

INHERITED GRIEVANCES

by Adoracion Hernandez

After the end of World War II, the restitution of artworks to the heirs of those who perished in concentration camps or to those few who survived those horror camps was never a priority. Most of them had to fight in vain to trace the trail of their Lost Art. Their most valued art possessions – the quantity fluctuates between 650,000 (Gilbert 2018) and 100,000 (Kulze 2014) artworks – disappeared at the hands of vicious individuals and governments taking advantage of Holocaust survivors' unbearable suffering. The Third Reich swept away art collections no matter their proprietors: museums, churches, art dealers, private collectors. Undoubtedly, the strategy that the Nazis utilized to hoard works of art throughout the entire European continent was despicable and depraved. Its iron hand stole every artwork at the very moment they were invading European countries – Austria, Czechoslovakia, Poland, and so on. Sometimes Hitler's art officers forced the owners to sign documents simulating the collection's sale. Certain times they promised a shameful bargain: art for exile, which was almost never granted. In a time when crimes against humanity were occurring throughout the entire world, the interest in the fate of thousands of masterpieces faded. After the war ended, people and organizations that could rectify some of the innumerable thefts which occurred during World War II opted instead to benefit from this incredibly profitable trade.

During my research, many different emotions hurt my mind and soul. I have learned since a young age the difference between right and wrong. Clearly, the treatment received by Holocaust victims, survivors and their heirs after World War II was nothing less than unjust. The particular story that resonated in me a deep feeling of helplessness was that of the Goodman family (Hirschhorn, 2016). I could feel the agony of Fritz and Louise Goodman, a wealthy Dutch couple who received a deceitful proposal to exchange their vast art collection for two train tickets to safety. Although they accepted the offer, their train to freedom turned out to be a one-way train trip to a concentration camp, where they later were killed. Their surviving son, Bernard Goodman, fought hard his entire life to recover his parents' legacy, but was not as successful as their grandson, Simon Goodman. When some of the artworks belonging to the Goodman family appeared in the Netherlands, the Dutch government avoided taking the victims' side; on the contrary, it preferred to take the evil side. Adding salt to a still festering open wound, the Dutch government substantiated their response with the indefensible statement that if the owners signed a contract giving up their art collection, that contract was legal. Maybe it was legal, but it was certainly not just. Dutch officials didn't admit the terrible circumstances surrounding that contract or the fact that the owners were forced to sign a document hoping for the protection of their lives. Obviously, that treatment was an outrage.

In a war, the more powerful side acts mercilessly to accomplish its objectives. That is precisely what happened with the Lost Art. With meticulous planning, Hitler and his most loyal Nazi officers sent a great surge throughout Europe, stealing every artwork they could find. In fact, their greed for art was so obsessive that in 1938 they had accumulated in a warehouse in Berlin more than 12,000 items “stolen from Germany and newly invaded Austria” (Gilbert, 2018). We can only imagine the enormous number of artworks stolen in the ensuing years of the war.

The case of Hildebrand Gurlitt and his family offends right-minded people. He was one of four art dealers allowed to trade artworks designated by the Nazi regime as “Degenerate Art,” including in this derogatory name every type of art that was not classical – e.g., Expressionist or Abstract. For the Nazis, this kind of art had to be destroyed, but occasionally there were actions taken to obtain money to sustain the regime. “In June 1939 ... Fischer held an art sale in Lucerne, Switzerland, in which he offered 126 ‘degenerate’ works by artists including Matisse, Braque, van Gogh, and Klee. The real quantity of artworks sold to profit the Third Reich remains unknown, but in Switzerland alone ... the four favored art dealers used by the Third Reich ... sold some 8,700 objects between 1937 and 1941” (Gilbert, 2018). Today, the value of the Lost Art reaches unimaginable heights.

People driven by common sense can imagine that after World War II Allied Forces sought justice for all Nazis’ wrongdoing. It is true that the Third Reich’s barbarism expired jointly with the regime. However, issues related to the art plunder were put aside by Allied officers. Hildebrand Gurlitt was able to mislead the Allied art officers – the famous Monument Men – with the tale of his Jewish ancestors and he was never bothered again. Therefore, his family was able to sell an unknown number of artworks, well aware of their disturbing origins while profiting from them. The sale of looted masterpieces to unscrupulous art dealers allowed the Gurlitt heirs to live carefree thanks to Hildebrand’s spoils and treachery. They knew it was vile conduct, but they preferred to keep the secret, as did the art dealers, gallery owners, government officials, and private buyers who were aware of the hideous provenance of the works of art offered to them. All of them were guilty of abandoning the righteous path of returning those artworks to the Holocaust’s victims. The path they chose to take instead was a deceitful one: profiting themselves and, without any remorse, discouraging the rightful owners to claim their belongings. As Kris Hollington explains in a report published in *Newsweek U.S. Edition* on July 2014:

The trove was an open secret among some art dealers. Explaining an event that he directly heard to Professor Petropoulos, author of *The Faustian Bargain: The Art World in Nazi Germany*, an unnamed dealer said: “In Munich art-dealing circles one knew that the Gurlitt family had [or disposed over] an extensive collection of art.”

The connivance of whoever knew about this looted treasure and elected to keep the secret corrupted their entire society.

Incredibly, after the destruction of the Nazis’ empire, the majority of the looted artworks was never restored to the rightful owners. The responsibility for that extensive and programmed plunder seemed to vanish with the Nazi regime. Until now. Before the dawn of the new millennium, the Washington Conference on Holocaust-Era Assets brought hope to the Jewish Community all over the world by asserting the significance of restoring what once was theirs. “The principal issues of the conference were looted art, insurance claims, communal property, and archives and books” (Goldman, 1999). At the end of the Conference, justice finally started to produce fair solutions to the various problems Jewish families inherited due to World War II. Referring to the Lost Art, the U.S. Department of State released the “Washington Conference Principles on Nazi-Confiscated Art,” in which Principles number 8 and 9 stated:

8. 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.
9. If the pre-War owners of art that is found to have been confiscated by the Nazis, or their heirs, cannot be identified, steps should be taken expeditiously to achieve a just and fair solution.

These Principles were born as a comprehensive code of conduct that 44 governments and 13 non-governmental organizations signed on December 3, 1998. In reality, they were “non-binding principles to assist in resolving issues relating to Nazi-confiscated art.” It was up to each government to create laws that embraced these principles.

The United States waited until April 7, 2016 – more than 70 years since the end of World War II – to start enacting the justice that Holocaust survivors and their heirs deserve. The bipartisan Holocaust-Era Art Restitution Act was introduced to “help facilitate the return of artwork stolen by Nazis during the Holocaust to their rightful owners or heirs” (Cusenza, 2016). At that time, New York Senator Schumer explained why he was one of the bipartisan senators who introduced this bill: “This legislation helps provide these families their day in court, ensuring that the heirs of Holocaust victims are given the opportunity to bring their art back home.”

The passage of the Holocaust-Era Art Restitution Act by the U.S. Senate was a milestone for those seeking justice. The HEAR Act “would ensure that American law encourages the resolution of claims of Nazi-confiscated art on the merits, in a fair and just manner” (Cusenza, 2016). Finally, Nazi victims and

their families were able to find justice in courtrooms across the United States of America. A case in point is the *Swamp Legend*, a Klee masterpiece belonging to Sophie Lissitzky-Küppers (Hickley, 2016). She immigrated to the Soviet Union in 1926 to remarry after the death of her first husband, Paul Küppers, who had bought the painting directly from the artist. Before traveling, Lissitzky-Küppers loaned her art collection, sixteen paintings and one sculpture, to the Hanover Provinzialmuseum. Her valuable collection was stolen by the Nazis on the grounds of so-called “Degenerate Art.” Not surprisingly, *Swamp Legend* was purchased by Hildebrand Gurlitt. This treasure appeared in 1962 in an auction in Cologne, while its rightful owner “died in poverty in Novosibirsk [Siberia] in 1978” (Hickley, 2016). The city of Munich purchased this work of art in 1982 jointly with the Gabriel Münter Foundation. When the heirs of the rightful owner tried to recover it, Munich officials refuted any wrongdoing, explaining that “as a ‘good-faith’ purchaser, which had no knowledge that the painting had been looted, it had a right to keep the work” (Hickley). Incredible, but true. It took twenty-six years – “the longest-running German legal wrangle over Nazi-looted art” – until the heirs of Ms. Lissitzky-Küppers were granted a reimbursement for the Klee painting.

Thanks to the passage of the HEAR Act, more Holocaust victims are trying to recover their lost property by building their claims on this legal foundation. It is difficult to win an action against museums, cities or powerful art dealers, but now the heirs of the Third Reich’s victims are clearly closer to receiving fair treatment as they seek to recover their legacies. Additionally, we are gladly witnessing the rise of specialized lawyers who work passionately to ensure that artworks looted by the Nazis come to rest at last in the hands of their rightful owners. One of these few specialized lawyers is Mr. Chris Marinello, who is the founder of Art Recovery International, “a London-based company that specializes in returning fine art pilfered by Nazis and modern-day criminals” (Kulze, 2014). What Marinello and his team are able to retrieve for a family are not just artworks. In his own words: “They are symbols of the loss suffered by their family at the hands of the Nazis. They’re getting a little piece of their lives back that was taken away from them in a very brutal way” (Kulze). Fortunately, with the decisive precedents occurring in our courtrooms, legal teams are guaranteeing – as time passes and more and more masterpieces emerge from their hiding places – that future generations will be able to admire the recovered Lost Art.

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