attempts to reach a neutral resolution of the ownership of the painting."²³²

This example of *Landscape with Burning City* demonstrates how the MFA provides specific details that are unique to the museum. While other museums present all available provenance information and create a comprehensive list of every work that may have gaps in provenance, they do not specify where these gaps or potentially problematic areas in the object's provenance arise. The MFA, however, highlights the provenance gaps and publicizes the past research that has been conducted. On the object page of *Saint Andrew* (1991.776), attributed to Jusepe de Ribera (Figure 13), another work in the priority for further research list, the MFA states that they have been in contact with a representative for the heirs of the family from which the work was looted about further

²²⁹ Refer to page for full object provenance information. ["Landscape with Burning City," Museum of Fine Arts, Boston, accessed September 18, 2019, <https://collections.mfa.org/objects/32987/landscape-with-burning-city>.]

²³⁰ "Landscape with Burning City."

²³¹ Following the Dutch's request for the painting's return, an heir of Franz Koenigs, who possessed the painting beginning in 1929, put forth a claim to the painting, however, in 2003 the claim was rejected by the Dutch Advisory Committee on the Assessment of Restitution Applications. The Koenigs collection was a very well-documented collection. ["Landscape with Burning City."]

²³² "Landscape with Burning City."

information.²³³ This, again, demonstrates a level of transparency that does not exist on other museum websites.

The protocol is similar for the works that appear to not have been plundered but are associated with those who had possessions looted. *Skating on a Frozen River* (60.982) by Barent Avercamp (Figure 14) demonstrates the care and precision employed in investigating the object's provenance. The object page provides information identifying the past owners associated with Holocaust-Era looting and explains why this work appears to not be cause for concern.²³⁴ The provenance entry states that in 1941, after the deaths of Eugen and Berta Marx, the Dutch-Jewish couple who previously owned the painting, Otto von Leersum auctioned off the couple's possessions, but that *Skating on a Frozen River* was no longer in their home by then.²³⁵ The subsequent claims by the couple's heirs are also detailed.

Rather than simply providing a provenance entry and flagging the painting as containing a gap in provenance, there are details explaining each aspect of the object's provenance and facts to support why this object is not believed to have been looted. This process is perhaps more a more transparent method than other museums. However, it must be noted that by not presenting a complete list of covered works, the museum is not following the AAM and AAMD guidelines.

²³³ "Saint Andrew," Museum of Fine Arts, Boston, accessed September 18, 2019, <https://collections.mfa.org/objects/35291/saint-andrew>.

²³⁴ "Skating on a Frozen River," Museum of Fine Arts, Boston, accessed November 7, 2019, <https://collections.mfa.org/objects/33664/skating-on-a-frozen-river>.

²³⁵ "Skating on a Frozen River," Museum of Fine Arts, Boston, accessed November 7, 2019, <https://collections.mfa.org/objects/33664/skating-on-a-frozen-river>.

These museums are vanguards in the field of World War II-Era provenance research, yet there are still areas in which information could be clarified and user experience could be enhanced. There are also several instances where it seems as though some information is made difficult to use or perhaps even deliberately obfuscated. While the AAM and AAMD guidelines are not enforceable, it is startling that several of these museums, institutions that are celebrated and established in this field, have not followed them. Nevertheless, there are still many strengths and useful features in these provenance projects. Museums should draw from the strengths of these websites and create a more standardized formula for provenance practices.

Conclusion: Limitations and Opportunities for Further Research

The study of museums before, during, and after the Holocaust is a field of research that is deserving of an entire book, however it has yet to be written. There is a book titled *Museums and the Holocaust* by Norman Palmer, however, it focuses primarily on litigation of Holocaust-Era artwork cases and does not comprehensively discuss the role of museums throughout World War II and in its aftermath.²³⁶

With more time and resources, I would have more closely examined the collections of the museums covered in this study. A closer examination of these collections could have further illuminated each institution's progress on Holocaust-Era provenance information. On the NGA website, I found twelve additional works not mentioned on their provenance homepage that were looted and later restituted, but having had time to search the entire collection, it is possible I would have found additional examples.²³⁷ It also would have been beneficial to contact registrars and provenance specialists at these institutions to inquire about any potential future plans for their provenance projects. A limitation I encountered is that most reports of Holocaust-Era restitutions and resolutions do not specify how the claimant learned of the object's whereabouts. Because of this, it is possible that there are other instances in which the Internet has facilitated the discovery of an object.

While there are many valuable aspects to the institutions' provenance programs examined in this study, there are also many instances in which information is obfuscated or overly complex, and in some instances, information is missing altogether. Although

²³⁶ Palmer, *Museums and the Holocaust: Law, Principles and Practice*.

²³⁷ "World War II Provenance Research," National Gallery of Art, accessed November 7, 2019, <https://www.nga.gov/collection/wwii-research.html>.

The Met's Provenance Research Project is arguably the strongest example, the provenance entries, particularly for objects with lengthier ownership histories, can be confusing. Conversely, the Getty presents its provenance information in a linear timeline form, making the data more legible. On the MFA's website, the museum explicitly states where the provenance gaps are for certain works under question, which is a unique and useful practice. It would be beneficial to implement the strengths of these projects onto all museum provenance programs.

The National Gallery of Art and the MoMA appear to have potentially significant information absent from their websites. The MoMA only provides provenance for works belonging to the Provenance Research Project, however there are objects without provenance that could have potentially been in Europe between 1933-1945.²³⁸ If these objects were in Europe during this time, regardless of provenance gaps, neglecting to post these entries disregards the AAM and AAMD guidelines. Moreover, the National Gallery of Art does not have a posted list of works containing provenance gaps. Museums are encouraged to identify all objects that were in Europe between 1933-1945 and make such information available.²³⁹ Although the provenance is published on all objects in the NGA's collection, by not creating an accessible list of covered objects, they, too, neglect the AAM and AAMD guidelines, and render it much more difficult for any user looking to examine works with provenance gaps. If these preeminent institutions do not properly follow the AAM and AAMD guidelines, it is likely that many other institutions also disregard these protocols.

²³⁸ It is possible that MoMA has determined these objects were not in Europe during this covered period, however, there is no way to confirm this without published provenance.

²³⁹ "Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945);" "Unlawful Appropriation of Objects During the Nazi Era."

The instances in which a claimant or researcher has employed a museum website to discover more information about an artwork demonstrate the potential for museum websites to facilitate further resolutions and discoveries of Holocaust-Era objects. Creating a more universal standard for these provenance projects and stronger enforcement by the AAM and AAMD would increase the utility of these websites and the likelihood of future discoveries. In addition to museums' individual provenance programs, databases such as the Nazi-Era Provenance Internet Portal and Lost Art Database, among others, have been established to create a repository for Holocaust-Era artworks. There are several databases with similar content, and despite the statement in the Washington Principles urging for a central registry, there is no one endorsed database. Consolidating this information into a preferred repository for both lost and recovered art would be beneficial to claimants and researchers alike.

A consolidated database and enforced standards of online museum provenance information would serve to improve transparency and increase the potential for claimants and other relevant parties to discover Holocaust-Era objects. It is also possible that transparent, online practices such as these could be implemented to aid in other restitution occurrences in the future, such as cases of Native American repatriations, and other instances of cultural patrimony disputes.

Illustrations

Figure 1



Egon Schiele (Austrian, 1890-1918)
Portrait of Wally Neuzil
1912, w 398 x h 320 cm (Without Frame)
oil on wood
Leopold Museum, Vienna, Inv. 453,
Signed and dated below left: EGON SCHIELE 1912

Figure 2



Virgin and Child
15th century, Polish
Oil and tempera on panel
43.8 x 34.3 cm (17 1/4 x 13 1/2 in.)
Museum of Fine Arts, Boston, M. Theresa B. Hopkins Fund, 1970.77, deaccessioned
2004

Figure 3



Eglon van der Neer (Dutch, 1634–1703)

Portrait of a Man and Woman in an Interior

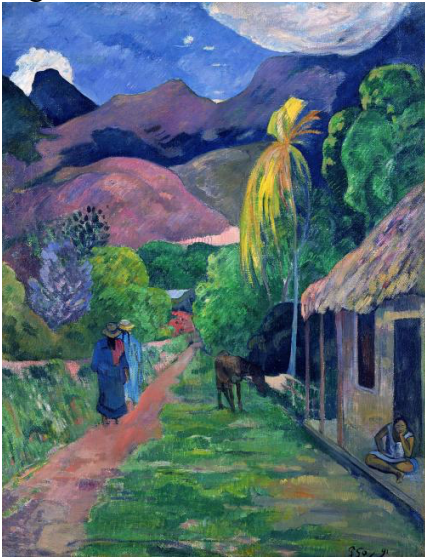
1665–1667

Oil on panel

73.9 x 67.6 cm (29 1/8 x 26 5/8 in.)

Museum of Fine Arts, Boston, Seth K. Sweetser Fund, 41.935

Figure 4



Paul Gauguin (French, 1848–1903)

Street in Tahiti

1891

45 1/2 x 34 7/8 in. (115.5 x 88.5 cm)

Oil on canvas

Toledo Museum of Art, Purchased with funds from the Libbey Endowment, Gift of Edward Drummond Libbey, 1939.82

Figure 5



Claude Lorrain (French, ca. 1604-1682)

Battle on a Bridge

1655

Oil on canvas

Unframed: 41 × 55 in. (104.14 × 139.7 cm)

Framed: 51 1/2 × 65 in. (130.81 × 165.1 cm)

Virginia Museum of Fine Arts, Adolph D. and Wilkins C. Williams Fund

60.37

Figure 6

Departments

European Paintings (3,154)

Provenance Research Project (2,597)

Artist / Maker / Culture

Paul Signac (40)

Object Type / Material

Canvas (4,913)

Oil paint (2,245)

Paintings (13,476)

Geographic Location

Europe (185,185)

France (56,473)

Date / Era

A.D. 1900–present (121,998)

Tagged categories on object page of Paul Signac, *Lighthouse at Groix*, 1925, oil on canvas, The Metropolitan Museum of Art website

Figure 7

Understanding Provenance Data

The provenance, or history of ownership, of our works of art is listed in chronological order, starting with the earliest known owner and moving forward in time.

Each entry is in the following format:

date range of ownership	name of owner or seller, life dates of owner or seller if known (location of owner or seller in parentheses if known), details (if known) of the transaction by which the object passed to its next owner, including information about the particular sale if known (e.g., auction date, place, lot number, sale price)
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The left column shows the date range of ownership. Here are a few common date formats:

1955 - 1970	The work entered this collection in 1955 and left it in 1970
1955 -	The work entered this collection in 1955, but we do not know when it left.
- 1955	We do not know when the work entered this collection, but it left in 1955.
by 1955 -	The work was in this collection by 1955 but may have entered it earlier.
- still in 1955	The work was still in this collection in 1955, and may have left it at a later date.

An owner name with no date(s) in the left column indicates that we know the work was in this collection, but we do not know precisely when. We do know the work was in this collection between the owners listed above and below it, though there may be other unknown owners in the chain of ownership.

"Private collection" indicates that we know the work was not owned by a dealer and can mean one of two things: 1) we do not know the name of the owner or seller of that work, or 2) we know the name of the owner or seller, but he/she made it a condition of sale that his/her identity not be revealed. "Private Dealer" means that we know the seller was a dealer but we do not know his/her name.

Example of provenance data, J. Paul Getty Museum website

Figure 8

Additional Filters

- ☐ Only Objects with Images
- ☐ Only Open Content Program
- ☐ On View at The Getty Center
- ☐ On View at The Getty Villa
- ☒ Nazi-Era Provenance Gaps

Filters on Getty works with catalogued provenance gaps

Figure 9

Additional Filters

☐ Only Objects with Images

☐ Only Open Content Program

☐ On View at The Getty Center

☐ On View at The Getty Villa

Available filters for paintings collection search on J. Paul Getty Museum website

Figure 10

1	Artist	Title	Date	Medium	Dimensions	URL	Object Number	Department
2	Various Artists	Der Blaue Reiter (The Blue Rider)	1912	Illustrated book with two woodcuts	page (each): 11 x 8 3/8" (28 x 21.2 cm);	http://www.moma.org/collection/works/9401	20.1981.1	Drawings & Prints
3	Carl Otto Czeschke	Die Nibelungen (The Nibelungs)	(1920)	Illustrated book with eight double-page	page (each): 5 1/2 x 5 5/16" (14 x 13.5 cm)	http://www.moma.org/collection/works/9561	22.1981.1	Drawings & Prints
4	Ernst Barlach	Der Findling (The Foundling)	1922 (prints executed)	Illustrated book with twenty line block	composition (irreg.): 3 3/4 x 5 5/16" (9	http://www.moma.org/collection/works/18465	564.1949.	Drawings & Prints
5	Oskar Kokoschka	Mörder, Hoffnung der Frauen (N	1916, drawings executed)	Illustrated book with five line block	re page: 13 7/16 x 9 3/4" (34.1 x 24.8 cm)	http://www.moma.org/collection/works/18934	580.1949.	Drawings & Prints
6	Various Artists	Kabarett Fledermaus	1907	Theater program with six line block	re page (each): 9 5/8 x 9 1/4" (24.5 x 23.5	http://www.moma.org/collection/works/22019	709.1993.	Drawings & Prints
7	Oskar Kokoschka	Mörder, Hoffnung der Frauen (N	1916, drawings executed)	Illustrated book with five line block	re page: 13 7/16 x 9 3/4" (34.1 x 24.8 cm)	http://www.moma.org/collection/works/26715	862.1964.	Drawings & Prints
8	Willi Baumeister	Tennis Player	1932	Pencil and charcoal on paper	17 3/4 x 13 3/4" (45.1 x 34.9 cm)	http://www.moma.org/collection/works/32962	1.1951	Drawings & Prints
9	Maurice Denis	On the Beach of Trestrignel	1898	Oil on board	27 5/8 x 39 3/8" (70.0 x 99.8 cm)	http://www.moma.org/collection/works/32965	1.1964	Drawings & Prints
10	Paul Cézanne	Bathers	(c. 1885-1890)	Watercolor and pencil on paper	5 x 8 1/8" (12.7 x 20.6 cm)	http://www.moma.org/collection/works/32973	2.1934	Drawings & Prints
11	Ernst Barlach	The Hornblower	1927	Charcoal on paper	(irreg.): 25 1/2 x 14 1/2" (64.8 x 36.8 cm)	http://www.moma.org/collection/works/32975	2.1939	Drawings & Prints
12	Franz Marc	Blue Horse with Rainbow	(1913)	Watercolor, gouache and pencil on paper	6 1/2 x 10 1/4" (16.5 x 26 cm)	http://www.moma.org/collection/works/32978	2.1964	Drawings & Prints
13	Pablo Picasso	Brooding Woman (recto) Three	(1904)	Watercolor on paper	(a): 10 5/8 x 14 1/2" (27 x 36.8 cm) (b	http://www.moma.org/collection/works/33008	4.1956.a-b	Drawings & Prints
14	Paul Cézanne	a) The Bridge at Gardanne b) View	(1885-86)	a) Watercolor and pencil on paper b)	8 1/8 x 12 1/4" (20.6 x 31.1 cm)	http://www.moma.org/collection/works/33032	6.1934.a-b	Drawings & Prints
15	Salvador Dalí	Cavalier of Death	1934	Ink on paper	38 3/4 x 28 3/8" (98.4 x 72.0 cm)	http://www.moma.org/collection/works/33037	6.1955	Drawings & Prints
16	Joan Miró	The Beautiful Bird Revealing the	July 23, 1941	Gouache, oil wash, and charcoal on paper	18 x 15" (45.7 x 38.1 cm)	http://www.moma.org/collection/works/33050	7.1945	Drawings & Prints
17	Otto Dix	At the Café	1922	Watercolor and ink on paper	19 1/4 x 14 3/8" (48.9 x 36.5 cm)	http://www.moma.org/collection/works/33053	7.1955	Drawings & Prints
18	Paul Cézanne	a) Foliage b) Study of Trees	(1895)	Watercolor and pencil on paper	17 5/8 x 22 3/8" (44.8 x 56.8 cm)	http://www.moma.org/collection/works/33075	9.1934.a-b	Drawings & Prints
19	Emil Nolde	Amaryllis and Anemone	(c. 1930)	Watercolor on paper	13 3/4 x 18 3/8" (35 x 46.7 cm)	http://www.moma.org/collection/works/33097	10.1949	Drawings & Prints
20	Henri Matisse	Standing Nude, Arms Covering	(c. 1901-03)	Ink on paper	10 3/8 x 8" (26.4 x 20.3 cm)	http://www.moma.org/collection/works/33116	11.1952	Drawings & Prints
21	Pablo Picasso	Head of the Medical Student (Study)	(June 1907)	Gouache and watercolor on paper	23 3/4 x 18 1/2" (60.3 x 47 cm)	http://www.moma.org/collection/works/33169	14.1952	Drawings & Prints
22	Paul Cézanne	House Among Trees	(c. 1900)	Watercolor and pencil on paper	11 x 17 1/8" (27.9 x 43.5 cm)	http://www.moma.org/collection/works/33180	15.1934	Drawings & Prints
23	Karl Schmidt-Rott	Landscape with Lighthouse	1922	Watercolor and ink on paper	18 7/8 x 23 7/8" (47.9 x 60.6 cm)	http://www.moma.org/collection/works/33218	17.1950	Drawings & Prints
24	Georges Rouault	The Three Judges	1913	Gouache and oil on board	29 7/8 x 41 5/8" (75.9 x 105.7 cm)	http://www.moma.org/collection/works/33219	17.1952	Drawings & Prints
25	Henri Matisse	Portrait of Mme Manguin	(1905-06)	Ink and gouache on paper	24 1/2 x 18 1/2" (62.2 x 47 cm)	http://www.moma.org/collection/works/33226	17.1968	Drawings & Prints
26	Kurt Schwitters	Picture with Light Center	1919	Cut-and-pasted colored paper and pencil	33 1/4 x 25 7/8" (84.5 x 65.7 cm)	http://www.moma.org/collection/works/33235	18.1950	Drawings & Prints
27	Odilon Redon	Yellow Flowers	(c. 1912)	Pastel on colored paper	25 1/2 x 19 1/2" (64.6 x 49.4 cm)	http://www.moma.org/collection/works/33254	19.1957	Drawings & Prints
28	Georges Braque	Still Life with Glass and Letters	(1914)	Cut-and-pasted printed paper, charcoal	20 1/8 x 28 1/8" (51.1 x 71.4 cm)	http://www.moma.org/collection/works/33278	20.1978	Drawings & Prints
29	Paul Cézanne	Rocks Near the Caves above Châ	(1895-1900)	Watercolor and pencil on paper	12 1/2 x 18 3/4" (31.7 x 47.5 cm)	http://www.moma.org/collection/works/33280	21.1934	Drawings & Prints
30	Egon Schiele	Nude with Violet Stockings and	1912	Watercolor, pencil, and ink on paper	12 5/8 x 18 5/8" (32.1 x 47.3 cm)	http://www.moma.org/collection/works/33302	22.1957	Drawings & Prints
31	Kurt Schwitters	Merz Picture 32 A. The Cherry P	1921	Cut-and-pasted colored and printed paper	36 1/8 x 27 3/4" (91.8 x 70.5 cm)	http://www.moma.org/collection/works/33356	27.1954	Drawings & Prints
32	Paul Klee	Still Life with Four Apples	(1909)	Oil and gouache on board	13 1/2 x 11 1/8" (34.3 x 28.2 cm)	http://www.moma.org/collection/works/33358	27.1957	Drawings & Prints
33	Pablo Picasso	Bathers in a Forest	early 1908	Gouache, watercolor, and pencil on paper	18 3/4 x 23 1/8" (47.6 x 58.7 cm)	http://www.moma.org/collection/works/33370	28.1957	Drawings & Prints
34	Sonia Delaunay-T	Miss Mouth and Mr. Eye. Costume	(1923)	Ink and pencil on paper	12 1/4 x 9" (31.0 x 22.8 cm)	http://www.moma.org/collection/works/33382	29.1978	Drawings & Prints
35	Piet Mondrian	Pier and Ocean 5 (Sea and Starry	(1915) (inscribed 191	Charcoal and watercolor on paper	34 5/8 x 44" (87.9 x 111.7 cm)	http://www.moma.org/collection/works/33419	34.1942	Drawings & Prints
36	Jean Pougny (Ivan	Flight of Forms	(1919)	Gouache and pencil on paper	51 1/8 x 51 1/2" (129.7 x 130.8 cm)	http://www.moma.org/collection/works/33452	39.1972	Drawings & Prints
37	Kurt Schwitters	N Watercolor 1. (The Heart Goes	1919	Pencil and watercolor on paper on board	11 7/8 x 8 7/8" (30.1 x 22.5 cm)	http://www.moma.org/collection/works/33542	53.1985	Drawings & Prints
38	Paul Klee	The Angler	1921	Oil transfer drawing, watercolor and ink	19 7/8 x 12 1/2" (50.5 x 31.8 cm)	http://www.moma.org/collection/works/33587	64.1961	Drawings & Prints
39	Joan Miró	Rope and People, I	Barcelona, March 27,	Oil on cardboard mounted on wood,	41 1/4 x 29 3/8" (104.8 x 74.6 cm)	http://www.moma.org/collection/works/33621	71.1936	Painting & Sculpture

MoMA's Provenance Research Project Excel spreadsheet

Figure 11



Anthonie van Borssom (Dutch 1629/1630-1677)

River Scene with Windmill and Boats, Evening

c. 1645

Oil on panel

18.42 x 26.67 cm (7 ¼ x 10 ½ in)

National Gallery of Art, Gift of Robert H. and Clarice Smith, 2012.99.1

Figure 12



Henri Met De Bles (Flemish, about 1480-after 1550)

Landscape with Burning City

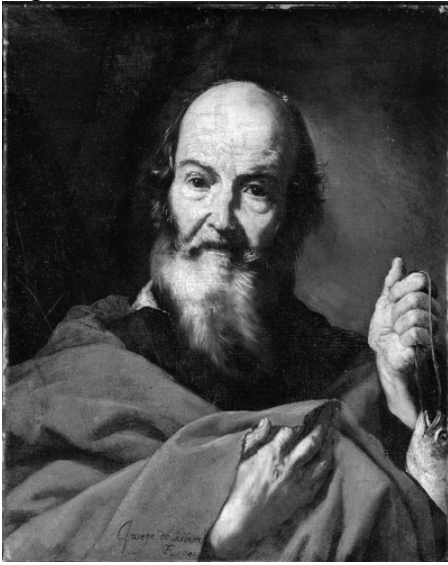
About 1500

Oil on panel

13.0 x 25.7 cm (5 1/8 x 10 1/8 in).

Museum of Fine Arts, Boston, Seth K. Sweetser Fund, 46.1143

Figure 13



Attributed to: Jusepe de Ribera (Spanish (active in Italy) 1591-1652)

Saint Andrew

1641

Oil on canvas

69.9 x 55.9 cm (27 ½ x 22 in.)

Museum of Fine Arts, Boston, Gift of Andree B. Stearns, 1991.776

Figure 14



Barent Avercamp (Dutch, 1612 or 1613-1679)

Skating on a Frozen River

About 1650

Oil on panel

33.7 x 45.1 cm (13 ¼ x 17 ¾ in.)

Museum of Fine Arts, Boston, Gift of Mr. and Mrs. Edward A. Taft, 60.982

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Appendix

WASHINGTON CONFERENCE PRINCIPLES ON NAZI-CONFISCATED ART

In developing a consensus on non-binding principles to assist in resolving issues relating to Nazi-confiscated art, the Conference recognizes that among participating nations there are differing legal systems and that countries act within the context of their own laws.

- I. Art that had been confiscated by the Nazis and not subsequently restituted should be identified.
- II. Relevant records and archives should be open and accessible to researchers, in accordance with the guidelines of the International Council on Archives.
- III. Resources and personnel should be made available to facilitate the identification of all art that had been confiscated by the Nazis and not subsequently restituted.
- IV. In establishing that a work of art had been confiscated by the Nazis and not subsequently restituted, consideration should be given to unavoidable gaps or ambiguities in the provenance in light of the passage of time and the circumstances of the Holocaust era.
- V. Every effort should be made to publicize art that is found to have been confiscated by the Nazis and not subsequently restituted in order to locate its pre-War owners or their heirs.
- VI. Efforts should be made to establish a central registry of such information.
- VII. Pre-War owners and their heirs should be encouraged to come forward and make known their claims to art that was confiscated by the Nazis and not subsequently restituted.
- VIII. If the pre-War owners of art that is found to have been confiscated by the Nazis and not subsequently restituted, or their heirs, can be identified, steps should be taken expeditiously to achieve a just and fair solution, recognizing this may vary according to the facts and circumstances surrounding a specific case.
- IX. If the pre-War owners of art that is found to have been confiscated by the Nazis, or their heirs, can not be identified, steps should be taken expeditiously to achieve a just and fair solution.
- X. Commissions or other bodies established to identify art that was confiscated by the Nazis and to assist in addressing ownership issues should have a balanced membership.

- XI. Nations are encouraged to develop national processes to implement these principles, particularly as they relate to alternative dispute resolution mechanisms for resolving ownership issues.

Terezín Declaration: Excerpt on Nazi Confiscated and Looted Art

Recognizing that art and cultural property of victims of the Holocaust (Shoah) and other victims of Nazi persecution was confiscated, sequestered and spoliated, by the Nazis, the Fascists and their collaborators through various means including theft, coercion and confiscation, and on grounds of relinquishment as well as forced sales and sales under duress, during the Holocaust era between 1933-45 and as an immediate consequence, and

Recalling the Washington Conference Principles on Nazi-Confiscated Art as endorsed at the Washington Conference of 1998, which enumerated a set of voluntary commitments for governments that were based upon the moral principle that art and cultural property confiscated by the Nazis from Holocaust (Shoah) victims should be returned to them or their heirs, in a manner consistent with national laws and regulations as well as international obligations, in order to achieve just and fair solutions,

1. We reaffirm our support of the Washington Conference Principles on Nazi-Confiscated Art and we encourage all parties including public and private institutions and individuals to apply them as well,

2. In particular, recognizing that restitution cannot be accomplished without knowledge of potentially looted art and cultural property, we stress the importance for all stakeholders to continue and support intensified systematic provenance research, with due regard to legislation, in both public and private archives, and where relevant to make the results of this research, including ongoing updates, available via the internet, with due regard to privacy rules and regulations. Where it has not already been done, we also recommend the establishment of mechanisms to assist claimants and others in their efforts,

3. Keeping in mind the Washington Conference Principles on Nazi-Confiscated Art, and considering the experience acquired since the Washington Conference, we urge all stakeholders to ensure that their legal systems or alternative processes, while taking into account the different legal traditions, facilitate just and fair solutions with regard to Nazi confiscated and looted art, and to make certain that claims to recover such art are resolved expeditiously and based on the facts and merits of the claims and all the relevant documents submitted by all parties. Governments should consider all relevant issues when applying various legal provisions that may impede the restitution of art and cultural property, in order

4 to achieve just and fair solutions, as well as alternative dispute resolution, where appropriate under law.

Report of the AAMD Task Force on the Spoilation of Art during the Nazi/World War II Era (1933-1945)

June 4, 1998 AAMD Statement of Purpose: “The purpose of the AAMD is to aid its members in establishing and maintaining the highest professional standards for themselves and the museums they represent, thereby exerting leadership in increasing the contribution of art museums to society.”

I. Statement of Principles

A. AAMD recognizes and deplores the unlawful confiscation of art that constituted one of the many horrors of the Holocaust and World War II.

B. American museums are proud of the role they, and members of their staffs, played during and after World War II, assisting with the preservation and restitution of hundreds of thousands of works of art through the U.S. Military’s Monuments, Fine Arts and Archives section.

C. AAMD reaffirms the commitment of its members to weigh, promptly and thoroughly, claims of title to specific works in their collections.

D. AAMD urges the prompt creation of mechanisms to coordinate full access to all documentation concerning this spoliation of art, especially newly available information. To this end, the AAMD encourages the creation of databases by third parties, essential to research in this area, which will aid in the identification of any works of art which were unlawfully confiscated and which of these were restituted 1. Such an effort will complement long-standing American museum policy of exhibiting, publishing and researching works of art in museum collections in order to make them widely available to scholars and to the general public. (See III. below.)

E. AAMD endorses a process of reviewing, reporting, and researching the issue of unlawfully confiscated art which respects the dignity of all parties and the complexity of the issue. Each claim presents a unique situation which must be thoroughly reviewed on a case-by-case basis.

II. Guidelines

AAMD has developed the following guidelines to assist museums in resolving claims, reconciling the interests of individuals who were dispossessed of works of art or their heirs together with the fiduciary and legal obligations and responsibilities of art museums and their trustees to the public for whom they hold works of art in trust.

A. Research Regarding Existing Collections

1 The term “restitution”, throughout this report, refers to works of art returned to prior owners, or to circumstances where the prior owner agreed to resolve the matter in some other manner.

1. As part of the standard research on each work of art in their collections, members of the AAMD, if they have not already done so, should begin immediately to review the provenance of works in their collections to attempt to ascertain whether any were unlawfully confiscated during the Nazi/World War II era and never restituted.

2. Member museums should search their own records thoroughly and, in addition, should take all reasonable steps to contact established archives, databases, art dealers, auction houses, donors, art historians and other scholars and researchers who may be able to provide Nazi/World-War-II-era provenance information.

3. AAMD recognizes that research regarding Nazi/World-War-II-era provenance may take years to complete, may be inconclusive and may require additional funding. The AAMD Art Issues Committee will address the matter of such research and how to facilitate it.

B. Future Gifts, Bequests, and Purchases

1. As part of the standard research on each work of art:

(a) member museums should ask donors of works of art (or executors in the case of bequests) to provide as much provenance information as possible with regard to the Nazi/World War II era and

(b) member museums should ask sellers of works of art to provide as much provenance information as possible with regard to the Nazi/World War II era.

2. Where the Nazi/World-War-II-era provenance is incomplete for a gift, bequest, or purchase, the museum should search available records and consult appropriate databases of unlawfully confiscated art (see III below).

(a) In the absence of evidence of unlawful confiscation, the work is presumed not to have been confiscated and the acquisition may proceed.

(b) If there is evidence of unlawful confiscation, and there is no evidence of restitution, the museum should not proceed to acquire the object and should take appropriate further action.

3. Consistent with current museum practice, member museums should publish, display or otherwise make accessible all recent gifts, bequests, and purchases thereby making them available for further research, examination and study.

4. When purchasing works of art, museums should seek representations and warranties from the seller that the seller has valid title and that the work of art is free from any claims.

C. Access to Museum Records

1. Member museums should facilitate access to the Nazi/World-War-II-era provenance information of all works of art in their collections.
2. Although a linked database of all museum holdings throughout the United States does not exist at this time, individual museums are establishing web sites with collections information and others are making their holdings accessible through printed publications or archives. AAMD is exploring the linkage of existing sites which contain collection information so as to assist research.

D. Discovery of Unlawfully Confiscated Works of Art

1. If a member museum should determine that a work of art in its collection was illegally confiscated during the Nazi/World War II era and not restituted, the museum should make such information public.
2. In the event that a legitimate claimant comes forward, the museum should offer to resolve the matter in an equitable, appropriate, and mutually agreeable manner.
3. In the event that no legitimate claimant comes forward, the museum should acknowledge the history of the work of art on labels and publications referring to such a work.

E. Response to Claims Against the Museum

1. If a member museum receives a claim against a work of art in its collection related to an illegal confiscation during the Nazi/World War II era, it should seek to review such a claim promptly and thoroughly. The museum should request evidence of ownership from the claimant in order to assist in determining the provenance of the work of art.
2. If after working with the claimant to determine the provenance, a member museum should determine that a work of art in its collection was illegally confiscated during the Nazi/World War II era and not restituted, the museum should offer to resolve the matter in an equitable, appropriate, and mutually agreeable manner.
3. AAMD recommends that member museums consider using mediation wherever reasonably practical to help resolve claims regarding art illegally confiscated during the Nazi/World War II era and not restituted.

F. Incoming Loans

1. In preparing for exhibitions, member museums should endeavor to review provenance information regarding incoming loans.

2. Member museums should not borrow works of art known to have been illegally confiscated during the Nazi/World War II era and not restituted unless the matter has been otherwise resolved (e.g., II.D.3 above).

III. Database Recommendations

A. As stated in I.D. (above), AAMD encourages the creation of databases by third parties, essential to research in this area. AAMD recommends that the databases being formed include the following information (not necessarily all in a single database):

1. claims and claimants
2. works of art illegally confiscated during the Nazi/World War II era
3. works of art later restituted

B. AAMD suggests that the entity or entities creating databases establish professional advisory boards that could provide insight on the needs of various users of the database. AAMD encourages member museums to participate in the work of such boards.

Addendum to the Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945)

April 30, 2001

The Presidential Advisory Commission on Holocaust Assets in the United States has issued a report dated December 15, 2000. The Commission found that museums are committed to continuing provenance research on works in their collections and to disseminating the information obtained. Specifically, the Commission acknowledged the commitment of the American museum community that

(1) works created before 1946, transferred after 1932 and before 1946, and which were or could have been in continental Europe during that period will be identified and disclosed and all provenance information in the possession of museums regarding those works be disclosed;

(2) such provenance information will be disclosed, even where there are no known gaps; and

(3) provenance research by museums will be a continuing process with additional information disclosed as it becomes known. The Commission recognized that provenance research is difficult, expensive and time consuming, often involving access to records that are hard or impossible to obtain, and that most museums lack the resources to accomplish this. The Commission further found that the museum community has begun to develop tools to achieve full disclosure and will participate in the process of creating a searchable central registry of Nazi/World War II Era cultural property held by American museums, beginning with European paintings and Judaica.

Consistent with the report of the Commission, the Task Force issues the following addendum to its June 1998 report:

It should be the goal of member museums to make full disclosure of the results of their ongoing provenance research on those works of art in their collections created before 1946, transferred after 1932 and before 1946, and which were or could have been in continental Europe during that period, giving priority to European paintings and Judaica.

AAM Unlawful Appropriation of Objects during the Nazi Era

This area of collections stewardship is of such sensitivity and high importance that it has separate standards and best-practice statements regarding a museum's obligations. These statements have been promulgated by the field to provide guidance to museums in fulfilling their public trust responsibilities.

Introduction

From the time it came into power in 1933 through the end of World War II in 1945, the Nazi regime orchestrated a system of theft, confiscation, coercive transfer, looting, pillage, and destruction of objects of art and other cultural property in Europe on a massive and unprecedented scale. Millions of such objects were unlawfully and often forcibly taken from their rightful owners, who included private citizens, victims of the Holocaust; public and private museums and galleries; and religious, educational, and other institutions.

In recent years, public awareness of the extent and significance of Nazi looting of cultural property has grown significantly. The American museum community, the American Alliance of Museums (the Alliance), and the International Council of Museums (ICOM) are committed to continually identifying and implementing the highest standard of legal and ethical practices. The Alliance recognizes that the atrocities of the Nazi era demand that it specifically address this topic in an effort to guide American museums as they strive to achieve excellence in ethical museum practice.

The Alliance Board of Directors and the ICOM Board formed a joint working group in January 1999 to study issues of cultural property and to make recommendations to the boards for action. The report that resulted from the initial meeting of the Joint Working Group on Cultural Property included the recommendation that the Alliance and ICOM offer guidance to assist museums in addressing the problems of objects that were unlawfully appropriated during the Nazi era without subsequent restitution (i.e., return of the object or payment of compensation to the object's original owner or legal successor).

The efforts of the Working Group were greatly informed by the important work on the topic that had gone before. In particular, three documents served as a starting point for the Alliance guidelines, and portions of them have been incorporated into this document. These include: *Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945)*; *ICOM Recommendations Concerning the Return of Works of Art Belonging to Jewish Owners*; and *Washington Conference Principles on Nazi-Appropriated Art* released in connection with the Washington Conference on Holocaust-Era Assets co-hosted by the U.S. Department of State and the United States Holocaust Memorial Museum.

The Presidential Advisory Commission on Holocaust Assets in the United States (PCHA) was created in June 1998 to study and report to the president on issues relating to Holocaust victims' assets in the United States. The Alliance and the Association of Art Museum Directors (AAMD) worked with the PCHA to establish a standard for disclosure of

collections information to aid in the identification and discovery of unlawfully appropriated objects that may be in the custody of museums. In January 2001, the PCHA issued its final report, which incorporated the agreed standard for disclosure and recommended the creation of a searchable central registry of the information museums disclose in accordance with the new standard. The Alliance and AAMD agreed to support this recommendation, and these guidelines have been amended to reflect the agreed standard for disclosure of information.

Finally, the Alliance and ICOM acknowledge the tremendous efforts that were made by the Allied forces and governments following World War II to return objects to their countries of origin and to original owners. Much of the cultural property that was unlawfully appropriated was recovered and returned, or owners received compensation. The Alliance and ICOM take pride in the fact that members of the American museum community are widely recognized to have been instrumental in the success of the post-war restitution effort. Today, the responsibility of the museum community is to strive to identify any material for which restitution was never made.

General Principles

The Alliance, ICOM, and the American museum community are committed to continually identifying and achieving the highest standard of legal and ethical collections stewardship practices. The Alliance's Code of Ethics for Museums states that the "stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility, and responsible disposal."

When faced with the possibility that an object in a museum's custody might have been unlawfully appropriated as part of the abhorrent practices of the Nazi regime, the museum's responsibility to practice ethical stewardship is paramount. Museums should develop and implement policies and practices that address this issue in accordance with these guidelines.

These guidelines are intended to assist museums in addressing issues relating to objects that may have been unlawfully appropriated during the Nazi era (1933–1945) as a result of actions in furtherance of the Holocaust or that were taken by the Nazis or their collaborators. For the purposes of these guidelines, objects that were acquired through theft, confiscation, coercive transfer or other methods of wrongful expropriation may be considered to have been unlawfully appropriated, depending on the specific circumstances.

In order to aid in the identification and discovery of unlawfully appropriated objects that may be in the custody of museums, the PCHA, AAMD, and the Alliance have agreed that museums should strive to: (1) identify all objects in their collections that were created before 1946 and acquired by the museum after 1932, that underwent a change of ownership between 1932 and 1946, and that were or might reasonably be thought to have been in continental Europe between those dates (hereafter, "covered objects"); (2) make currently available object and provenance (history of ownership) information on those objects accessible; and (3) give priority to continuing provenance research as resources allow. The Alliance, AAMD, and PCHA also agreed that the initial focus of research should be European paintings and Judaica.

Because of the Internet's global accessibility, museums are encouraged to expand online access to collection information that could aid in the discovery of objects unlawfully appropriated during the Nazi era without subsequent restitution.

The Alliance and ICOM acknowledge that during World War II and the years following the end of the war, much of the information needed to establish provenance and prove ownership was dispersed or lost. In determining whether an object may have been unlawfully appropriated without restitution, reasonable consideration should be given to gaps or ambiguities in provenance in light of the passage of time and the circumstances of the Holocaust era. The Alliance and ICOM support efforts to make archives and other resources more accessible and to establish databases that help track and organize information.

The Alliance urges museums to handle questions of provenance on a case-by-case basis in light of the complexity of this problem. Museums should work to produce information that will help to clarify the status of objects with an uncertain Nazi-era provenance. Where competing interests may arise, museums should strive to foster a climate of cooperation, reconciliation, and commonality of purpose.

The Alliance affirms that museums act in the public interest when acquiring, exhibiting and studying objects. These guidelines are intended to facilitate the desire and ability of museums to act ethically and lawfully as stewards of the objects in their care, and should not be interpreted to place an undue burden on the ability of museums to achieve their missions.

Acquisitions

It is the Alliance's position that museums should take all reasonable steps to resolve the Nazi-era provenance status of objects before acquiring them for their collections—whether by purchase, gift, bequest or exchange.

- Standard research on objects being considered for acquisition should include a request that the sellers, donors or estate executors offering an object provide as much provenance information as they have available, with particular regard to the Nazi era.
- Where the Nazi-era provenance is incomplete or uncertain for a proposed acquisition, the museum should consider what additional research would be prudent or necessary to resolve the Nazi-era provenance status of the object before acquiring it. Such research may involve consulting appropriate sources of information, including available records and outside databases that track information concerning unlawfully appropriated objects.
- In the absence of evidence of unlawful appropriation without subsequent restitution, the museum may proceed with the acquisition.
- Currently available object and provenance information about any covered object should be made public as soon as practicable after the acquisition
- If credible evidence of unlawful appropriation without subsequent restitution is discovered, the museum should notify the donor, seller or estate executor of the nature of the evidence and should not proceed with the acquisition of the object until taking further action to resolve these issues. Depending on the circumstances of the

- particular case, prudent or necessary actions may include consulting with qualified legal counsel and notifying other interested parties of the museum's findings.
- The Alliance acknowledges that under certain circumstances acquisition of objects with uncertain provenance may reveal further information about the object and may facilitate the possible resolution of its status. In such circumstances, the museum may choose to proceed with the acquisition after determining that it would be lawful, appropriate and prudent and provided that currently available object and provenance information is made public as soon as practicable after the acquisition.
 - Museums should document their research into the Nazi-era provenance of acquisitions.
 - Consistent with current practice in the museum field, museums should publish, display or otherwise make accessible recent gifts, bequests and purchases, thereby making all acquisitions available for further research, examination and public review and accountability.

Loans

- It is the Alliance's position that in their role as temporary custodians of objects on loan, museums should be aware of their ethical responsibility to consider the status of material they borrow as well as the possibility of claims being brought against a loaned object in their custody.
- Standard research on objects being considered for incoming loan should include a request that lenders provide as much provenance information as they have available, with particular regard to the Nazi era.
- Where the Nazi-era provenance is incomplete or uncertain for a proposed loan, the museum should consider what additional research would be prudent or necessary to resolve the Nazi-era provenance status of the object before borrowing it.
- In the absence of evidence of unlawful appropriation without subsequent restitution, the museum may proceed with the loan.
- If credible evidence of unlawful appropriation without subsequent restitution is discovered, the museum should notify the lender of the nature of the evidence and should not proceed with the loan until taking further action to clarify these issues. Depending on the circumstances of the particular case, prudent or necessary actions may include consulting with qualified legal counsel and notifying other interested parties of the museum's findings.
- The Alliance acknowledges that in certain circumstances public exhibition of objects with uncertain provenance may reveal further information about the object and may facilitate the resolution of its status. In such circumstances, the museum may choose to proceed with the loan after determining that it would be lawful and prudent and provided that the available provenance about the object is made public.
- Museums should document their research into the Nazi-era provenance of loans.

Existing Collections

It is the Alliance's position that museums should make serious efforts to allocate time and funding to conduct research on covered objects in their collections whose provenance is

incomplete or uncertain. Recognizing that resources available for the often lengthy and arduous process of provenance research are limited, museums should establish priorities, taking into consideration available resources and the nature of their collections.

Research

- Museums should identify covered objects in their collections and make public currently available object and provenance information.
- Museums should review the covered objects in their collections to identify those whose characteristics or provenance suggest that research be conducted to determine whether they may have been unlawfully appropriated during the Nazi era without subsequent restitution.
- In undertaking provenance research, museums should search their own records thoroughly and, when necessary, contact established archives, databases, art dealers, auction houses, donors, scholars, and researchers who may be able to provide Nazi-era provenance information.
- Museums should incorporate Nazi-era provenance research into their standard research on collections.
- When seeking funds for applicable exhibition or public programs research, museums are encouraged to incorporate Nazi-era provenance research into their proposals. Depending on their particular circumstances, museums are also encouraged to pursue special funding to undertake Nazi-era provenance research.
- Museums should document their research into the Nazi-era provenance of objects in their collections.

Discovery of Evidence of Unlawfully Appropriated Objects

- If credible evidence of unlawful appropriation without subsequent restitution is discovered through research, the museum should take prudent and necessary steps to resolve the status of the object, in consultation with qualified legal counsel. Such steps should include making such information public and, if possible, notifying potential claimants.
- In the event that conclusive evidence of unlawful appropriation without subsequent restitution is found but no valid claim of ownership is made, the museum should take prudent and necessary steps to address the situation, in consultation with qualified legal counsel. These steps may include retaining the object in the collection or otherwise disposing of it.
- The Alliance acknowledges that retaining an unclaimed object that may have been unlawfully appropriated without subsequent restitution allows a museum to continue to care for, research and exhibit the object for the benefit of the widest possible audience and provides the opportunity to inform the public about the object's history. If the museum retains such an object in its collection, it should acknowledge the object's history on labels and publications.

Claims of Ownership

- It is the Alliance's position that museums should address claims of ownership asserted in connection with objects in their custody openly, seriously, responsively and with respect for the dignity of all parties involved. Each claim should be considered on its own merits.
- Museums should review promptly and thoroughly a claim that an object in its collection was unlawfully appropriated during the Nazi era without subsequent restitution.
- In addition to conducting their own research, museums should request evidence of ownership from the claimant in order to assist in determining the provenance of the object.
- If a museum determines that an object in its collection was unlawfully appropriated during the Nazi era without subsequent restitution, the museum should seek to resolve the matter with the claimant in an equitable, appropriate and mutually agreeable manner.
- If a museum receives a claim that a borrowed object in its custody was unlawfully appropriated without subsequent restitution, it should promptly notify the lender and should comply with its legal obligations as temporary custodian of the object in consultation with qualified legal counsel.
- When appropriate and reasonably practical, museums should seek methods other than litigation (such as mediation) to resolve claims that an object was unlawfully appropriated during the Nazi era without subsequent restitution.
- The Alliance acknowledges that in order to achieve an equitable and appropriate resolution of claims, museums may elect to waive certain available defenses.

Fiduciary Obligations

Museums affirm that they hold their collections in the public trust when undertaking the activities listed above. Their stewardship duties and their responsibilities to the public they serve require that any decision to acquire, borrow, or dispose of objects be taken only after the completion of appropriate steps and careful consideration.

- Toward this end, museums should develop policies and practices to address the issues discussed in these guidelines.
- Museums should be prepared to respond appropriately and promptly to public and media inquiries.

Approved, November 1999, Amended, April 2001, AAM Board of Directors