

PROVENANCE RESEARCH MANUAL



This Provenance Research Manual
is the English working translation
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PROVENANCE RESEARCH MANUAL

TO IDENTIFY CULTURAL PROPERTY SEIZED DUE TO PERSECUTION DURING THE NATIONAL SOCIALIST ERA

German Lost Art Foundation

In cooperation with

Arbeitskreis Provenienzforschung e. V.

**Arbeitskreis Provenienzforschung und Restitution –
Bibliotheken**

Deutscher Bibliotheksverband e. V.

Deutscher Museumsbund e. V.

ICOM Deutschland e. V.



TABLE OF CONTENTS

PUBLISHERS' PREFACE	5
PREFACE BY THE CONFERENCE ON JEWISH MATERIAL CLAIMS AGAINST GERMANY	8
INTRODUCTION	10
1 PROVENANCE RESEARCH AS A VOLUNTARY OBLIGATION	13
1.1 Historical Context and Need for Action	13
1.2 Political, Legal and Ethical Foundations	18
2 FROM AN IDENTIFICATION OF SUSPECT CIRCUMSTANCES TO SYSTEMATIC PROVENANCE RESEARCH	24
2.1 Planning a Provenance Research Project	25
2.2 Running the Provenance Research Project	29
2.3 Funding Options at the Federal and State Level	34
3 METHODS OF PROVENANCE RESEARCH	39
3.1 Starting from the Object	40
3.2 Starting from Archival Documentation	51
3.3 Starting from Secondary Literature and Online Resources	60
3.4 Starting from Genealogy and Research of Persons and Institutions	66

4	RESULTS OF PROVENANCE RESEARCH	77
4.1	Documentation and Transparency	78
4.2	Education and Information	86
5	PROVENANCE RESEARCH AS A BASIS FOR »JUST AND FAIR SOLUTIONS«	95
5.1	The Spectrum of »Just and Fair Solutions«	95
5.2	Tracing Heirs and Legitimacy	96
5.3	Restitution/Return	97
6	NETWORKING AND FRAMEWORK	104
6.1	The Expert Community for Provenance Research	104
6.2	German Lost Art Foundation	106
6.3	Further Information and Networking Opportunities	109
6.4	Training and Development	113

PUBLISHERS' PREFACE

The »Washington Principles« of 1998 were a milestone in the approach to cultural property that had been extorted, seized and robbed from their Jewish or otherwise persecuted owners. For the daily practice of German institutions, the »Washington Principles« were translated, as it were, by means of the »Joint Declaration by the Federal Government, the Länder and the national associations of local authorities regarding the tracing and return of Nazi-looted art, especially Jewish property« (Gemeinsame Erklärung). Guidelines (Handreichung) were then issued to the – still very few – provenance researchers and to those responsible at cultural institutions to provide some initial guidance and define the political framework.

Until now, however, Germany did not have a compendium with practical information, case studies, addresses and (Internet-)sources – compiled for all those conducting provenance research, for museum directors and employees, libraries and archives, for arts and antiques dealers, and for private collectors. This manual is intended to offer inspiration and assistance to anyone seeking to examine the origins of items in their collections. The authors of the volume were instrumentally involved in the scholarly, methodological and practical evolution of the field over the past years and have contributed their wealth of experience.

The first initiative for conceiving such manual was established at the suggestion of ICOM Germany; also involved were the Austrian and Swiss national committees of ICOM, the Arbeitskreis Provenienzforschung (Research Association for Provenance Research) and the

Deutscher Museumsbund (German Museums Association). The various institutions and organizations bundled their expertise and jointly approached the task of compiling the manual. The German Lost Art Foundation, in its role as the national funding, supporting and networking organization for provenance research, assumed responsibility for overall content and editorial coordination. To realize the long-awaited compendium, five co-publishers joined forces: the Arbeitskreis Provenienzforschung e. V., an independent and international network of over 300 provenance researchers in museums, libraries, archives, universities and the art market; the Arbeitskreis Provenienzforschung und Restitution – Bibliotheken (Provenance Research and Restitution Association of Libraries); the Deutscher Museumsbund e. V. representing the interests of museums; and its counterpart, the Deutsche Bibliotheksverband e. V. (German Library Association); and finally ICOM Germany e. V., the German chapter of the International Council of Museums.

With this manual, the publishers aim to contribute to achieving the goals of the »Washington Principles«, which are no less topical today than ever: The search for and identification of cultural property which was seized or robbed from their – predominantly Jewish – owners between 1933 and 1945; the documentation of this search and its results and thus the creation of transparency; and finally the achievement of »just and fair solutions« regarding identified looted items. In issuing this manual, the publishers explicitly assume their historical obligation while pledging their ongoing commitment to the cause.

This manual does not contain information for handling other areas of provenance research, such as general losses due to war, dispossessions in the Soviet occupation zone and the GDR or the so-called colonial contexts. Although the fields intersect at certain points, a joint approach did not seem advisable for reasons of content and organization. In general, this publication can and will cover only a small section of the complex field of claims to historic collection holdings, which is gaining ever greater focus in daily professional practice.

The manual is the joint result from many members of the far-reaching and tightly woven network of provenance researchers. A special thanks goes out to all who contributed to it as authors or editors. We also thank the publishers for their commitment, in par-

ticular Maria Obenaus of the German Lost Art Foundation for taking on the arduous task of overall coordination. And last but not least, we express our gratitude to the Minister of State for Culture and the Media for her financial support.

German Lost Art Foundation

Arbeitskreis Provenienzforschung e. V.

Arbeitskreis Provenienzforschung

und Restitution – Bibliotheken

Deutscher Bibliotheksverband e. V.

Deutscher Museumsbund e. V.

ICOM Deutschland e. V.

PREFACE BY THE CONFERENCE ON JEWISH MATERIAL CLAIMS AGAINST GERMANY

»The art world would never be the same« commented Philippe de Montebello, then Director of the Metropolitan Museum of Art on the signing of the »Washington Principles« in 1998. These principles are guidelines for dealing with Nazi-looted art. Still, it would take another decade and a half until systematic provenance research was initiated in Germany. It was not until after the »Gurlitt Art Trove« and the establishment of the German Lost Art Foundation that the budgetary and administrative groundwork was laid.

At the time it became clear that Germany has been gravely amiss when it comes to confronting the issue of Nazi-looted art. However, more than 70 years after the Holocaust it is also obvious that profit and perpetration were not limited to National Socialist Germany, but that a great number of individuals, companies, institutions and governments outside of Germany also benefited from the National Socialists persecution of Jews.

The pivotal point for successful implementation of the »Washington Principles« was and still is systematic research of the provenance of works in public and private collections. Such research needs to focus on objects that were added to collections between 1933 and the present, excepting works that were created after 1945.

From the victims' point of view, provenance research is significant in two ways. Provenance research is the conditio sine qua non for establishing historical justice – i.e. returning works of art and cultural property seized as a result of National Socialist persecution to their rightful owners or their heirs. Restitution of a work of art

re-establishes the status quo before the Holocaust by returning the item in question to the possession of the rightful owners or their heirs. We cannot pass up this opportunity to right historical wrongs. Of course we cannot undo injustices committed in the past, but to perpetuate them would be to create a new offense. Pro-active provenance research is therefore an expression of our responsibility and directly shapes the self-image of the society in which we live.

Provenance research helps to return some of the stolen, extorted and confiscated objects to their rightful owners or their heirs. The lion's share of the stolen property of hundreds of thousands of Jewish families, however, has disappeared in German homes without leaving a trace. In most of these cases, provenance research has no chance of succeeding. Prior to the Holocaust, Jewish citizens were highly active participants in the artistic and cultural aspects of life in European countries. Wealthy private citizens enjoyed comprehensive art collections, the art market was dominated by a disproportionate number of Jewish dealers and gallery owners, and many Jewish collectors stood out as generous patrons of artists and institutions. Provenance research also allows to demonstrate this active role, to document scattered items of collections and – ideally – reunite them. In that sense, provenance research can illustrate what came before the Holocaust.

However, provenance research only serves its purpose when it is made public. Flow of information, networking, exchange and accessibility are key terms which unfortunately still describe a Utopia in many areas.

I am convinced that the »Provenance Research Manual« will contribute to revealing fundamental insights about the origins of our art collections, libraries and archives and to establishing historical justice. Hence, I wish this effort every conceivable success.

Rüdiger Mahlo

INTRODUCTION

The Provenance Research Manual was written by experienced, respected practitioners of provenance research and is intended to provide inspiration, assistance and useful information to those who deal with the subject in their professional activities. However, they do not claim to be a detailed and factual description of the seizure of cultural property between 1933 and 1945. The manual is the result of a joint project of six institutions: the German Lost Art Foundation, Arbeitskreis Provenienzforschung e.V., Arbeitskreis Provenienzforschung und Restitution – Bibliotheken, Deutscher Bibliotheksverband e.V., Deutscher Museumsbund e.V. and ICOM Germany e.V.

These institutions, who all play important parts in Germany's cultural life, and the Minister of State for Culture and the Media, who financially supported the project, regard the manual as an essential contribution to fulfilling their political and moral obligations to those who became victims of National Socialist looting of works of art and cultural property. The vast majority of those victims were Jewish citizens in Germany and territories annexed or occupied by German troops during the Second World War. Yet other groups of persons and institutions were also affected by looting and persecution for reasons of race, political or world view, or religion between 1933 and 1945. Research on cultural property confiscated from those is of course guided by the same intentions, especially since there is virtually no methodological difference.

Where this publication speaks of expropriation of cultural property, it includes a wide range of objects, from paintings, graphic arts

and books to coins and porcelain all the way to silver flatware. Although the professed goal, reflected also in the composition of the team of authors, is to address this range as comprehensively as possible, the compact scope of the manual did not leave room for detailed explanations of all nuances of methodical aspects and detail questions.

These guidelines address only the expropriation of cultural property under the National Socialist regime. It is explicitly not intended to cover other historical confiscation contexts, such as in connection with colonial conquests in the late 19th and early 20th century, or with the removal, trophy hunting and confiscation during and after the Second World War, especially in the Soviet occupation zone and the GDR. Although there are certainly some parallels in terms of methods and approaches, the differences in historical conditions, ethical assessment and current legal framework are nevertheless so significant that joint treatment would not have been sensible. The publishers also wanted to avoid equating or comparing different contexts of injustice.

In the first chapter of the manual, provenance research and any resulting acts of restitution are contextualized with political will and an ethical and moral (self-imposed) obligation to confront the National Socialist looting of cultural property, and the crime perpetrated by National Socialist rule in general. The need for action resulting from this obligation is defined in greater detail in the second chapter, which discusses the planning and realization of systematic research on a sample collection. The wide range of methods and means for conducting this research is the focus of the third chapter. The fourth chapter illustrates the analysis, evaluation and dissemination of results. The fifth chapter explains that provenance research is the basis for »just and fair solutions«. Finally, the sixth chapter introduces key stakeholders, institutions and networks.

The cultural landscape of Germany is diverse and multi-faceted. Without doubt, not all procedural steps and recommendations for methodical research and documentation can be applied in equal measure to all cultural heritage institutions. Requirements and conditions of museums differ from those of libraries, while large institutions with nationwide reach face different challenges, but also dispose of different possibilities than smaller, local collections. The manual cannot address every institutional and structural particularity, but it will of-

fer important starting points and approaches for all those who conduct provenance research. Furthermore, it can help all institutions, especially smaller ones, to establish provenance research as an essential, indispensable and permanent practice.

Provenance research on National Socialist crimes is not conducted purely out of scholarly curiosity; it always has a specific target. The discovery of objects that may have been added to collections unlawfully or by means no longer acceptable today demands that museums or libraries take the next step: searching for rightful owners or their heirs. Restitution, in terms of the final surrender of the object, can be an ultimate result but does not necessarily have to be. Actual practice in recent years has shown that there is a wide range of feasible »just and fair solutions« in the spirit of the »Washington Principles«. The manual also provides information on this aspect.

Provenance research takes place in an extremely political and politically sensitive environment. More than other types of research at museums or libraries, it depends directly on the societal framework. The fact that visitors and users of cultural institutions have a keen interest in the subject is evidenced by the highly positive response to exhibitions and interventions over the past years – not least of them the unexpectedly successful exhibitions on the »Gurlitt Art Trove« in Bonn and Berlin. Funding organizations of public museums and libraries, but also of collections compiled privately, now express their unreserved commitment to this task, even though they often still lack the material means needed for sustained, continuous provenance research. This commitment is also conveyed in the updated Guidelines (Handreichung) by the German Federal Government, the Länder and the national associations of local authorities which were published concurrently with the present Provenance Research Manual. This document mainly outlines the political and institutional framework. Both publications should therefore be read and understood as reference to each other.

Gilbert Lupfer and Maria Obenaus

1 PROVENANCE RESEARCH AS A VOLUNTARY OBLIGATION

Johannes Gramlich and Carola Thielecke

1.1 Historical Context and Need for Action

The pressures of social and political persecution during the National Socialist era increasingly exerted Jews, regime critics and other (groups of) people and organizations undesirable to the regime had significant impact on the financial circumstances of the victims. Due to the special significance attached to arts and culture in the National Socialist world view, the redistribution of cultural property developed a dynamic of its own. This is why the restitution of such objects to their lawful owners is still an important part of dealing with the past.

1.1.a Antisemitic and other discriminatory laws on property seizure

The National Socialist state legalized the dispossession of political opponents by passing the »Gesetz über die Einziehung kommunistischen Vermögens« (Law on the Seizure of Communist Property) and the »Gesetz über die Einziehung volks- und staatsfeindlichen Vermögens« (Law on the Seizure of Property from Enemies of the People and State), which was also applied to Jewish organizations, as early as May and July 1933. Also in July 1933, the National Socialist regime created the possibility of withdrawing German citizenship under certain circumstances. The corresponding law targeted mainly Jewish immigrants from Eastern Europe and emigrants who had been involved with political publications

Exclusion and
persecution in the
Deutsches Reich

Reichsgesetzblatt
(RGBl., National Law
Gazette), I 1933,
p. 293, 479 f.

RGBl. I 1933, p. 480

abroad. The affected persons' property became the property of the Deutsches Reich. Responsibility for executing the law fell to the Finanzamt (tax office) Moabit-West in Berlin.¹

Moreover, the social marginalization, the forced loss of professional status and the impending emigration of Jews and other victims of persecution after 1933 resulted in emergency situations that often led to the sale of property, including cultural property. On 7 April 1933, civil servants of Jewish origin were forced to retire by the »Gesetz zur Wiederherstellung des Berufsbeamtentums« (Law for the Restoration of the Professional Civil Service) or »Berufsbeamtengesetz« (Civil Service Law) – the first National Socialist law with a so-called »Aryan clause« which as such set an important precedent. The National Socialists also swiftly proceeded against lawyers and doctors of Jewish origin. They gradually tightened the Reichsfluchtsteuer (Reich Flight Tax) and Devisenbewirtschaftung (Foreign Exchange Control) – both instruments had been in force before 1933 as part of the world economic and banking crisis. This allowed the National Socialist state to seize a lion's share of emigrants' property. Starting in 1934 and 1936 respectively, revenue offices were permitted to demand securities at the mere suspicion of imminent emigration or so-called Kapitalflucht (capital flight).² Hence, the term »Nazi-looted art« falls short of what it is meant to describe. It was not only direct dispossessions that led to the loss of cultural property. Sales of property (even when ostensibly voluntary) were also often due to the pressures of circumstances. Provenance research therefore has a responsibility to reconstruct such legal transactions in as much detail as possible in order to make an evaluation possible.

From 1938, the National Socialist state centralized and intensified the dispossession of Jewish citizens by issuing the »Verordnung über die Anmeldung des Vermögens von Juden« (Ordinance on the Registration of Jewish Property) in April 1938, which gave the regime comprehensive knowledge of private property. Based on this ordinance, the National Socialist state levied a »Judenvermögensabgabe« (Jewish Capital Levy) starting on 12 November 1938, after the Pogrom Night, which demanded 25 percent of total assets payable in five installments. As a result, payers were often forced to sell assets such as cultural property. On the same day, the »Verordnung zur Ausschaltung der Juden aus dem deutschen Wirtschaftsleben« (Ordinance

**RGBI. I 1933,
p. 175–177, 195**

**RGBI. I 1938,
p. 414 f.**

**RGBI. I 1938,
p. 1579 and
1638–1640;**

RGBI. I 1939, p. 2059

**RGBI. I 1938,
p. 1580**

on the Exclusion of Jews from German Economic Life) prohibited them from selling goods or services. With the »Verordnung über den Einsatz des jüdischen Vermögens« (Ordinance on the Use of Jewish Assets) of 3 December 1938, the Reich Ministry of Economics was able to order the forced sale of movable and immovable property. At the same time, Jews were permitted to sell gems, jewelry, and objects of art worth more than 1,000 Reichsmark only to state purchasing centers. The legal completion of the economic destruction of Jewish livelihoods was the »11. Verordnung zum Reichsbürgergesetz« (11th Ordinance on the Reich Citizenship Law). It stipulated in November 1941 that all German Jews located outside of Germany after their deportation or emigration lost their German citizenship. Their property became the property of the Deutsches Reich. With the »13th Ordinance on the Reich Citizenship Law« of 1 July 1943, any remaining possessions of deceased or murdered Jews were transferred to the Deutsches Reich as well.

RGBI. I 1938,
p. 1709–1712

Moreover, the cultural area which the National Socialists began to control with the founding of the Reichskulturkammer (Reich Chamber of Culture, RKK) under Joseph Goebbels on 22 September 1933 was subject to separate rules and measures. All professional cultural activity depended on membership in one of the seven sub-chambers – among them the »Reichskammer der bildenden Künste« (Reich Chamber of Fine Arts) and the »Reichsschrifttumskammer« (Reich Chamber of Literature). Goebbels or the presidents of the sub-chambers could decide arbitrarily whom to accept or dismiss. Starting in 1935, they forced the exclusion of all Jewish citizens working in cultural fields under regulations directed against booksellers and publishers, against arts and antiques dealers, and against music and radio dealers. Research found that the expulsion of Jewish arts and book sellers from the German economy was largely complete by 1937/38.³ The confiscation of cultural property thus happened primarily indirectly through the markets, when dealers were forced to liquidate or sell their businesses.

RGBI. I 1941,
p. 722–724

Starting in 1938, it became apparent in areas of Europe occupied or annexed by Germany how the competition among high-ranking party members for valuable cultural property unleashed methods of seizure. National Socialist organizations and middlemen of high-ranking National Socialist officials specialized in the confiscation of cultural property and practiced it systematically, competing

RGBI. I 1943,
p. 372

RGBI. I 1933,
p. 661 f.

RGBI. I 1933,
p. 797–800

Occupied and
annexed territories

against one another and against the regional potentates of military or civil administration. The dispossession of the Jewish population was part of the German reason of state in all war areas and was often legalized by means of directives. In Poland and the Soviet Union, where the Wehrmacht was waging a war of annihilation to gain »Lebensraum« (living space), this also applied to the Slavic population and – more so than in Western Europe – to church and state property. For purposes of racist-ideological research and »enemy research«, seizures in all occupied territories increasingly widened their focus from works of fine art to natural, folkloristic, prehistoric and early historical collections, libraries, archives and written documents of state authorities, churches and Masonic Lodges. The enormous range of relevant material was reflected in the number of interested persons, institutions and authorities on the German side.⁴ In order to keep internal competition at bay, Adolf Hitler secured preemptive and disposal rights to confiscated works for himself in June 1938 (»Führervorbehalt«), which he initially applied to Austria and then gradually extended to the Deutsches Reich and all occupied and annexed territories.⁵ Especially in Austria and the occupied territories of Western Europe, the local art and book markets continued to exist, where numerous German National Socialist officials, representatives of cultural institutions, dealers and collectors bought.

»Flight assets«

In European and non-European states that were not allied with the Deutsches Reich and offered exile to those persecuted, seeking refuge and displaced persons often sold cultural property they had been able to export from Germany between 1933 and 1945. The objects of these sales are often described as »Fluchtgut« (»flight assets«). Such disposals in relatively safe exile are currently being handled differently and are the subject of professional and political debate. It is therefore not possible to issue a general recommendation; every individual case must be closely examined.

1.1.b Restitution and compensation after 1945

The Allies began dealing with the restitution of property to their rightful owners as early as 1945. They initially focused on the time of the Second World War, and agreed that all assets brought to Germany from the occupied or annexed territories had to be returned to the states where they had originated. The manner in which the

property had been acquired was irrelevant – at least for cultural property. Not only looting, confiscations and forced sales, but all legal transactions were declared invalid. Although the Allies were not able to agree on a uniform procedure, they expedited the »external restitution« of cultural property, especially in the US-American zone of occupation. External restitutions were only conducted directly at state level, with subsequent delegation of the transfer of objects to private claimants. According to its own records, the American military government alone repatriated roughly 470,000 objects of art and 1.7 million books from 1,412 storage locations through external restitution by late March 1948.⁶ Following the repeal of the Western Allies' occupation status in 1955, the Federal Republic of Germany committed to continue to accept and process applications for restitution until 8 May 1956.

External restitution

Bundesgesetzblatt
(BGBl., Federal Law
Gazette) II 1955,
p. 433–435

The second step toward the repeal of National Socialist dispossession policies and restoration of former ownership structures was »internal restitution«, i. e. the return of identifiable property to the victims of National Socialist persecution and repression in the Deutsches Reich (within the borders of 1937). On 10 November 1947, the American military government passed Law No. 59 for the American occupied zone.⁷ The law stated that all persons who had lost property »for reasons of race, religion, nationality, world view or political opposition to National Socialism« could apply for restitution. In addition to dispossession through the state and party, private transactions could be contested as well if they had been conducted in response to the circumstances of the time. Applications for restitution had to be submitted by 31 December 1948 and were heard in German authorities and courts, whose decisions were examined by an allied »Board of Review« in case of disputes. The French military government passed a similar directive at the same time, Britain did not follow suit until the spring of 1949. In 1957, the German Federal Government passed its own restitution law, the Bundesrückerstattungsgesetz (BRüG, Federal Restitution Act), which referred to the respective regulations by the military governments. However, German Federal law could no longer be applied to private transactions and did not provide for restitution in natura, but compensation payments. The Süddeutscher Länderrat (Regional Council of Southern Germany) had already passed the »Gesetz zur Wiedergutmachung nationalsozialistischen Unrechts« (Act on the

Internal restitution

BGBl. I 1957, p. 734

Gesetz- und
Verordnungsblatt
(GVBl., Law and Ordinance Gazette) 1949,
p. 195–204

BGBI. I 1953,
p. 1387–1408 and
1956, p. 559–596

BGBI. I 1965,
p. 1315–1340

Soviet
occupation zone

Treatment of Victims of National Socialist Persecution in the Area of Social Security), which dealt with crimes against life, limb, health, freedom, property, wealth and economic prosperity, as early as 1949. The first nationwide compensation law was the »Bundesergänzungsgesetz« (Federal Complementary Law) of 1953, which was replaced in 1956 with the Bundesentschädigungsgesetz« (BEG, West German Federal Indemnification Law). The final »BEG-Schlussgesetz« of 1965 then marked the temporary end of German efforts toward »Wiedergutmachung« (reparation) of National Socialist crimes.

In the Soviet occupation zone and the German Democratic Republic, no comparable legal foundations and procedures for restitution of confiscated property were established or implemented, and restitution of cultural property to private persons recognized as persecuted by the National Socialist regime occurred only in a few politically motivated exceptions. The topic of restitution was thus put back on the agenda in the aftermath of German reunification. On 23 September 1990, the People's Chamber of the GDR passed the »Gesetz zur Regelung offener Vermögensfragen« (Act Regulating Open Property Matters), which applied to loss of property during the National Socialist era and the GDR.⁸

1.2 Political, Legal and Ethical Foundations

1.2.a The Conference on Holocaust-Era Assets and the »Washington Principles« of 1998

Although efforts to return property seized by the National Socialists and compensate victims were made immediately after the Second World War, it was not remotely possible to undo all movements of property. Due to political circumstances, East-Central Europe and Eastern Europe were largely excluded from such efforts. Also, many victims had not been able to file claims for their property during the post-war era. The end of the Cold War provided an opportunity for a new beginning. First, the British Government hosted the so-called »Conference on Nazi Gold« in London in 1997, which addressed the gold reserves plundered from the national banks of occupied states. After this conference, the US government issued an invitation to a »Conference on Holocaust-Era Assets« held from 30 November to 3 December, 1998 at the Holocaust Memorial

Museum in Washington. The conference was attended by 44 states, Germany among them, and 13 non-governmental organizations.

The »Washington Conference Principles on Nazi-Confiscated Art« are probably the most widely-known result of the conference and the one with the greatest impact. However, the National Socialist art looting was only one of the topics addressed at the conference. The agenda again included the topic of gold reserves, the demand for better access to archived documentation, the issue of claims against insurance companies, the return of corporate property and the topic of »Holocaust education«, which was to set a counterpoint to the material claims. Declarations were published on some of these issues as well.

The »Washington Principles« on Nazi-looted art were based on agreements that had been established among the members of the »Art Dealers Association of America« and the »U. S. Association of Art Museum Directors«. Building on these agreements, Stuart Eizenstat, Under Secretary of State at the US Treasury, submitted his own draft to the conference. During the negotiations that followed, only one major point of that draft was changed: A preamble explicitly pointed out that »among participating nations there are differing legal systems and that countries act within the context of their own laws«. The »Washington Principles« were accepted without objection during the concluding speech of the conference chairman.⁹ They are therefore not legally binding under international law.¹⁰

The eleven principles initially address the identification and documentation of »confiscated and not subsequently restituted« works of art. Although the text specifies »confiscated« works, the formulation is meant to include works sold as a result of National Socialist persecution as well.¹¹ This is not a matter of contention today, in any case, even though there are some difficult issues of differentiation.¹² In order to facilitate the identification of cultural property confiscated as a result of persecution, sufficient resources were to be made available and archives and documents were to be made accessible. In addition, the »Washington Principles« call for the establishment of a central register to make the results of provenance research public and transparent.

The second topic is the handling of works that have been identified as Nazi-looted art: For these items, »just and fair solutions« are to be found. Hence, the principles explicitly do not limit them-

Essential principles

selves to restitution but include other possible solutions as well [see Chapter 5](#). Persons with claims are to be encouraged to come forward. If they cannot be identified, the current owners of the works should still strive to find solutions. For instance, Germany has made agreements about »orphaned« objects in the former GDR with the »Conference on Jewish Material Claims Against Germany« (JCC).

Finally, mechanisms on settling disputes about Nazi-looting cases are presented. The states are explicitly urged to establish mechanisms for alternative dispute resolution (ADR) in order to avoid lengthy court battles.

The »Washington Principles« were subsequently implemented and regarded in very different ways in the various participating states. For example, ADR mechanisms were established in only five nations, among them the Federal Republic of Germany with its »Beratende Kommission« (Advisory Commission) [see Chapters 5.3.d and 6.3.e.¹³](#) Efforts toward identification and documentation also vary widely. While certainly no country completely satisfied all of the requirements, some participating states have not made any effort at all.¹⁴ The ambitious task of setting up a central register has proven very difficult as well. In the private sector, the impact of the »Washington Principles« has been very limited. The art market has only very sporadically responded to the appeal to open its archives. There have been isolated »just and fair solutions« between private owners and victims of National Socialism. The exact number of such cases is very difficult to determine because of the confidentiality applied in this area.¹⁵

Since the Washington Conference, there have been other declarations and conferences at the European level, for example in Vilnius in 2000 and in Terezín in 2009.

1.2.b The »Joint Declaration« of 1999

Implementation in Germany

Following the Washington Conference, Germany issued the »Declaration by the Federal Government, the Länder and the national associations of local authorities regarding the tracing and return of Nazi-looted art, especially Jewish property« (Gemeinsame Erklärung) on 14 December 1999. The authors of the declaration acted in their capacity as funding organizations of German public cultural heritage institutions. The declaration thus mainly refers to German public cultural heritage institutions. It first presents

previous German restitution efforts and confirms that the Federal Republic is willing to continue to search for confiscated cultural property in the spirit of the »Washington Principles«. The declaration reaches beyond the scope of the »Washington Principles« in two respects: First, it specifically addresses the expropriation of cultural property as a result of National Socialist persecution rather than »confiscated art«. In doing so, it encompasses a broader range of circumstances of loss and includes cultural property like books and archival documents. Second, the declaration does not refer to »just and fair solutions«, but to restitution to heirs.¹⁶ It also reiterates the demand for a central register and pledges to investigate the establishment of an internet resource. This laid the groundwork for a central database for cultural property seized due to National Socialist persecution: www.lostart.de. Though the declaration is purely voluntary and not legally binding, it invokes a high degree of moral obligation in public institutions.¹⁷ Finally, it also appeals to private individuals to adhere to the declaration.

1.2.c The Guidelines (Handreichung) as an aid for the implementation of the Joint Declaration (Gemeinsame Erklärung)

Since the »Joint Declaration« did not contain any concrete information on its implementation, the Federal Government, the Länder and the national associations of local authorities developed Guidelines, the so-called Handreichung in the sequel, which is also not legally binding.¹⁸ It is published by the Minister of State for Culture and the Media. The Guidelines were first published in 2001, updated in 2007 and fundamentally revised in 2019. They contain information on inventory auditing and documentation of collections, as well as advice on locating cultural property seized as a result of National Socialist persecution in the form of a checklist. Furthermore, the Guidelines provide instructions on handling the results of inventory audits. Particularly the advice on examining persecution-related seizure and the preparation of decisions on restitution claims contained in Section D.II have proven to be enormously important in practice. Even though all components of the Guidelines are non-binding,¹⁹ its examination matrix has been used as the basis for decisions in a large number of cases. Following the principles of the restitution laws of the post-war era, the Guidelines suggest reversing the burden of proof. Accordingly, possible

claimants must state that they were persecuted and sold the object between 30 January 1933 and 8 May 1945. Persecution-related loss is then assumed, which the public cultural heritage institution must disprove [see Chapter 5.3.a](#). Principles and political statements relevant to provenance research in Germany are included in the Guidelines as Appendices.



2 FROM AN IDENTIFICATION OF SUSPECT CIRCUMSTANCES TO SYSTEMATIC PROVENANCE RESEARCH

Jasmin Hartmann and Tessa Friederike Rosebrock

Ideally, a request for information or restitution submitted by rightful heirs or their representatives should not be the starting point of a research project. Such situations are often affected by legal, political or media pressure, which can impact an objective approach to the research effort. Unfortunately, such occasions are often a prompt to recognize that a collection needs to be scrutinized. In any case, proceeding proactively by means of systematic and thus sustained provenance research is more successful. It provides a general overview of the collection holdings and also offers the following advantages to the legal entity behind a collecting public institution, e.g. a state or municipality:

- Ledge about the objects and their origins, knowledge of the collection's history to promote a sense of identity in the respective institution
- Contribution to redressing National Socialist crime and recognition of the »Washington Principles«
- Certainty in dealing with collection holdings, also regarding loan and academic inquiries
- Legal certainty
- Better starting situation regarding requests for information and restitution
- Greater success with finding legitimate heirs due to more timely action
- Controllable public relations work and communication
- Increase in material and immaterial value of the objects

Once a legal entity, collection director or external researcher detects the need for provenance research after conducting the initial check of the collection inventory, the next step is to initiate an exchange between the responsible departments and those that will later be involved. If policy makers and institute management decide to hire a provenance researcher or establish a temporary research project, all departments and employees who will be involved in the future should be included at planning stage: collection and research, restoration, documentation, photo laboratory, depot administration, archives, internal library, and legal department. The support of these various departments is necessary for the success of provenance research. Sensitizing colleagues is important – not only for systematic research of a collection, but also for acquisitions, donations, loans or mediation, in order to integrate the new processes as thoroughly as possible. Particularly in temporary projects, this is often not done immediately or not at all, but should be one of the professed goals. It is necessary to ensure that provenance research will achieve results that can be made accessible to the heterogeneous, analog and digitally interested public in different formats and through a variety of media.

2.1 Planning a Provenance Research Project

First, the scope of the examination and the grounds for suspecting possible National Socialist confiscation of the individual objects or groups of objects must be assessed as precisely as possible. This is the necessary foundation for defining the need for object-specific, systematic provenance research and for structuring the project.

Provenance research focuses on cultural property created prior to 8 May 1945 and acquired by a collection after 30 January 1933 until today. Acquisitions of a collection are defined as purchases, donations, trades, depositary copies, official transfers or permanent loans. Since the examination of the provenances of large collections in most cases involves a virtually unmanageable number of objects, it is advisable to prepare a concrete and realistic scheduling and quantity matrix.

Scope and subject
of investigation

Every cultural heritage institution has a unique starting situation. Experience has shown that projects vary greatly in terms of scope and definition. The differences depend on the identified grounds

for concern, available resources and general conditions. In order to determine the object with the highest importance or the sequence of work steps within the project, the group of objects with the most urgently suspected evidence should be identified first.

- Concern** Generally, suspicion of loss of property as a result of National Socialist persecution is assumed when an object is connected with
- the name of a person or corporation persecuted during the National Socialist era or
 - the name of a person (e.g. auctioneer), corporation, institution or authority involved in the trading of cultural property seized in the context of National Socialist persecution, so-called »Red Flag« names

A list originally compiled by the Allies of persons and corporations involved in trading cultural property seized due to National Socialist persecution is available at: www.lootedart.com/MVI3RM469661. A list, albeit incomplete, of victims of National Socialist persecution and dispossession as well as a breakdown and complement of the »Red Flag« list is available at: www.lostart.de/hr-raubkunst.

- Sub-projects** Sub-projects can be defined under consideration of the following aspects:

Acquisition context

This encompasses the examination of all acquisitions (regardless of time frame) of dealers, auction houses, collectors or artists, if they were involved in trading cultural property expropriated as a result of National Socialist persecution.

Acquisition time frame

All collection acquisition during a certain time period, e.g. 1933 – 1945 or during the office term of a certain director of the institution, e.g. 1960 – 1972, are included in the examination.

Material or immaterial value

It is possible to define sub-groups of objects that are of special importance due to their material or immaterial value, making legal certainty about them particularly urgent.

Specific occasions

Sub-sets of collections can also emerge based on planned exhibitions, collection catalogs, presentations, etc.

Other general factors to take into account during planning:

Time frame

How should the project be scheduled? Is there a special request with a deadline or is the entire collection to be thoroughly examined in an open-ended project?

Depth of research

How broad (»First Check«) or in-depth (thorough research) should the research be?

Staffing resources

Who could carry out the project? Is there an additional need for a specialized provenance researcher? Who on the team of the institution must or can support the project and to what degree? What relevant knowledge about the topic exists within the team?

Indexing status

Provenance research is only possible if the objects to be examined are adequately (preferably electronically) indexed so the results can be matched to a specific object and documented. Cataloging and inventorying are prerequisites for provenance research, not part of its responsibility.

Storage / depot situation |

Location of objects

Depending on type (painting, sculpture, book, graphic arts, decorative arts, document), access to objects can be more or less difficult. For an examination of books, for instance, it should be ascertained if they are sorted by demand or systematically. In general, it must

be ensured that the researcher can see selected works in the original and examine them for provenance markings.

Infrastructure

Existing infrastructure (record system/s, databases, workflows) must be taken into account and – if necessary and possible – adapted for provenance research under consideration of standards and requirements such as long-term archiving. For example, the autopsy of works includes taking photographic images of the provenance markings, if necessary on the non-showing sides. It should be clarified whether the researcher, the institution's own staff, assistant personnel or a professional photographer (in-house or external) should take the photographs.

Sources

Apart from the degree of concern, the sources (internal and external) should be realistically assessed as well, as the success of provenance research depends on them to a great extent.

One general selection criterion is the moment of acquisition after 1933 to the present when the object was also created prior to 1945. The listed criteria can contribute to the decision for a particular examination object. Every compiled sub-set has advantages and disadvantages, which must be weighed against each other with regard to the profile and situation of the collection.

Event-based individual research cases

The decision by an institution to conduct long-term and systematic provenance research always also implies provenance checks according to scholarly standards and best practice in the following short-term event-based individual research efforts:

- Requests for information and restitution
- New acquisitions (by standardized check matrix:
Which factors favor the acquisition of an objects despite gaps in its provenance? How is this handled? Agreement e.g.
a return clause and/or timely publication of the incompletely documented purchase)
- Lending (»Immunity from Seizure«, the legally binding return agreement, and its country-specific application)

These tasks – and this must be considered when calculating a schedule – must always be completed immediately and will interrupt work on the long-term, systematic project.

2.2 Running a Provenance Research Project

The definition of scope and object of an examination using the criteria listed in [Chapter 2.1](#). is a prerequisite of any project. When determining the time required for its implementation, the quality of documentation on the selected collection holdings is key. It is the responsibility of the institution, not that of the provenance researcher, to compile the work data in a central documentation format. This documentation should be available prior to the project start.

In order to achieve the best possible time and staff management, the project planners should attempt to create synergy effects while planning the next steps.

Time and staff management

During the project, it is important to communicate the process regularly both internally and externally, particularly when the provenance researcher is responsible for a larger institution or an association of institutions. Moreover, interaction with the specialist community in the form of conversations, conferences, publications, joint visits to archives, etc. is indispensable. It is the only way to recognize related research topics and use resulting synergies, which can increase the efficiency and success of any project. Finally, a workplace must be available for the new colleague, equipped with the infrastructure needed for provenance research.

2.2.a Documentation of all accessible information

Just as important as sound documentation of the information about the work is as a prerequisite for provenance research, is the documentation of research and its results during the research process. At the start of the project, it should be defined how the research and its results are to be recorded. It is important to ascertain what information will be needed during the individual steps of the project and what will be needed after its completion. Particularly for third-party financed projects, it will be necessary to be aware from the outset which requirements the funding body imposes on the

- presentation and publication of the results.
- Object data** The following information about the object should be documented, individually in a database or searchable spreadsheet:
- Identification numbers
(historical and current inventory numbers, other numbers)
 - Base data (artist, historical and current titles, descriptions, dating information, genre, technique, dimensions)
 - Status (still in the collection, exit, re-inventoried)
 - Status of research
 - Degree of concern
 - Location (for inventory, autopsy and photo documentation)
 - Acquisition date
 - Mode of acquisition
 - Financing of acquisition, prices
(estimated and purchase prices)
 - Provenance
 - Identification in primary and secondary sources
(archival documents and literature such as Catalogues raisonnés, collection and exhibition catalogs, etc.)
 - Images
 - Autopsy (signatures, provenance markings, damage, mounting, material etc.)
 - Research documentation
(incl. documentation of negative research results)
 - Minimum check (list of databases and sources checked for all objects, including Lost Art Database)

The first task is to document all information – with all source citations – as meticulously as possible and then interpreted in context see [Chapter 4.1](#).

Relevant sources within an institution

Prior to evaluating the sources relevant to the project, it is sensible to first identify all relevant sources within one institution that might potentially contain information on the origins of the objects under examination. These are usually inventories, acquisition logs, historical card catalogs and ideally purchasing correspondence. Furthermore, the provenance researcher should familiarize himself with the existing literature about the institution (collection catalogs, documentation of collection history, historical exhibition catalogs,

auction catalogs). It is also indispensable to talk to former and current employees or review their work, which often contains more helpful information about possible sources.

Starting with the inventories or collection database, an initial survey is conducted to record all objects which meet the basic criteria (i. e. those created prior to 1945 and added to the collection between 1933 and today) or those objects that make up the sub-set to be examined, in a spreadsheet or database according to the categories listed above. If the sub-set is not clearly delineated, it is important to start with the historical and not with the current status of the collection. Objects that are no longer part of the inventory can still provide insights about the history of the collection and acquisition processes of the items remaining in the collection. The next step is to determine which objects are still in the collection today and which are no longer part of the collection and for what reasons. This is part of the institutional and collection history of every institution and thus also relevant for the biographies of individual objects.

[Inventory](#)

Frequently, a survey that includes determining the whereabouts of an object goes hand in hand with its autopsy on site and the photographic documentation of that autopsy. The earlier this directly connected information is included in the research, the better, because it can be taken into consideration throughout the research process.

[Autopsy](#)

For this step it is important to consider what additional staff members (e.g. depot manager, photographer, facility caretaker, collection director, restorer) and what equipment (camera, laptop) will be needed. It is advisable to divide this step into daily tasks and prepare them as well as follow up on them. It is possible to process the inventory, the reverse side or object autopsy and the photo documentation of the object as well as its provenance markings in one work step. That way the objects don't need to be handled several times.

The recorded base data should now be augmented with all available object data from internal sources (object files, restoration reports, exhibit files, literature such as collection and exhibition catalogs) or from the associated archives [see Chapter 3](#).

[Internal sources](#)

After that, all provenance information is analyzed according to names, i. e. recorded by persons, corporations and authorities connected with the origin of the objects and checked for possible

[Provenance information by names](#)

grounds for concern.

2.2.b Interim results and in-depth research

By dividing the items to be examined according to a traffic light system [see Chapter 4.1.c](#) it is possible to undertake an initial assessment of the degree of concern as part of the »First Check« of the collection items.

Criteria that rule out National Socialist confiscation (Checklist):

- Objects created after 8 May 1945
- Objects added to the collection prior to 30 January 1933
- Objects that were purchased directly from the artist who was not persecuted for »racial«, ethical, religious or political reasons, if the object had never before left the artist's possession
- Objects with provenances between 1933 and 1945 which can be completely reconstructed and where no National Socialist confiscation is evident or confiscation can be ruled out (i. e. no previous owner who was persecuted during the National Socialist era).

Databases and external archives

The general workflow defined for the project is then followed by in-depth research by differentiated methods of the objects and any persons and corporations connected with them [see Chapter 3](#). This is done by searching databases and consulting external archives.

2.2.c Evaluation of research results

After completion of the project, it is sensible to re-evaluate the objects with the traffic light system and link them to the research status (not yet processed, in process, processing completed). That way the degree of concern after the research can be better assessed [see Chapter 4](#). In order to consistently monitor the quality and progress of the project, a mandatory semi-annual report within the institution is recommended.

The research results are aggregated and documented in case files (for information on how to prepare these case files [see Chapter 4.1.b](#)). Analogous to project reporting, the German Lost Art Foundation suggests the following structure for project reports:

- Target-actual comparison: Illustration of how the project has changed the initial situation.
- Statement of goal achievement: Description of to what extent the success criteria were satisfied.
- Statement on budget compliance:
To what extent is the project diverging from the budget?
- Statement on compliance with the schedule:
To what extent is the project diverging from the schedule?
- Description of documentation measures:
What type of documentation was carried out?
- Description of transparency measures:
Were any transparency measures applied?

2.2.d Establishment of provenance research

Research of the provenance of an object is a continuous process as long as the provenance has not been completely reconstructed, since every new insight and every new source – like the hermeneutic circle according to Hans-Georg Gadamer – can change the perspective towards and knowledge of the origin of an object. Depending on the nature of the collection (size, creation period, purchase periods) permanent or temporary provenance research may be needed. Apart from the aforementioned benefits which provenance research brings to every cultural heritage institution, there are many additional reasons for permanently establishing provenance research and thus making it more sustained, effective and successful.

- Scholarly research can be conducted according to the individual needs of the institution, independently of third-party funding and the associated funding criteria / conditions (targets, time frame, maximum funding period).
- Third party projects often lay a solid (partial) foundation, but in-depth research is never completed.
- After the end of the project, the knowledge acquired is lost with the departure of the researcher, and research often becomes deadlocked or even stops altogether.
- The provenance researcher gradually gains an overview of all items, the collection history (identity) of the institution, but also of the documentation, archiving and library situation. The researcher becomes a chronicler of the collection, thus greatly enriching the institution's work with its own collection.

- Provenance research can take on an interface function, e.g. for mediation (inclusion of results in permanent presentations, exhibitions, publications), but also for the digital strategy, as the results should be made accessible to the public (website, online collection).

2.3 Funding Options at Federal and State Level

Since 2008, the Minister of State for Culture and the Media has been providing project-based funding support for provenance research aimed at finding and identifying cultural property seized as a result of National Socialist persecution in German public collections.

Funding applications were processed by the Arbeitsstelle für Provenienzforschung (Bureau for Provenance Research) established in 2008 at the Institut für Museumsforschung (Institute for Museum Research) of the Staatliche Museen zu Berlin – Preußischer Kulturbesitz. After its foundation in 2015, the German Lost Art Foundation in Magdeburg took on the responsibility for project funding. The Foundation has an annual budget of about 4 million Euro for funding projects regarding cultural property expropriated as a result of National Socialist persecution.

Public cultural heritage institutions of the Federal Republic of Germany – mainly museums, libraries and archives – can apply for project support from the German Lost Art Foundation. Since 2017, private institutions and individuals can also apply for funds if their own search for National Socialist confiscated art adheres to the objective of finding »just and fair solutions« as defined by the »Washington Principles« and the »Joint Declaration«, or if support of a specific case is in the public interest.

Long-term research

In cases of requests for long-term research, the German Lost Art Foundation supports the systematic research of collections, historical connections between collections as well as examinations of the historical context of National Socialist confiscation of cultural property. The German Lost Art Foundation also provides this part funding for the documentation, indexing, evaluation and digitalization of documents and archived items, and the reconstruction of private collections that were confiscated during the National Socialist regime. The applicant has to share part of the project cost. The amount of the applicant's

contribution should be in reasonable relation to the applicant's financial situation. Projects are initially supported for up to 24 months. An application for extension by another twelve to a maximum of 36 months can be submitted prior to the end of the first funding period. Application deadlines are 1 January and 1 June of each year.

If there is immediate need for case-specific research projects – prompted for example by requests for information or restitution, or for a »First Check« – an application for full financing can be submitted, i. e. the applicant generally does not have to make a contribution. The maximum funding amount is 15,000 Euro. Smaller inventory checks can also be funded in exceptional cases. Applications can be submitted for periods of up to six months, extension is not possible. Applications for short-term research needs can be submitted any time.

Short-term
research

Since January 2019, the Foundation also offers support for finding heirs. The new funding category aims to identify heirs of objects from collections that have already been the subject of provenance research, in order to contribute to a »just and fair solution« as defined by the »Washington Principles« and the »Joint Declaration«. This is not contingent on whether the prior provenance research was also funded by the Foundation.

Search for
heirs

The staff of the German Lost Art Foundation's Provenance Research Department is available to answer questions about the application and project preparation process.

Further international and national support and funding options are available, for instance, from the Volkswagenstiftung or the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation). In the Federal States, the respective museum associations are useful contacts. They are knowledgeable about state-specific funding options, while some have their own funding programs, and they can assist with applications. The Deutsche Bibliotheksverband e. V. (German Library Association) offers advice on third-party funding and can initiate its own projects through the Provenance Research Commission. In addition, there may be international, national and municipal foundations as well as private patrons with whom an institution is already in contact who are willing to finance provenance research or a project. Furthermore, there are models of public-private partnerships, where for example the German Lost Art Foundation shares the cost of a project with private backers (Project Weinmüller/Neumeister, Stern Cooperation Project, Mosse Art Research Initiative).

Funding institutions

The Kulturstiftung der Länder (Cultural Foundation of the German Federal States) can assist on a case-by-case basis with the implementation of a »just and fair solution« as part of its acquisitions funding program. Some of the states also have museum associations and state museum advisory offices as contacts for questions of project funding.

Case study

Provenance check of purchases for the Collection of Prints and Drawings at Wallraf-Richartz-Museum & Fondation Corboud, Cologne between 1933 and 1945

The research project aimed to completely uncover the chains of ownership of about 2,500 pieces of prints and works on paper acquired by the Wallraf-Richartz-Museum during the National Socialist era by means of purchase, trade, donation or transfer. The German Lost Art Foundation provided funding for the project for three years.

The following aspects were considered in selecting the objects to be examined:

- The collection of paintings had already been the subject of research in a preceding project, which is why the prints and drawings were to be examined as a second stage.
- Because of the extent of the prints and drawings collection (65,000 pieces), a sub-set had to be defined.
- The information and source situation and the status of documentation on each individual object were rudimentary: The acquisition of each work on paper was documented only by a chronological inventory, so that the examination parameters had to be widened (to encompass those of the »First Check«). As a way of prioritizing, it was determined that the project would focus on a period of acquisitions between 1933 and 1945, which provided the following advantages:
 - a) Appearance of »Red Flag« names and few previous owners if ownership changed after 1933,
 - b) additional knowledge about the collection and institution history during the National Socialist era and overview of all prints and drawings acquisitions.

At the beginning of the project, meetings were held with all involved employees of the institution. In these meetings, the aims of research were defined, the resulting documentation requirements were discussed, possible sources of collection and institution history were located and the extent of support needed from the museum was formulated. Initially, an efficient structure was developed (analog/digital) for the documentation and organization of all object and provenance information.

Since 2,500 pieces cannot be examined in three years, the focus of the examination had to be specified further. To do so, all acquisition information about the objects was recorded and inventoried. What remained were 2,063 objects that were still part of the museum's collection. In addition to the autopsy of existing objects, the next step was to filter all previous owners and list them a spreadsheet according to purchases by galleries, auction houses, private persons, artists, authorities, etc.

With the support of the Lost Art Database, the NS-Documentation Center of the City of Cologne, historical address books and other accessible person databases/sources, the provenances were checked for suspect facts. In addition, further suspect contexts and general factors like source situation, location, material/immaterial values etc. were considered, so that three further sub-sets could be defined, which were researched in more depth during the project:

- 85 German 19th century drawings (many acquisitions during the National Socialist era, unique items, good documentation, »Red Flag« names)
- About 400 French prints (acquired 1942 in France)
- About 300 selected acquisitions from galleries and auctions (»Red Flag« names)

The first sub-set was researched in one year and culminated in a small exhibition and a conference where initial results and challenges of the research were discussed. The provenances of the pieces of the second sub-set could not be elucidated, while for the third group some initial results were found. For about 600 works, no provenance information could be found at all.

The results are documented in the museum's online collection (www.kulturelles-erbe-koeln.de), suspect provenances were reported to Lost Art. The final report can be viewed via the research database Proveana on the website www.proveana.de/link/pro10000211



3 METHODS OF PROVENANCE RESEARCH

Jana Kocourek, Katja Lindenau,
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The aim of the methods introduced in the following is to research and document a – wherever possible – complete object biography and clarify ownership changes between 1933 and 1945 in accordance with the »Washington Principles«.

Objects and their biographies [Chapter 3.1](#) should be shown clearly, beginning with the creation of the object and ending in the present.²⁰ Traces of these biographies are found in primary sources [Chapter 3.2](#), in literature and in databases [Chapter 3.3](#). Research into persons and institutions [Chapter 3.4](#) illuminates the individual stations of the object's biography and examines which person or institution owned the object for a particular time period. Provenance gaps should be revealed and suspect facts pointed out.

The methods are to be viewed as a toolkit, with different instruments to be used depending on the starting point. The order of research steps suggested here does not constitute a strict hierarchy. All paths can and must be taken simultaneously in order to achieve research results efficiently. The provenance researcher decides which step to take first for each object to be examined. At this point, we would like to point out the importance of source verification for all written, image and verbal sources for the methods described below.

Base data and work identity

Prior to the start of provenance research, the base data of all objects should be recorded and indexed according to standards and norms.²¹

These base data, i. e. dimensions, technique and materials, creator, creation location or region (e. g. »School of ...«), title and date/release year should, if available, be recorded in the collection database of the institution or a cooperative database (Union catalogs of libraries, etc.) with an inventory number or shelf number [see Chapter 2.2.a](#). The database should also provide fields for provenance data (date and mode of acquisition, price, previous owner) and for the »findings« or »autopsy« of the object. In addition, all information about the identity of the piece (artist signatures, hallmarks, different attributions, variants, replicas or copies and re-casts, information about historical or modern forgeries, etc.) should be documented.

If an object was produced in series (e. g. prints, books, but also decorative art objects), a description of special characteristics of the individual piece or identifying markings specific to the piece is absolutely necessary in addition to the base data. All recognizable changes to objects, such as attachments or cuts, divisions, doubling of canvases, splitting and tiling in the case of wood boards, removed (title) pages, hand coloring or e.g. replacement of historical covers with new ones in the case of books, should also be recorded. With sculptures, movable parts like pedestals, crowns, hats etc. may be lost, fittings removed or painted over, fragile details like arms, legs or fingers may have broken off. A silver or porcelain trinket box may have lost its original lid and been fitted with a different one – changed weight information is possible in such cases. If an item has been repaired, specialized restorers can often determine when, where, and even by whom or in which workshop the repair was carried out.

3.1 Starting from the Object

The actual provenance markings are often still located on the object, although many may have been removed deliberately or have fallen off. The findings should always document every attribute, even if it cannot be clarified or identified at the moment. Such markings can be notes about sums, prices, names and addresses of

dealers, framers, restorers, collectors etc. These can be clarified at a later date if they are well documented.

Some indicators like labels are recorded in object or restoration files, which should therefore be consulted in every case. Other provenance markings may only be visible in historical photographs. All such evidence must be recorded, even if it is no longer part of the object today.

Some markings can only be assessed with specialized knowledge about materials or techniques. The provenance researcher should work closely with restorers, curators and other experts on technical questions when compiling findings. Every attribute is described in detail and photographed. Important details are the location of the attribute, whether it is written (hand written or typed, printed), or a sticker, stamp, seal or other identifier. Also, the size of the label, the way it is attached (glued, wired, stapled, etc.), the color of ink, shape and color of the label edge should be documented.

The following is a list of selected markings of collection items with explanations of their significance for provenance research.

3.1.a Numbers

Objects often bear numbers of different origins, either on labels [see Chapter 3.1.c](#) or directly on the object. It is important to create a written and photographic record of every number and to enter them, in a standardized format if possible, in searchable databases and catalog systems.

Collection and inventory numbers refer to origin inventories of public and private collections. Sometimes they are combined with other information, often without context and very difficult to interpret.

Items from public or private libraries often bear a shelf number, usually on the cover (e.g. a label attached to the spine), the inside cover or the title page. It provides information about the location of the book or its subject. Very rarely are these shelf numbers identical with the purchasing, inventory or acquisition numbers, which together with corresponding journals can provide information about the mode and time of acquisition and the consignor/supplier.

Other numbers originate with galleries or antiques dealers. For instance, storage or consignment numbers were often noted on the traded objects. They are indicated for example by the letters »L«, »C« or »K«. They correspond with numbers in stock books and stock

**Collection and
inventory number**

Shelf number

**Purchasing,
inventory and
acquisition number**

**Storage and
consignment number**

ledgers of artworks taken on consignment, if they were preserved *see Chapter 3.2.b.* It is important to remember that items consigned on commission are not the dealer's property and must refer to a different owner.

Lot number

Also, lot numbers of auctions can be found on objects. They may match auction catalogs, invoices or even the dealer's exposé photos. This concerns trading contexts before, during and after the National Socialist era. Lot numbers between 1937 and 1945 are sometimes recorded in lists kept by the Reichskultkammer and refer to previous owners *see Chapter 3.2.b.*

Manufacturer's and serial number

Fig. 1 (p. 43)

ERR number R57.

The painting

»Mrs Thomas

Hibbert« by Thomas Gainsborough was seized by the ERR in October 1940 from the property of Baron Edouard de Rothschild, returned to France in 1945 and then to the Rothschild family. Acquired in 1977 by the Pinakotheks-Verein for the Neue Pinakothek

EK number

Objects of everyday use produced in series, either industrially or in manufacturer's shops, have been equipped with manufacturer's and serial numbers since the 19th century. Nearly every technical device is marked with them on its type plate. Experience shows, however, that private owners very rarely recorded the serial numbers of their technical devices. For motor vehicles, the starting situation is better: Both the chassis and motor usually have manufacturer numbers stamped into them. The engine compartment contains the type plate, which bears the identifying data for the vehicle (make, model, engine number, chassis number etc.). Comprehensive registers of all vehicles were kept until the 1920s for many regions of Germany, Czechoslovakia and Hungary, Austria even had them until the 1950s.²² The archives of the large manufacturers (Mercedes-Benz, BMW, Audi) contain historic sales ledgers showing to whom the vehicle was delivered. License plates and officially issued registration documents providing information on ownership changes have been in use since about 1905.

Specific to the National Socialist context are the so-called EK numbers, which refer to the confiscation inventory of the degenerate art initiative »Entartete Kunst« established by the National Socialists. The EK numbers are recorded in the database of the »Entartete Kunst« research center of Freie Universität Berlin *see Chapter 3.3.e.* They are rarely found on the works themselves.

ERR number

The Einsatzstab Reichsleiter Rosenberg (Special Task Force Rosenberg), ERR for short, marked cultural property it »took into custody« with a letter-number code. The ERR number consisted of the name of the person robbed and a number assigned by the ERR. The abbreviations are listed in the ERR database: www.errproject.org/jeudep-aume. Confiscated books in Vienna were found with penciled-in

numbers with the prefix »E.R.R.« added.²³ On paintings, the corresponding abbreviation for the collector was added, for example, with black paint on the back of the piece [Example »R57« for Baron Edouard de Rothschild, Fig. 1](#). Medieval manuscripts were marked with corresponding inscriptions in red pen. Apart from the ERR, other institutions or special task forces responsible for the confiscation of cultural property may have left markings on items as well [see Chapter 3.1.b.](#)



The identification numbers of pawnbrokers found on objects may have resulted from the forced handover of precious metals.²⁴ Depending on the location and establishment these may be AV numbers [Fig. 2](#)²⁵, Ju numbers [Fig. 3](#) or J numbers²⁶ [see case study p. 72](#). Other variations are also possible. The numbers are placed directly on the objects or on labels. According to the »Dritte Anordnung auf Grund der Verordnung über die Anmeldung des Vermögens von Juden« (Third directive based on the Ordinance on the Registration of Jewish Property) of 21 February 1939 (RGBl I 1939, p. 282), all Jews in Germany had to hand over precious metals, gems and pearls at one of the 66 public pawnbrokers, who assigned the numbers by person delivering the item, although the numbering systems apparently differed from city to city. An overview has not yet been compiled.

Number of
pawnbrokers

AV number
Ju number
J number

The revenue authorities involved in seizure of property can also have attached numbers to objects, which are reflected in the transaction numbers of the tax offices. The Oberfinanzpräsident (Chief Finance President), abbreviated »O« in written correspondence, appears in files of the time on questions of »property seized for the benefit of the Reich« under code number »O 5205«. Number codes for the individual confiscation drives, such as Aktion III, as well as a coded identification of the victim were suffixed. The individual objects from the possession of a particular victim were coded in written correspondence with the identification number of the victim/consecutive number.²⁷ The reverse sides of various paintings were also marked with the identification number of the victim and, separated by a slash, the consecutive number from the confiscation list. Some known examples are transaction numbers from Mainz and

Transaction number
of tax offices

Identification number
of the victim



Fig. 2 (left)
AV number 1522 of
the purchasing office
of the Städtisches
Leihamt (Municipal
loan office), Munich
on a candelabra from
the Ludwig Rosen-
felder collection

Darmstadt, the structure of their codes always resembling the codes »M. St. 88/[transaction number/consecutive number]«, »Da. St. [transaction number/consecutive number]«.²⁸ Transaction numbers with or without letter codes are found on the objects. In the example shown here Fig. 4 with the number assigned by the Finanzamt (Tax office) Darmstadt, the letter »A« with identification number refers to the household of the deported citizen, the consecutive number after the slash identifies the painting. The sale price was noted down by hand. Similar identifiers were issued by the Reichstauschstelle (Reich Exchange Office) or the Reichsfinanzverwaltung (Reich Fiscal Administration), of which stickers with notched edges, printed in Gothic type with »Reichsfinanzverwaltung« and handwritten numbers have been preserved Fig. 5, see Chapter 3.2.b about files of the Oberfinanzpräsident.

Linz number

Another type of numbers are the Linz numbers. They identify works that were acquired under »Sonderauftrag Linz« for the museum Adolf Hitler was planning in Linz. These numbers are listed in the »Dresden Catalog« or the »Führerbau-Kartei«, now in the Archive of the Federal Art Administration (Kunstverwaltung des Bundes) Berlin. The »Dresden Catalog« is now in the Federal Archives. On paintings and some framed graphic arts pieces, the Linz numbers are glued to the back of the painting or frame on a narrow white slip of paper with a dark blue edge Fig 6, see www.dhm.de/datenbank/linzdb.

Fig. 3 (right)
Ju number 156,
probably assigned
by Städtische
Darlehensanstalt
(Municipal loan
institution), Frankfurt
am Main

A numbering system is also known for graphic works that were in Dresden at the administration office of »Sonderauftrag Linz« and were removed to Weesenstein castle. The numbering system of this



inventory differs from the aforementioned Linz numbers. It used letters for the individual prints and works on paper techniques (»Z.« for drawings; »Gr.« for prints, »Gr. Bd.« for bound prints, »Z. Sk.« for sketchbooks) followed by the year 1944 (usually just »44«) and a consecutive number Fig. 7. The extent to which this numbering system was used beyond these prints and works on paper cannot be conclusively assessed on the basis of present knowledge.²⁹ At the Reichskunstddepot Kremsmünster, which was also used as a depot for »Sonderauftrag Linz«, a similar system was used to mark paintings: »K« for »Kremsmünster«, »Kremsmünster Kunstgewerbe« was abbreviated »KKU«, and »Kremsmünster Grafik« was coded »KG«, etc.

The reverse sides of paintings from the collection of Hermann Göring to this day bear pink paper stickers with an »F« and sometimes a corresponding photo number.³⁰ Also, an RM number (for Reichsmarschall) that was sometimes only written in chalk identifies items of his collection of paintings. Its counterpart can be found in the (incomplete) inventories of his paintings collection in Paris and in copy in the Federal Archives in Koblenz. Regarding RM numbers, also see the database of the Deutsches Historisches Museum on Göring's art collection at www.dhm.de/datenbank/goering.

The Munich numbers assigned at Central Collecting Point Munich are from the post-war era. The Arrival or Mü. number was recorded both on index cards and on the object: on paintings usually in blue color, other types of items were equipped with labels that were glued on or, for example on sculptures, attached with wire and can be lost Fig. 8. The numbers have 1 to 5 digits. Initially, entire crates were

Fig. 4 (left)
Label of Finanzamt
Darmstadt with code
Da. St. A. 191/31,
which is attached
to the object and
proves the sale or
planned sale by the
financial authority

Göring collection
Photo number
RM number

Munich number

Fig. 5 (right)
Label Reichsfinanz-
verwaltung with
handwritten code
»F GI«, for
Finanzamt Gießen

Fig. 6
Linz number
1080/775 on
the backside
of a drawing
by Hans Makart

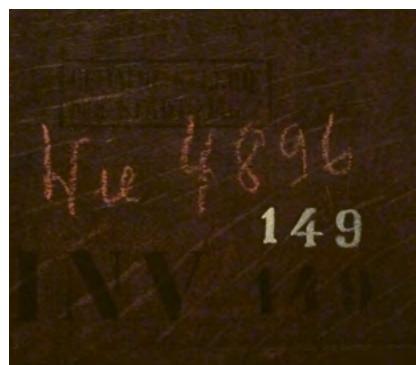
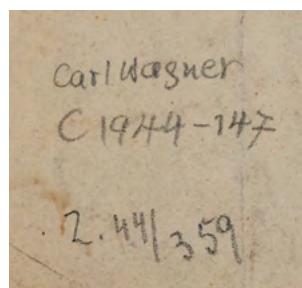


Fig. 7 (top)
Number Z. 44/359
of a drawing of
»Sonderauftrag Linz«
in storage facility
Weesensteiner

Fig. 9
The Wie number
4896 was noted
with red chalk
on the reverse
of the painting
»Winter landscape«
by Klaes Molenaer

Fig. 8
Munich number 6069
was attached
to the wood
sculpture »Seated
Madonna with Child«
upon delivery to
Central Collecting
Point Munich

sometimes numbered, whose individual objects were later assigned sub-numbers after a slash, e.g. »5040/1-21«. Apart from the Munich number, the cards also contained the »Depot« numbers of the repositories where the works were found. Works of Göring's collection that had previously been stored in Berchtesgaden and Unterstein have the Berchtesgaden number marked on the index card of the Central Collecting Point. In addition to a Munich number, objects often also have an Unterstein number, which is sometimes written in chalk, sometimes in blue pencil on the front or back of the piece.³¹

The Wiesbaden Central Collecting Point issued the Wie numbers. They consist of the letters »WIE« and a series of numbers, much like the Munich numbers. On the backs of paintings, the number was written in red chalk Fig. 9. Since, like in Munich, some crates were unpacked later in Wiesbaden, a »/« plus consecutive number indicates that the item may have been removed and inventoried at a later date. For verification of a Wie number, it is worthwhile to look into Fold 3, see www.fold3.com/browse/114/hu1es9Q7i and Chapter 3.3.e. Also, the Wiesbaden Property Cards corresponding to the numbers often provide information on the repatriation by listing the shipments. As numbers, even those on labels, can be forged, a restorer should be consulted as soon as doubt arises.³²

Wie number

3.1.b Stamps

Stamps on objects often, but not always, provide information about ownership. They can, for example, refer to a restorer's workshop or come from suppliers such as canvas or frame makers, book binders or book sellers. However, even such stamps provide some insights into the »stations« of an object. On paintings, for instance, estate stamps of the artist or the estate manager are attached. In addition, many objects have collection or collector's stamps. For prints and works on paper and some book collections, these are listed in the Lugt database www.marquesdecollections.fr. Stamps pressed into the bindings of books, often with family crests or monograms (supralibros or bookplates) also provide evidence of possible previous owners. To evaluate stamps in books, provenance markings from the history of the respective institution are useful, which libraries sometimes published themselves.³³ Also, various overviews of markings from individual research projects can be helpful see Chapter 3.1.c. In addition, National Socialist authorities and organi-

Estate stamp

Collection and
collector's stamp

zations also put stamps on objects, for instance the Sonderkommando Künsberg, of which samples of every stamp the task force used have been preserved.³⁴

Custom stamp and seal

Customs stamps and seals provide evidence of border crossings and mark the customs district. Customs offices only stamped in cases of legal transactions or intended transactions, not when pieces merely crossed borders for exhibition purposes. An index of stamps and seals has not been compiled. The official duty seals and customs seals always show a national emblem.³⁵ The shape and appearance of the national emblem were and still are prescribed by law and ordinance within Germany (RGBI/BGBI). It is difficult to tell stamps dating from the Weimar period from those after 1950, as the emblems of the Weimar Republic continued to be used after the founding of the Federal Republic. Small details like the font used or customs office mentioned in the stamp provide indications of when they were placed. If a swastika is shown, the stamp dates from between September 1936 and May 1945. After 31 March 1937, it was no longer permitted to use stamps that did not bear the new state symbols. Dealing with customs seals, it helps to analyze the material, as the traditional lead seals were no longer used after 1950. In any case, the respective customs authorities or customs museums should be consulted for more detailed information on the use of seals.³⁶

Stamp with imperial eagle and swastika

Other stamps with imperial eagle and swastika were used, for example, by the Zentralstelle für Denkmalschutz (Central Monument Protection Agency) or the Institut für Denkmalpflege (Institute for Monument Conservation), both of which were predecessors of the Federal Monuments Authority Austria in Vienna under the National Socialist regime. The current successor authority can provide assistance with finding information on confiscated or seized Jewish property in Austria [see Chapter 3.2.b.](#)

The ERR also marked cultural property it »took into custody« with stamps.

3.1.c Labels and ex libris

In the following chapter, the term label is used collectively to describe stickers, hang tags and tabs. Labels and tabs can be stuck to the object or attached by means of twine or wire. In vessels, for example, they can often be found on the inside, on textiles they are likely sewn in. They can show numbers of varied origins [see Chapter](#)

3.1.a, e.g. inventory numbers of museums, but also addresses and names of artists, dealers, frame makers or collectors. With labels used in the art market, the respective gallery may be able to assist *see also Chapter 3.2.b*.

Other labels indicate exhibitions where the piece was shown. If it does not contain any information about the lender, it at least leads to the next research step *see also Chapter 3.2.b*. Images of exhibition labels can be found here, for example: [www.metmuseum.org/
art/libraries-and-research-centers/leonard-lauder-research-center/
cubist-collection/archival-labels](http://www.metmuseum.org/art/libraries-and-research-centers/leonard-lauder-research-center/cubist-collection/archival-labels).

Ex libris usually indicate the owner of a book and are elaborately and artfully designed. They often contain the name or initials of the owner, crests, aphorisms or mottoes, or allegorical or symbolic illustrations. Further labels on books are often shelf number labels/tabs, which can provide information about the previous owner. Information on chronological or geographical placement can be gleaned from book sellers' or book binders' labels. Labels used in library contexts, including bookplates, can be researched in the relevant databases.

Ex libris

**Shelf number
label/tab**

**Book sellers' and
book binders' label**

3.1.d Trade- and hallmarks

Hallmarks on precious metal items often indicate the city (assay mark), the artist (master's mark) and the time the piece was created. These hallmarks must be described according to the current state of knowledge and included in the findings. The publication by Marc Rosenberg »Der Goldschmiede Merkzeichen«, completed in 1928, shows numerous examples of the hallmarks and previous owners. In addition to the various editions of the volumes,³⁷ parts of the not-yet reviewed estate of the expert on goldsmith art are in the Deutsches Kunstarchiv (German Arts Archive) of the Germanisches Nationalmuseum Nürnberg, parts are in the Kunstsammlungen Augsburg.³⁸ Although the meaning of some hallmarks may have changed since then, his earlier interpretation should be considered for research. For provenance research, hallmarks that were added upon crossing borders as proof of paid duties are of particular interest, as they become evidence of the objects' later history. Apart from Rosenberg, we recommend the reference works by authors specialized on particular countries, and databases like [www.silver-
collection.it/hallmarks.html](http://www.silver-collection.it/hallmarks.html). The Descriptive Catalogue of Looted Judaica is particularly suitable for Judaica made of silver.³⁹

Hallmarks

Armory hallmarks

Pole arms and armor often bear pre-modern armory hallmarks, which indicate for example affiliation with the municipal Münchner Zeughaus (the items are now in the Münchner Stadtmuseum). Armory hallmarks are usually identical with the city's coat of arms.⁴⁰

Trademarks

Reference books on hallmarks in pewter usually only indicate the manufacturer and the city where the item was marked. Unlike the marks of goldsmiths, they do not identify individual pieces and owners because of the mass-produced nature of the items. Another difficulty in researching pewter is that the company hallmarks of manufacturers that no longer exist are still being used by other companies to this day.⁴¹ Hallmarks must therefore be checked for signs of forgery, particular those of Judaica.⁴²

Porcelain and faience items also bear manufacturer's trademarks, which can be found in reference works. In addition, the pieces often show written marks by collectors and collection numbers [see Chapter 3.1.a](#). Regarding textiles, tapestries in particular often have city and master hallmarks that can elucidate their origins.⁴³

3.1.e Autographs (initials), dedications and engravings

Handwritten provenance markings like autographs and dedications can also provide important clues about previous owners. In books, they are often on the title page or the end-paper, on paintings and sculptures they are sometimes prominently placed on the front, but of course may also be found on the backs of pieces. Often they consist only of initials or first names. However, in combination with other markings, e.g. a label, they can enable the researcher to determine a date or location, resulting in a lead that can then be followed up in genealogical research [see Chapter 3.4](#). It is also worthwhile to compare the markings (including handwriting comparison) with other objects that show similar attributes. Where possible, some libraries publish their autographs online in searchable catalogs, some are available in the database Kalliope, but often they are only found in internal catalogs. In each case, the respective specialized department should be contacted directly.

Precious metal items often bear crests or monograms that reveal previous owners [see Chapter 3.4.b](#). Such property markings were especially popular for christenings, confirmations, bar mitzvahs, etc.

Textiles were embroidered by women with their initials, monograms and crests well into the 20th century.

3.1.f Insertions

In addition to provenance markings directly attached to the object, books, but also items of jewelry (medallions), are often accompanied by so called insertions: a lock of hair, pictures (drawings as well as photographs), personal documents, money, library tickets with address data, shopping lists, postcards, letters and much more. Such insertions can provide clues about previous owners. However, they must be examined very carefully, as they may have been left with the item coincidentally and be in no way connected to the previous owner of the object (this is particularly true of library stock).

3.2 Starting from Archival Documentation

Archival documents can be divided into internal documents referring to the object in the collection, and external documents in archives and estates. Both in-house collection documentation and external sources must be examined closely for inadvertent errors, but also with an eye to source forgery, destruction or omission of information. This also applies to inventories compiled retrospectively after 1945 that did not have any contemporary acquisition information to rely on.

3.2.a Proof of origin through internal sources

Research should start with the acquisition logs (inventories, acquisition journals or accession journals). They provide information as to when the item was acquired and, possibly, inventoried at a later date; they usually name the person or institution who supplied the item and under what circumstances.

[Acquisition logs](#)

For acquisitions between 1933 and 1945, all forms of acquisitions must be questioned – donations, purchases, transfers or bequests. Frequently, the vague description »acquired« is used to veil concrete transactions. Loans that were added to the collection before 1933 should also be checked regarding their later status. Quite often, loans were tacitly added to an inventory after the deportation or death of former persecuted owners.

Furthermore, any existing object files must be checked. Ideally, they may contain evidence of the object in literature, exhibition or auction catalogs as well as historic photos, invoices, purchase correspondence or removed labels [see Chapter 3.1.c.](#)

[Object files](#)

Acquisition or offer files

Some museums maintain separately kept acquisition or offer files with (rejected) offers from galleries; such offers were frequently resubmitted later and then accepted.

Many collections have indexes of objects given to the institution for safekeeping from the ravages of war by private persons or groups and associations. These are often listed as »Fremdbesitz« (third party property), since the museum did not purchase them. Other descriptors for such items are »Depositum« or »Hinterstellung«. These works may have been added to the museum's inventory at a later date.

During the Second World War, holdings of museums and libraries as well as private or institutional collections were stored elsewhere to protect them from destruction. Thus, any existing removal lists and transport lists must be checked as well.

Many institutions have their own archive with further files on purchases and other acquisition transactions. Incoming and outgoing mail logs, also called »Journale« or »Registranden«, can contain clues on correspondence about the work under examination.

After viewing in-house sources or in case no internal files have been preserved, files in external archives must be checked. As a rule, the supervising institutions and authorities have established parallel file archives. In each case, the institution's area of responsibility determines which archive to consult.

3.2.b Proof of origin through external sources

An initial overview of possibly relevant archives can be found on the website of the Lost Art Database www.lostart.de/hr-raubkunst-quellen. The following is an introduction of relevant inventories of individual archives.

Bundesarchiv (Federal Archives)

The Federal Archives are housed in several locations: For research into the National Socialist era, the sites Berlin-Lichterfelde and Koblenz are particularly relevant. In the online inventory overview and with the archive program »Invenio«, researchers can search for involved persons like collectors, dealers and gallery owners, but hardly for individual works of art.

The Federal Archives have both files from the National Socialist era and files compiled after 1945. One particularly important holding is B 323 Treuhandverwaltung von Kulturgut (TVK, Trust Admin-

istration of Cultural Assets) at Oberfinanzdirektion München, maintained in the Koblenz archive. It emerged through the activities of the Central Collecting Points and the TVK, or rather was compiled for practical use as part of those activities. The TVK was founded in 1951 to administer the remaining holdings of the Collecting Points and closed in 1962. The archive contains documents of the Reichskanzlei, of Reichsleiter Martin Bormann, the representative and experts for »Sonderauftrag Linz«, the Einsatzstab Reichsleiter Rosenberg, the Monuments, Fine Arts and Archives Restitution Branch of the American military government as well as business records of galleries. Most of the documents are reproductions of written records. The archive provides information about National Socialist art looting and the distribution by the various task offices, as well as their later allocation and possibly return to their countries of origin by the Allies or the Federal Republic. It also contains records of numerous restitution processes during the 1940s, 50s and 60s. Archival holding B 323 is largely available online.

The holding R 43 Reichskanzlei (Reich Chancellery) complements B 323, particularly holding R 43 II from the period between 1933 and 1945 (Berlin-Lichterfelde archive). Some of the archived documents have been digitized.

The Berlin-Lichterfelde archive also contains the files of the NSDAP and its institutions: List of members, party correspondence, personnel institutions documents of the SA and SS as well as personal files of the Reichskulturkammer (Reich Chamber of Culture).

The Federal Archives (also at the Freiburg, Ludwigsburg and Bayreuth sites) is also a good source for searches for particular groups of persons, such as high-ranking officials in the judicial or administrative bodies, members of the NSDAP, but also victims of «euthanasia» measures or resistance fighters. An overview of groups that are easy to research is available at: www.bundesarchiv.de/EN/Content/Artikel/Artikel-ausserhalb-der-Navigation/Benutzen-Recherche-NS-Zeit/benutzen-recherche-zur-ns-zeit-en.html

Holding R 43
Reich Chancellery

Holdings of
the NSDAP and its
institutions

National and regional archives, state archives, municipal archives
An overview of archives in the individual states with locations, contact information and links to their respective websites is available on Archivportal Deutschland at www.archivportal-d.de.

File holdings of institutions of the National Socialist state

The files of the respective Oberfinanzpräsident, the tax offices and corresponding foreign exchange offices are important sources for the financial limitations associated with the National Socialist race laws (for laws see Chapter 1.1.a).

**Oberfinanzpräsident,
tax offices and
foreign
exchange offices**

File holdings of the Oberfinanzpräsident or state tax offices, for example, contain property lists of Jewish persons. According to the »Ordinance on the Registration of Jewish Property« issued on 26 April 1938, property had to be declared as soon as it exceeded 5,000 RM. Not all property declarations have been preserved. Also, individual objects are named in very few cases. For designation of objects confiscated by revenue authorities see Chapter 3.1.a.

The foreign exchange offices affiliated with the tax offices were involved in the initiation of expatriation proceedings with subsequent loss of property. They were authorized to confiscate passports, impose fines, limit or withdraw a person's right to dispose of their own property, inspect the household goods of Jewish citizens wishing to emigrate, impose high special taxes (Reich Flight Tax) and limit capital transfer. The documents of the foreign exchange offices thus provide mainly information about the status as a persecuted person, but may also contain information on specific property. Furthermore, they can provide clues as to whether certain Jewish persons had limited access to their property due to a seizure order or seized account.⁴⁴

Gestapo files

Indications of actual confiscation procedures and seized, usually Jewish cultural property – these more often including lists of the confiscated works – can be preserved in the files of the Gestapo. Holdings of the local Gestapo offices are preserved for instance in Düsseldorf (Landesarchiv Nordrhein-Westfalen, Abt. Rheinland), Würzburg (Staatsarchiv Würzburg) and Munich (Staatsarchiv München, holding Polizeidirektion).

**Reich Chamber of the
Fine Arts**

Apart from the personal files of the Reichskulturrkammer (Reich Chamber of Culture) in the Federal Archives, the files of the Berlin Head Office of the Reich Chamber of the Fine Arts are maintained at the Berlin State Archives. Among other things, the Reich Chamber was responsible for issuing auction permits. According to the auction law and the accompanying regulations of October 1934, auction houses had to register their auctions with the Reichskulturrkammer and list names of owners or aliases in the catalog (RGBl. I 1934,

p. 974–976 and 1091–1104). Applications to the Reichskultkammer contained lists of objects to be sold including names, and after 22 April 1938 with the issuance of the »Verordnung gegen die Unterstützung der Tarnung jüdischer Gewerbebetriebe« (Ordinance against abetting the concealment of Jewish businesses) also had to designate »non-Aryan property« (RGBl. I 1938, p. 404).⁴⁵ For Berlin auction houses, the Berlin State Archive holds documents on auction authorizations, depending on the auction house, between 1933 and the latest in 1943, with corresponding lot numbers and consignors (auction consignments in alphabetical order, *see Chapter 3.1.a*).

At the municipal level, resident registration indexes and file holdings of the resident registration offices are of particular importance, as they can provide personal information (births, deaths, marriages etc.) and religious affiliation *see Chapter 3.4*.

File holdings of post-war era institutions

The compensation proceedings under the Federal Indemnification Law (BEG) and the Federal Law on Restitution (BRÜG) resulted in complex file holdings on individual cases *see Chapter 1.1.b*. These are available for the Western federal states and former West Berlin.

The Federal Central Registry in Düsseldorf acts as a central and joint registry of the Federation and the federal states for compensation files (Entschädigungsakten) and, provided with concrete life data, can disclose whether compensation files exist for a particular person. It contains approximately 2.5 million index cards of eligible persons and their family members, sorted by birth dates, from all compensation authorities of the Federal Republic. The registry also states which authority currently holds the compensation files for a particular applicant. The applicant is not necessarily the same person as the victim. In some cases the files contain the names and addresses of living family members. The case numbers of the proceedings are provided upon request: www.brd.nrw.de/entschaedigung_fuer_naziunrecht/pdf/BZK_Merkblatt_englisch.pdf

Compensation files

Restitution files (Rückerstattungsakten, also: Wiedergutmachungsakten) are files on proceedings under the BRÜG and document, among other things, the confiscation of cultural property. They can therefore be an important source of information for provenance research and for genealogical research *see Chapter 3.4*.

Restitution files

An overview of which archives contain the file holdings of the

restitution offices is available, for example, at www.lostart.de/hr-wiedergutmachung.

Restitution offices

Often there are corresponding file holdings at the municipal restitution offices and with the Oberfinanzdirektion offices, which were involved as representatives of the federal level. Which archive should be consulted depends on whether the location of confiscated and returnable objects is known at the time of application; if not, then the location of the confiscation. Accordingly, the archive holdings of restitution offices are scattered over a multitude of locations. The Bundesamt für zentrale Dienste und offene Vermögensfragen (BADV, Federal Office for Central Services and Unresolved Property Issues) alone has roughly 1 million restitution files from the holdings of Oberfinanzdirektion Berlin. In addition, the Oberfinanzdirektionen of Cologne, Düsseldorf, Münster, Koblenz, Frankfurt / Main, Bremen, Hanover, Munich and Nuremberg gave their files on restitution proceedings under the BRÜG to the BADV for administration and use.

Federal Office for Central Services and Unresolved Property Issues

Berlin State Archive

The holdings of the Berlin State Archive are important outside of Berlin as well, because Berlin was the seat of the Supreme Court for Restitution. It is possible to search for applicants and victims in the database www.wga-datenbank.de. The restitution files in the state archive and those at the BADV on the same proceedings are not identical and should both be examined.

To avoid double compensation, it is important to know if the object of a restitution claim was possibly already returned after 1945, whether compensation payments were remitted and if so, which objects they were for. The BADV must always be consulted for that information. The disclosure from the BADV may also list other archive holdings: www.badv.bund.de/EN/UnresolvedPropertyIssues/Archives/start.html

There is no comprehensive list of all restitutions in Germany since 1945 or since 1998.

Company archives and estates

File holdings on the company history of galleries are often contained in business and economic archives (Wirtschaftsarchive). They can provide information on, for instance, the »aryanization« of companies. A list of these archives with filtering function by federal states is available at www.archivportal-d.de. The Bayerisches Wirtschaftsarchiv of the Munich Chamber of Industry and

Commerce (IHK) for example maintains IHK correspondence with authorities and other representations and also numerous files on individual »aryanization proceedings« of Munich-based companies. For researching the estates of galleries and collectors, the estate databases of the Federal Archives and the database Kalliope are useful. www.nachlassdatenbank.de, www.kalliope-verbund.info

An overview of archives and estates of galleries known as of 2001 is available in the AAM Guide to Provenance Research in Appendix D.⁴⁶ Some libraries even today list estates and holdings of manuscript collections only locally, so inquiries have to be made directly. Estates of collectors are often still in the possession of their heirs. The Galerie des 20. Jahrhunderts in Berlin has compiled a list of some relevant art dealers and galleries of the 20th century with information on their records (last updated: 2016) www.galerie20.smb.museum/kunsthandel_einfuehrung.html.

The Zentralarchiv des internationalen Kunsthandels ZADIK (Central Archive of International Art Dealing) in Cologne collects and preserves archives of renowned galleries and art dealers, in particular their correspondence with business partners and artists, as well as all materials providing information on gallery operation, exhibitions and public relations work, and work with artists. The Deutsches Kunstabarchiv at the Germanisches Nationalmuseum in Nuremberg also maintains file holdings of art dealers and galleries. The RKD – Nederlands Instituut voor Kunstgeschiedenis in Den Haag holds numerous gallery estates, which have gradually been digitized since 2017, so some are already accessible on the internet. A number of galleries and antiquarian bookshops that were active before and during the National Socialist era still exist today. Inquiries can be sent directly to them or their successor companies. Large international auction houses such as Sotheby's, Christie's or the Dorotheum in Vienna have their own provenance research departments and share information upon request. In addition, trade registry files (some in state archives or district courts) and files on company audits in the 1930s/40s should be consulted.

Zentralarchiv des
internationalen
Kunsthandels

Deutsches
Kunstabarchiv

Nederlands
Instituut voor
Kunstgeschiedenis

Archives of museums, art associations and exhibition centers

Archives of museums, exhibition centers and art associations contain information on exhibits of works and their former owners, but also correspondence and (rejected) offers to museums. It is best

to inquire with the archive directly, as holdings are often not completely recorded or not available for viewing online. The Zentralarchiv der Staatlichen Museen zu Berlin is a well-developed archive and very relevant to many provenance issues. www.smb.museum/museen-und-einrichtungen/zentralarchiv/forschung/provenienzforschung-am-zentralarchiv.html

Photo archives

Photo archives can be a useful aid for the certain identification of works of art and cultural property named in sources. Historical photos of museums, collections and exhibitions allow the researcher to associate objects with a confiscated collection or seizure.

Extensive collections of photographic documentation of cultural property are available from:

- Deutsche Fotothek, Sächsische Landesbibliothek – Staats- und Universitätsbibliothek Dresden:
www.deutschefotothek.de
- Zentralinstitut für Kunstgeschichte, Munich:
www.zikg.eu/photothek
- Bildarchiv Foto Marburg: www.uni-marburg.de/fotomarburg
- Archives of American Art, Smithsonian Institution, Washington, D. C.: www.aaa.si.edu/collections
- Frick Art Reference Library Photoarchive, New York:
www.frick.org/research/photoarchive
- Getty Research Institute Photo Archive, Los Angeles:
www.getty.edu/research/tools/photo
- National Gallery of Art, Washington, D. C.:
www.nga.gov/research/library/imagecollections.html
- Photo Archive Collections of Musée d'Orsay and Louvre, Paris
- Rijksbureau voor Kunsthistorische Documentatie (RKD) Den Haag:
www.rkd.nl/en/collections/visual-documentation
- Villa I Tatti The Harvard University Center for Italian Renaissance Studies, Florence: https://images.hollis.harvard.edu/primo-explore/search?vid=HVD_IMAGES
- Witt Library, Courtauld Institute of Art, London:
www.courtauld.ac.uk/study/resources/image-libraries/witt-library
- Fondazione Federico Zeri, Bologna:
<http://catalogo.fondazionezeri.unibo.it/cerca/opera>

- Photothek of the Kunsthistorisches Institut, Florence:
<http://photothek.khi.fi.it>
- Photographic Collection of Biblioteca Hertziana:
www.biblhertz.it/de/photographic-collection
- The International Consortium of Photo Archives (PHAROS) combines the entries of 14 photo archives and offers a search function using reference photos: <http://pharosartresearch.org>

Archives abroad

Depending on clues about the country of origin of an object or the former owner, or if an object was acquired in a territory of the Deutsches Reich that does not form part of the Federal Republic today, it may be necessary to consult archives outside of Germany. An overview of international institutions holding archived material on the Holocaust and confiscated cultural property is available at:

www.archives.gov/research/holocaust/international-resources
www.archives.gov/research/holocaust/art/key-series-descriptions
<https://ehri-project.eu/online-course-holocaust-studies>

Since individual archives are structured very differently, only a few selected examples can be provided here.

An overview for Austria is available at www.ns-quellen.at, which offers extensive information on seizures of property between 1938 and 1945 and on compensation after 1945. At www.findbuch.at, it is possible to research the reference number of archived materials on National Socialist persecution and returns/restitutions after 1945 involving persons and institutions in Austria.

Austria

The Austrian State Archives hold property registrations by Austrian Jews submitted under the »Ordinance on the Registration of Jewish Property« of 26 April 1938: www.archivinformationssystem.at.

The archive of the Bundesdenkmalamt Wien (Federal Monuments Authority Vienna) also has restitution and export documentation central to provenance research. The holdings of general and person-specific restitution materials can be viewed at the offices of the Provenance Research Commission by appointment: www.provenienzforschung.gv.at. The Commission also offers a dictionary of Austrian provenance research: www.lexikon-provenienzforschung.org. Card indexes of the so-called central depots are accessible here: www.zdk-online.org.

Switzerland An overview of relevant archive holdings in Switzerland is provided by the Federal Office of Culture: www.bak.admin.ch/bak/en/home/cultural-heritage/looted-art-from-the-nazi-period/provenance-research-in-switzerland.html.

The Netherlands In the Netherlands, the main archive to consult is the Nationaalarchief in Den Haag, which maintains the holding »Stichting Nederlandse Kunstbezit« containing documents on looted art from the Netherlands, on the search for those works and, if applicable, on their return: www.nationaalarchief.nl/en/research/archive/2.08.42.

France A list of relevant archives in France is available on the website of the CIVS (Commission for the Compensation of Victims of Spoliation): www.civs.gouv.fr/en/our-network/archives-consulted-in-france.

USA Art protection commissions of the US Army (»Monuments Men«) endeavored to return works of art to their countries of origin after the end of the war. Records of their efforts are maintained in the National Archives and the Library of Congress in Washington. A number of documents, e.g. of the Central Collecting Points, can be accessed via the website Fold3: www.fold3.com.

3.3 Starting from Literature and Online Resources

When approaching an object through literature, we must differentiate between object-specific literature and contextualized individual or general studies, for instance on key figures, the arts market or the history of an institution. Every category of literature can offer important new clues at any stage of research. Literature, like any other source, must be examined critically. The following is a selection of literature and database tools: None of the databases claims to be complete.

3.3.a In-house catalogs and annals

To gather information on an object and its provenance, researchers should consult all (if any) existing in-house catalogs. Particularly public institutions also regularly publish yearbooks, which often contain a list of new acquisitions. Unfortunately, they often do not cite the sources of provenance information. Ideally, they match previously consulted primary purchase documentation in

the in-house archive, though quite often this is not the case. At the request of the seller, they often contain vague expressions like »acquired from Swiss private owner«, while the actual name is only mentioned in the purchase correspondence. However, they may also reference entirely new names of owners that had not been recorded previously.

3.3.b Catalogues raisonnés, exhibition and publication history of an object

A type of literature on paintings, sculptures and works on paper that is relevant for provenance research are catalogues raisonnés.⁴⁷ They generally compile all works by an artist known at the time of publication, including information on provenance, and on exhibition and publication history. However, there is no rule-book for compiling catalogues raisonnés, so they often do not cite sources. Every author decides individually which information to include, how transparently it is published, and in what format. Private collections in particular are often not designated by owner's name. If the author of the catalogue raisonné is still alive, it is therefore highly recommended to contact them to obtain more detailed provenance information. Searching for estates of a deceased author can also be beneficial. If several catalogues raisonnés have been published on the same artist, all must be consulted in order to capture all information and take into account changes of ownership occurring over time.

Catalogues raisonnés

Another source of provenance information are any and all publications on an artist and their environment, e.g. patrons and collectors.

In order to trace the origins of an object, it is helpful to reconstruct its exhibition and publication history in as much detail as possible. Exhibition catalogs can provide clues about the lenders and therefore possibly the owners of an object. If this is not the case, the exhibiting institution can be contacted to obtain information on possible lenders. Any publication that mentions the work, even an image caption or photo source, can contain clues about the owner. In this context it is important to check not only publications between 1933 and 1945. Research must focus also on exhibitions and publications prior to and after that time until the object's acquisition.

Exhibition and publication history

3.3.c Auction and trade catalogs

An essential category of literature are auction and trade catalogs of auction houses and galleries. Many objects changed hands at public auction. Published price and results lists provide information about the outcome of the auction. Auction catalogs are particularly valuable for research when they contain hand-written comments, so-called annotations: about persons in attendance representing institutions, galleries and collectors, but also about suppliers, sale prices and buyers. Depending on who wrote the annotations, such catalogs can be found in public national and international libraries and in private gallery and collectors' estates.

German Sales Catalogs

To find out whether the object to be researched was auctioned between 1900 and 1945, it is recommended to use a database of the Getty Research Institute: the German Sales Catalogs. In cooperation with the Universitätsbibliothek Heidelberg <http://artsales.uni-hd.de> and the Kunstabibliothek der Staatlichen Museen zu Berlin, more than 9,000 auction catalogs have been digitized and their over 830,000 data records made accessible for research in a searchable database: www.getty.edu/research/tools/provenance/german_sales.html. The site also provides references to annotated auction catalogs and their locations.

Auctions in Berlin

A brief overview of auctions in Berlin between 1933 and 1945, which was generated by evaluating holding A Rep. 243-04 (Reich Chamber of the Fine Arts – State Head Office Berlin) at the Berlin State Archives, is available on the website of the Lost Art Database: www.lostart.de/hr-auktionen.

Digitalized exhibition and stock catalogs of Vienna-based companies, some with lists of owners, can be found at: <http://digitale-bibliothek.belvedere.at/viewer/browse>, more at <https://digi.ub.uni-heidelberg.de/sammlungen/verkaufskataloge.html>.

3.3.d Price development and reception history of an object

Art magazines

Art magazines offer important contemporary insights on exhibitions, auctions, private collections or acquisition activities of museums.⁴⁸ Some relevant magazines are »Weltkunst«, »Die Kunst für alle«, »Kunst und das schöne Heim«, »Die Dame«, »Das Kunstwerk«, »Kunstforum International«, »Der Sturm«, »Museum der Gegenwart«, »Simplicissimus«, »Pantheon«, »Cicerone« and »Das Kunstblatt«. Current reports on the German and international art market have

been published several times per year in »Weltkunst« since 1926, or in »The Burlington Magazine« since 1903. They are particularly useful sources for auction results and partially accessible online. In addition to these, the »Kunstpreis-Jahrbuch«, published since 1950, represents a relevant source for works of art auctioned in the German-speaking region. For more recent transactions, including those on the international art market, there are two main databases: www.artnet.de (auction prices from 1985 to today) and www.artprice.de (largest platform worldwide). For books, manuscripts and autographs, the Jahrbuch der Auktionspreise can be accessed at www.bookauctionrecords.org. In addition, we also refer to the database Auktionspreise Online by the Verband Deutscher Antiquare e. V. www.auktionspreise-online.de.

The magazine »Internationale Sammler-Zeitung«, published in Vienna from 1909 to 1938, which also contains lists of auction prices, will gradually become available from 2019 at <http://hauspublikationen.mak.at>.

Appropriateness of price is one of the parameters for assessing legal transactions during the National Socialist era. In this regard, complementary to the abovementioned publications, contextualized studies of the art market during the National Socialist regime can be of help.⁴⁹ For instance, individual studies of the Munich or Berlin art market already exist,⁵⁰ as do studies on the »utilization« of »degenerate art« and its effect on the pricing of modern works of art.⁵¹

Price evaluation

3.3.e Databases and online resources

Databases and online resources are key tools supporting provenance research. The nature of each object determines what database should be used. Fortunately, the amount of data available online is growing by the day. Thus, any overview of databases and their contents can only ever be a snapshot of the current status. Before first using a database, it is important to become familiar with the content, the current status and the objectives of the information it provides. We differentiate between specific object databases and databases that provide source material for research. It is not expedient to use every database in the hope that the object to be researched is listed in it. Many serve to establish synergetic context, for example to find out more about the individual fate of collectors, dealers and seizures in order to focus one's own research. An over-

view of the most commonly used databases and online resources is appended at www.kulturgutverluste.de/manual.

3.3.f Specialized literature for provenance research

The multitude of heterogeneous publications on the topic of provenance research cannot possibly be summarized in one chapter. There are numerous national and international journal series, anthologies, individual studies on galleries, on victims and key figures of National Socialist art looting, on collectors or on the institutional history of cultural heritage institutions, or individual studies on various confiscation contexts, as well as search catalogs and databases of the formerly occupied nations. Also, catalogs of exhibitions about provenance research can aid one's own research. The following are references to specific types of publications and individual examples:

Guidelines and general instructions for provenance research:

- Nancy H. Yeide, Konstantin Akinish and Amy L. Walsh:
The AAM Guide to Provenance Research, American Association of Museums, Washington 2001
- Stefan Alker, Bruno Bauer and Markus Stumpf: NS-Provenienzforschung und Restitution an Bibliotheken, Berlin 2017
- Julie-Marthe Cohen, Felicitas Heimann-Jelinek and Ruth Jolanda Weinberger: Handbook on Judaica Provenance Research: Ceremonial Objects, published by Jewish Material Claims Against Germany (Claims Conference) & World Jewish Restitution Organization (WJRO), Berlin 2018
- Claudia Andratschke, Jasmin Hartmann, Johanna Poltermann, Brigitte Reuter, Iris Schmeisser and Wolfgang Schöddert:
Leitfaden zur Standardisierung von Provenienzangaben (Guidelines on standardizing provenance information), published by Arbeitskreis Provenienzforschung e. V., Hamburg 2018
- International Foundation for Art Research, Provenance Guide

Publications by the Deutscher Museumsbund:

- Guidelines for German Museums. Care of Collections from Colonial Contexts, II. Version, Berlin 2019
- Leitfaden Provenienzforschung und Restitution –

Eine Empfehlung, Berlin 2014

- Recommendations for the Care of Human Remains in Museums and Collections, Berlin 2013
- Leitfaden für die Dokumentation von Museumsobjekten, Berlin 2011
- Leitfaden zum Nachhaltigen Sammeln und Abgeben von Museumsgut, Berlin 2011

German and Austrian journal series and anthologies:

- Publications by the Koordinierungsstelle für Kulturgutverluste Magdeburg (Volume 1–9)
- Publication series »Provenire« by the German Lost Art Foundation
- Journal series of the Commission for Provenance Research in Austria
- Journal series of the Berlin Research Center on »Degenerate Art«
- Journal series of the Hamburg Research Center on »Degenerate Art«
- Publications of the Center for Holocaust Studies at the Institute for Contemporary History
- Journal series of the Provenance Research Center, Kunst- und Kulturgutschutzrecht (Art and Cultural Property Law) at Bonn University, in planning

Further links with bibliographies on the topic of provenance research:

- <http://art.claimscon.org/home-new/resources/resources-bibliography>
- Literature lists on National Socialist provenance research and Nazi-looted art at the Federal Office for Culture, Swiss Confederation, available at www.bak.admin.ch/provenienzforschung
- Nancy H. Yeide, Konstantin Akinsha, Amy L. Walsh: The AAM Guide to Provenance Research, American Association of Museums, Washington 2001, Literature recommendations p. 161–213
- www.ehri-project.eu/biblio
- <https://plundered-art.blogspot.com/p/bibliography.html>

- The Arbeitskreis Provenienzforschung e. V. (Research Association for Provenance Research) is currently working on a bibliography of publications by its members.

3.4 Starting from Genealogy and Research of Persons and Institutions

The object biography is inextricably linked with the persons and institutions involved, whose biographies or histories should be consulted.

3.4.a Research on previous owners, reconstruction of collections as a method

Comprehensive historical and biographical information on victims of looting, but also places where key figures lived and worked, is indispensable. It is essential for identifying persons and institutions involved, as for reliably associating items with their owners and for finding eligible heirs. Genealogical inquiries, i.e. family history research are part of the range of methods used in provenance research and usually become necessary when either the findings or the autopsy of the object [see Chapter 3.1](#) or other documented indications [see Chapters 3.2 and 3.3](#) raise concerns about confiscation due to persecution.

3.4.b Genealogical research

Genealogy is an ancillary academic discipline which attracted widespread interest among the bourgeoisie from around the middle of the 19th century, as is evidenced by the inception of genealogical or heraldic associations with corresponding publications. With the rise of National Socialist politics of race implemented in the executive order on the »Berufsbeamten gesetz« (Civil Service Law) of 1933 and the Nuremberg »Rassegesetzen« (Race Laws) of 1935 – genealogy gained menacing importance, manifested in the Reichsstelle für Sippenforschung (Reich Office for Genealogical Research), later called Reichssippenamt. Knowledge of the criteria the NS regime used for »racial« assignation is indispensable for provenance research.

In that context, genealogical inquiries are used both to identify persons and corporations involved and to find heirs. The sources of

information are too many to list here. The important factor to bear in mind is this: Basic initial research in common internet search engines is certainly legitimate for rough orientation and usually yields surprisingly fast and seemingly convincing results. Accompanying archival research and source verification are nevertheless imperative. Legal heir search in the sense of actual determination of legal succession, however, is not among the responsibilities of provenance research.

General research instruments for persons and corporations are relevant databases, but also professional networks and publications. The following is a description of several types of sources and access options. We differentiate between primary sources and databases that prepare source material and make it available collectively.

For archival research in general, archival legislation and data protection laws, as well as record restriction and protection time limits must be observed [see also Chapter 4.1.e.](#)

The genealogy portal www.ahnenforschung.net provides a list of links for family history researchers and a list of important archives.

Genealogy portal

Since the 1870s, German registry offices have had the special responsibility of keeping personal status registries (birth, marriage and death registries). Until that time, information on personal status can be found in church registers, some of which are still maintained at the rectories of municipalities and religious communities. First contacts for personal documentation are usually the municipal and state archives of the region. An overview is available on the Archivportal-D: www.archivportal-d.de. Information on or access to a civil registry can be granted for academic purposes (§ 66 Personenstandsgesetz PStG (Civil Status Act)).

Personal status register

Church register

Other possible sources are local directories, historical registration data and address or telephone registers⁵², as well as lists from the national census, passenger lists, casualty lists from the First World War, etc. They can provide clues about the existence of a person at a particular place and time.

Registration data

Context/Background

The successively and widely digitized full texts serve as context information, so that research family notices and historical newspaper articles become increasingly available for research. These also provide information on family relationships and networks in addition to biographical information.

Family crests and coats of arms

Often, indicators of previous owners consist only of family crests or coats of arms (e.g. on a goblet or ex libris). For genealogies of nobility, the »Gotha« is the most important source. Its volumes have been published since the 17th century under different titles and from 1926 to 1939 as »Gothaischer Hofkalender«. The »Gotha« is not entirely easy to use; it is imperative to consider individual lines. For the different aristocratic estates (princes, counts, barons, nobility, nobility of letters) there are separate periodicals within the »Gotha«. Furthermore, until well into the 20th century female descendants of a family were only listed if they were deemed worth mentioning, for instance because of a marriage or important descendants.

In some cases, references to the respective nobility genealogies can be found online, as they are still in the process of being completed, for example, until 1918 on the website <https://adelslexikon.com>.

Research by sources and access

The internet offers many very different pools of genealogical data, which are not always freely accessible and often require registration. Some archives and libraries offer no-charge access to restricted-access databases; it is worthwhile to research the respective offers of licensed databases. Depending on the structure of the databases, they provide scans or metadata of sources – exacting source verification is imperative in any case.

The portal »European Holocaust Research Infrastructure« (EHRI) allows central access to data on archived materials about the Holocaust that is maintained in institutions in Europe and worldwide: <http://ehri-project.eu>.

A list of links can also be accessed via the website of the German Lost Art Foundation: www.kulturgutverluste.de/search-for-heirs.

The Federal Archives maintain a large amount of personal documents, but are not a central archive for personal information. The Federal Archives' commemorative book for the victims of National Socialist persecution of Jews in Germany (1933–1945) contains names, personal data and information on the fates of persons in the Deutsches Reich who became victims of persecution because of their Jewish origins: www.bundesarchiv.de/gedenkbuch/index.html.en. The Federal Archives' holding R 1509 Reichssippenamt includes

the »Ergänzungskarten für Angaben über Abstammung und Vorbildung« (Additional cards for information on origin and education) of the census of 17 May 1939.

The Deutsche Zentralstelle für Genealogie DZfG (German Central Genealogy Office) has been located at the Sächsisches Staatsarchiv Leipzig since 1995: <http://archiv.sachsen.de>. It contains, among other records, films or copies of church registers of South-East European rectories and of personal status registries and church registries from former Reichsgau Danzig-Westpreußen, Bialystok district, Sudauen district and the Generalgouvernement, personal status registries of Jewish communities in central and eastern Germany, the Sippschaftstafeln (family trees) Moordorf and church registries and family history collections of the Reichssippenamt.

German Central
Genealogy Office

The central database of names of Holocaust victims of the Yad Vashem memorial in Jerusalem collects and documents names and biographical information of millions of Shoah victims: <https://yvng.yadvashem.org>.

Yad Vashem

The website www.holocaust.cz offers a range of digitized personal documents and a victims database with biographical information for the former Protectorate of Bohemia and Moravia.

holocaust.cz

The documentation of the Stolperstein initiatives, which exist in every larger German city and each have their own websites, are not central but specific to the respective location. A recognized project of local history initiatives is the collaborative recording and indexing of grave markers on the web, which can offer important information on life data: <http://grabsteine.genealogy.net>.

Stolperstein
initiatives

The World Biographical Information System Online (WBIS) is an online database offering general biographical information (until about the 1950s): www.nationallizenzen.de/angebote/nlproduct.2006-03-20.0428858915. The data are based on a multitude of German and international biographical sources which can be viewed online. After registering and logging in (for example via the database information system DBIS provided by libraries), researchers can use this reference work, except for the contents of the Deutsches Biographisches Archiv, which are available through licenses in national and university libraries.

World Biographical
Information
System Online

The database Ancestry™ is generally fee-based, but some libraries and archives hold licenses and provide it free of charge on site. It allows for searches of a wide range of sources like personal

Ancestry™

Arolsen Archives
International Center on
Nazi Persecution

Jewish Community
of Vienna

Integrated Authority
File GND

status documents, but also census records and address books: www.ancestry.com.

The international search service Arolsen Archives International Center on Nazi Persecution is a documentation and research center and archive on victims of National Socialist persecution and forced labor: <https://arolsen-archives.org>. It originally focused on the search for survivors and family members. The Arolsen Archives share information upon request. Since 2015, they have been digitizing documents and posting them online.

The restitution department of the Jewish Community of Vienna offers a comprehensive overview of source holdings and their access or contact persons responsible for particular research cases: www.restitution.or.at.

For documenting research results at the researching institutions, national indexes should be used. The Gemeinsame Normdatei GND (Integrated Authority File) of the German National Library, which includes records of persons, corporations and collections, was originally intended for cataloging in libraries. However, it is increasingly used by archives, museums and research projects, because it offers a clear search mode and standardized data can be cross-referenced. <https://portal.dnb.de>. The GND can also be used for research projects due to its ever-growing amount of data.

Information exchange about individual cases in the relevant networks is indispensable. There are hardly any collections robbed during the National Socialist era that have survived intact. One should work on the assumption that collections were dispersed before and after 1945.

3.4.c Research of institutional history

Among the victims of National Socialist looting of cultural property were not only individual persons and collections, but also many institutions and associations, Masonic lodges, worker's associations and unions, churches, public collections and libraries, also in the occupied territories. Institutional history research also aims to define legal successors. It is generally helpful to submit an inquiry to the Federal Office for Central Services and Unresolved Property Issues to enquire whether there were already restitutions or inquiries in particular cases see Chapter 3.2.b.

3.4.d Research access through descendants of victims

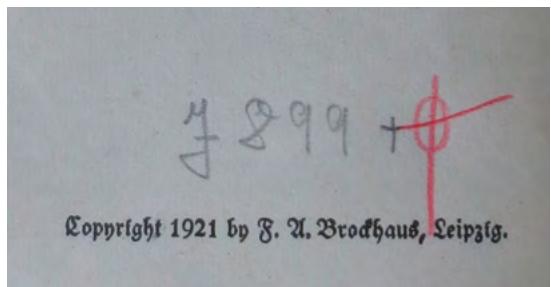
Documentation of all research results is indispensable – even in cases where the suspicion of Nazi-looted art was not confirmed. Descendants may approach an institution at a later stage, seeking particular objects. Additionally, data can be provided for research at other institutions in the spirit of cooperative provenance research. Even in the absence of restitution requests, should an object be suspected to have been confiscated during the National Socialist era, any identified heirs should be approached and asked for assistance with finding the group of heirs and conduct joint genealogical research. In communication with heirs, personal memories or oral histories traditionally handed down through the family but never written down or published can fill in crucial information gaps that must be documented. Media reports by contemporary witnesses can also provide important clues.

Case study Book

Henry M. Stanley, Im dunkelsten Afrika. Leipzig: Brockhaus 1926⁵³
Zentral- und Landesbibliothek Berlin, Shelf number Bm 289

Provenance chain in the detailed standardized format of the guidelines⁵⁴: Publication date 1926, Leipzig: Brockhaus; whereabouts unknown; 10/25/1930 gift to Rudi Joelsohn (1917–1942) from his mother Frieda Joelsohn, Berlin; after 08/15/1942 to 1943 Berlin Pawn Office; from 1943 Berlin City Library, currently Central and State Library Berlin; Restitution intended.

The starting point for research was a dedication in a book that had already been deemed to be very likely National Socialist loot because of its acquisition: The acquisition number in the acquisition journal is marked with a »J« (»J / 899«), which, based on numerous other known and researched cases, proves that the book came to what is now the Central and State Library Berlin in 1943 from the Berlin Pawn Office Fig. 10.⁵⁵ The volume bears an unknown stamp with the letter »R« and in the back cover a penciled note in unidentified handwriting, as was often added by book or antiques sellers. These provenance markings have not been identified or dated to this day. The most important clue about the previous owner is a handwritten dedication.



It reads: »Meinem lieben Rudi zum dreizehnten Geburtstag von Mutti. [To my dear Rudi for your thirteenth birthday from mommy] 25.10.1930«. Based on its acquisition, it was safe to assume that the book had been the possession of a persecuted Jewish family in Berlin. Through research in various sources and databases (among them the »Gedenkbuch«) us-

ing the date of birth of 25 October 1917, Rudi Joelsohn was determined to be the previous owner. Rudi Joelsohn had been deported to the Riga Ghetto on 15 August 1942, where his death was registered only three days later on 18 August. With the aid of the database Mapping the Lives www.mappingthelives.org, using the joint address Kurfürstendamm 108/109 in Berlin, Rudi's parents Adolf (born in Pammin 2 April 1882) and Frieda (née Leschziner, Magdeburg 7 May 1885) Joelsohn were identified. Both were deported to Auschwitz on 4 August 1943. They did not survive the Holocaust, but no death dates have been determined. Viewing their restitution files led to information about an older brother of Rudi's named Heinz (later Henry), born in 1910 in Berlin, who had been able to flee to the United States. He died in 1987, leaving no heirs. Further in-depth research in the Gedenkbuch based on the same name and place of birth (Pammin, now Pomień in Poland) led to other presumed family members: Adolf Joelsohn's siblings Jacob and Hermann Joelsohn as well as Jacob's wife Minna, all of whom were also murdered. A further examination of the place of birth yielded information about Johanna »Hannchen« Joelsohn, a sister of Adolf and his brothers. More genealogical research, for example on Ancestry, followed. Today it is known that though nearly all members of this family lost their lives during the National Socialist era, one branch survived: Rudi Joelsohn's cousin Siegfried Joelsohn emigrated to Australia in 1938. Further inquiries with view to establishing contact are still ongoing.

Fig. 10
Acquisition number
J 899 of Berlin City
Library on the title
page (Verso)

Case study Object

Tapestry with allegorical illustration,

Brussels around 1520

Wool/silk, height 271.0 cm (right)/270.5 cm (left)/

width 312.0 cm (top) /309.0 cm (bottom)

Current whereabouts unknown

Provenance chain in the detailed standardized format of the guidelines⁵⁶: Around 1520 Brussels manufacture, made presumably for King Christian II. of Denmark, Norway and Sweden; whereabouts unknown; 1930 – June 1936 A.S. Drey gallery, Munich; 06/17/1936 or 06/18/1936 probably Walter Bornheim (1888–1971), Cologne/Munich, acquired probably at auction with Paul Graupe, Berlin, from the holdings of A.S. Drey gallery; before November 1937 Josef Angerer (1899–1961), Quantmeyer & Eicke gallery, Berlin, acquired from Walter Bornheim, Munich; November 1937–1945 Hermann Göring (1893–1946), Berlin/Carinhall, acquired from Josef Angerer, Berlin; 1945–1949 American military government, taken into custody in Berchtesgaden; 07/27/1945–06/10/1949 Central Collecting Point, Munich, taken into custody by American military government; 06/10/1949–02/22/1952 state premier of Bavaria, transferred on trust by US military government; 02/22/1952–01/29/1957 resp. 02/23/1957 Treuhandverwaltung von Kulturgut (TVK, Trust Administration of Cultural Assets) at the German Federal Foreign Office, Munich, transfer on trust by Bavarian state premier; 02/01/1961 Bavarian state art collections, Munich, released by Treuhandverwaltung von Kulturgut and according to agreement of 12/06/1960 between the Federal Republic of Germany and the state of Bavaria, transfer of ownership from financial authority Munich to the state of Bavaria; 05/23/1961 Bavarian National Museum, accepted as »transfer from state property« by Bavarian state art collections; 2013 restitution to the heirs of A.S. Drey.

Reverse side findings: Handwritten in black color »Ta«; top left stamped »5475«, bottom left sewn-on white linen label, on it handwritten in black color »61/57«⁵⁷

The tapestry had been in the Bavarian National Museum in Munich since 1961. Under number 61/57, the museum inventories state that it came from the collection of Hermann Göring and before

Fig. 11
Front and back
of the restitution
card on Munich
number 5475,
rewritten, translated
and augmented from
1948 by Treuhand-
verwaltung von
Kulturgut

Gobelins	Eingangsdatum 27.7.45	Standort KSB/Reg.4	Mü-Nr. 5475 /B' gaden 430
Meister <u>B r ü s s e l</u> , 1.H.16.Jh.	Gegenstand Maximilian mit Gefolge		859
Maße H 275 B 313 L	Material Wolle,Seide	Photovermerke NEGATIV <i>nein</i>	
TA 29	Erhaltungszustand gut,unbeschädigt	POSITIV <i>nein</i>	
Beschreibung In der Mitte der Kaiser thronend,in weißem Mantel,umgeben von Gefolge.Vor ihm wappenträgender Knabe,links 2 Damen.Hintergrundbaumbestandenen Landschaft.Rahmen:Blattwerk und Blumen.			
Bibliographie			

Herkunft:
17./18.6.1936 Versteigerung Paul Graupe, Berlin (aus dem Besitz der Firma A.S.Drey, München) Katalog Nr.488 Abb. Tafel 76.
Von dort an Quantmeier und Eicke, Berlin.
November 1937 von dort an H. Göring. Versicherungswert RM 60.000,--
(TA-Kartei; Auskunft Angerer).
Restaurierungen:

that belonged to the A. S. Drey gallery. The tapestry itself bore the Munich number 5475 and an incomplete marking from the Hermann Göring collection »Ta«, according to the tapestry inventory set up for him, which is partially preserved in the Federal Archives in holding B 323. With the Munich number, the Property Card can be found in the database of the German Historical Museum on the Central Collecting Point (CCP). The card, however, has contradictory information on the TA mark, which must have still been legible in

1945 as »Ta 19« (probably erroneously transcribed) or »Ta 29«. The back of the Property Card states that the tapestry was sold to the Berlin carpet dealer Quantmeyer & Eicke during the clearance sale of A. S. Drey gallery on 17/18 June 1936 at Berlin auction house Paul Graupe, also Jewish, and from there to Göring in November 1937, where it was insured for 60,000 Reichsmark [see Fig. 11](#).

Further key information on the course of events emerged only after all restitution and compensation files on A. S. Drey gallery and its owners at the Bayerisches Hauptstaatsarchiv, the Staatsarchiv München, the Bayerisches Entschädigungsamt and Munich Regional Court I were viewed, and documents were provided by the heirs' representatives: In an annotated auction catalog included in the files of a compensation proceeding, the tapestry had no entry, which would indicate it was not sold. However, the results lists in »Weltkunst« and »Pantheon« cited a sale price⁵⁸, which is confirmed in an auction transcript⁵⁹ by an employee of the gallery: According to this transcript, the gallery had bought the tapestry in 1930 for 52,500 Reichsmark from an unknown seller and sold it at auction in 1936 for 6,300 Reichsmark, probably to Cologne-based gallery owner Walter Bornheim, who shortly thereafter »aryanized« the A. S. Drey gallery in Munich as well. Bornheim was allegedly forced to sell the tapestry in 1937 by the director of the carpet dealership Quantmeyer & Eicke, Josef Angerer, who threatened to report him to the Gestapo.⁶⁰ Crucial factors for assessment of the case were the persecution circumstances of the owners' Munich families as well as the comparison of the sale prices in 1930, 1936 and the insurance coverage in 1938. In addition, the restitution and compensation files showed that no compensation was paid to the heirs for the tapestry under the BRÜG. The tapestry was returned in 2013.

4 RESULTS OF PROVENANCE RESEARCH

**Andrea Baresel-Brand, Michaela Scheibe
and Petra Winter**

In the context of searching for cultural property confiscated due to persecution during the National Socialist regime, the provenance investigation of an object is considered complete when it can be established whether or not the item was indeed confiscated based on National Socialist persecution. This result does not necessarily require an unbroken chain of provenance. Either clearance or firm suspicion can often be deduced from the context of known former owners. Gaps in a provenance chain tend to be the rule rather than the exception and must be accepted when there are no further leads for successful research. The required research effort and chances of success should always be weighed against one another.

Transparent documentation of gaps in a provenance chain requires three essential steps:

1. The gaps must be clearly marked and described.
2. It should be cited in an appropriate document (e.g. research report, recording system) what the respective provenance information is based on (provenance markings, sources used, possibly other sources not accessible at the time of reporting).
3. The provenance gaps must be assessed with regard to further need for action.

Provenance gaps

The differentiation between critical and non-critical gaps should be guided by an assessment whether persecution-related confiscation seems possible within the timeframe of the existing gap. Critical provenance gaps are primarily missing information over long

periods of time (several decades as for instance between 1925 and 1955), or identification in a Jewish private collection before 1933 with subsequent provenance gap until after 1945.

Non-critical gaps are those where transfer of ownership does not seem suspect. For example, when an object was bought from the family of an artist and there is no evidence that the sellers were persecuted, a provenance gap prior to that purchase is considered non-critical.

4.1 Documentation and Transparency

4.1.a Current standards of indexing and documentation

The digital transformation requires freely accessible and interoperable research data. Data exchange is indispensable for a transparent and platform-independent presentation of the results, for retrieval and for efficient research of relevant and ideally complete information. This demands standardized indexing and documentation through databases structured with established instruments like authority files, standardized vocabularies and standardized exchange formats. Thus the necessary infrastructure should be provided by institutions as part of sustainable and cooperative solutions.

For library indexing, the recording of provenance information was first standardized in 2002 by the Arbeitsgemeinschaft Alte Drucke (Working Group for Early Prints) of the Gemeinsame Bibliotheksverbund (GBV, Common Library Network). These recommendations have become known as the »Weimarer Modell«. Other library associations have followed since 2009 with similar regulations, usually integrated in the respective cataloging guidelines: In 2015, the University and City Library of Cologne – due to a lack of technological capacity – developed a very low-threshold, nearly universally applicable recording model for users of the library management system SISIS-Sunrise.⁶¹

Since 2012 the library sector has published the network-wide recommendations for provenance indexing »Empfehlungen zur Provenienzverzeichnung der Arbeitsgemeinschaft Handschriften und Alte Drucke in der Sektion 4 des Deutschen Bibliotheksverbandes« (dbv-Empfehlungen): <https://provenienz.gbv.de/DBV-Emp>

fehlungen_zur_Provenienzverzeichnung

In the museum sector, the Arbeitskreis Provenienzforschung e. V. published its »Leitfaden zur Standardisierung von Provenienzangaben« (Guidelines for Standardization of Provenance Information) in 2018: www.arbeitskreis-provenienzforschung.org/data/uploads/Leitfaden_APFeV_online.pdf

Independently of the available recording system, the following standards currently apply to the indexing and documentation of provenance information:

Previous owners like dealers and agents (persons, families or corporations) should be indexed with clear identifiers, e. g. from an established authority file like the Integrated Authority File (GND), the Virtual International Authority File (VIAF) or the Getty Thesaurus or, if applicable, be added to them. Collections and serial provenance markings like labels and stamps can also be recorded and referenced in the GND.⁶²

Authority file

Even if the available recording system currently does not allow for linking with authority files of provenance, it is highly recommended to enter persistent ID numbers of standard data records in the appropriate fields, in order to increase the inter-operability of recorded data and keep later migration efforts to a minimum.

A standardized vocabulary for describing object respectively book copy histories, the thesaurus of provenance terms (T-PRO)⁶³, has been available for the library sector since 2002. The »Guidelines for Standardizing Provenance Information« compiled by the Arbeitskreis Provenienzforschung e. V. has offered recommendations for recording e. g. modes of acquisition and source citations, as well as a glossary, since 2018. In addition, the Getty Research Institute offers the Art & Architecture Thesaurus® Online (AAT). If a provenance was determined using external sources and not visible evidence on the object or book copy itself, the respective source (archive holding, file, acquisition book, inventory, literature citation, etc.) must be provided.

Standardized vocabulary

Chronological information should also be recorded in a standardized manner. Unless otherwise specified by the recording system, the ISO 8601:2004 standard in the format YYYY-MM-DD should be used (also with less exact data if necessary).

Finally, it is urgently recommended that image files on provenance markings be recorded in a way that allows referencing and stored permanently. This is possible using in-house digital infra-

Image files

structure or independent platforms, which are sometimes provided free of charge (see case studies). One should also consider recording object-related metadata – such as dimensions, labeling, verbal description of visual elements and dating of the attribute – with view to research (image recognition tools).

When digitizing books, the covers, flyleaf, and page edges should also be scanned; for paintings, prints, sculptures etc. the reverse and undersides and frames/mounts should be included.

Standardized interfaces

Exchange formats

Open Access

The recording systems used should offer standardized interfaces for data exchange which can also provide provenance information in a structured format as linked data. Established exchange formats are available for museums, libraries and archives, for example Lightweight Information Describing Objects (LIDO)⁶⁴, Machine-Readable Cataloguing (MARC)⁶⁵, Encoded Archival Description (EAD) and Encoded Archival Context (EAC)⁶⁶.

All provenance data including associated image files or digitized documents should be published Open Access, e. g. with a Creative Commons License Public Domain Mark 1.0 (no copyright protection)⁶⁷ or CC BY-NC-SA (name citation/no commercial use/transfer on equal conditions)⁶⁸.

4.1.b Case file

Case files should be the basis for a decision whether an object or group of objects was confiscated due to National Socialist persecution. They compile research results on object biographies and their previous owners between 1933 and 1945, while focusing on the event that could possibly constitute confiscation. This might be an acquisition by an institution, but also an earlier change in ownership. Any further circumstances, later historical developments or the entire biographies of persons who were probably not a previous owner should be clearly separated from the illustration of the confiscation process. They should be laid out in appendices in order to maintain a transparent file structure and keep the illustration of crucial events as concise as possible. For instance, if a rather vague connection is made to a private collection where the object in question could not be documented, detailed information about that collection would be out of scope and should be included in an appendix as an addition or possible reference for further research.

It should also be explicitly noted that the case may be re-assessed

should new source material be found or become accessible. We generally recommend an internal, but possibly also an external peer review process for research reports (in particular for unique or exceptional objects).

Files are always subject to the usual academic standards such as citation rules, etc. and must be formulated concisely and accurately. We differentiate between files on individual cases (after in-depth research), files on groups of serially produced objects, and files as an acquisition check for accepting permanent loans or as a first phase of a provenance research project. The sample structure suggested here is intended to be an orientation aid and modular kit, from which elements can be taken and which should be sub-divided further as needed:

I. Object

Information on the object/objects in question

[Sample outline](#)

1. Artist/author, title (also historical/others), dating, technique, inventory/shelf number (also old inventory/shelf numbers), if applicable links to the respective recording system
2. Provenance markings on the object: Reverse, underside, back views, markings of this specific piece, if applicable link to relevant platforms (ProvenienzWiki etc.)
3. Acquisition by the institution: Date, mode of acquisition (donation, purchase, transfer, etc.), if applicable acquiring party
Evidenced by: Inventory, acquisition log, catalog etc. as well as archived documents (acquisition files, invoice, correspondence etc.)
4. Explanations on the work's identity or identification of the pieces, if not clear
5. Works with the same provenance in the possession of the institution or elsewhere for comparison (if not treated jointly)
6. Results of online research or database inquiries (e. g. Lost Art Database, German Sales, Getty Provenance Index, association catalogs, Looted Cultural Assets, ProvenienzWiki, Proveana)
7. If applicable any other special aspects of the history of the object/collection within the institution (restoration

measures, collection allocations etc.)

II. Provenance

1. Entire known provenance, presented chronologically from the creation of the object to its most recent owner prior to acquisition by the institution
2. Biographies of former owners (mainly for the period between 1933 and 1945)
 - 2.1 Previous owner 1
 - 2.1.1 Brief general biographical information about the person/corporation/collection/company such as gallery or antiquarian bookshop
 - 2.1.2 Relationship with the institution, if any (lending, donations, earlier purchases etc.)
 - 2.1.3 Fate of the person/corporation during the National Socialist era, focusing on persecution
 - 2.1.4 Relationship of the person/corporation with the object/objects – description of the confiscation process/process of loss
 - 2.1.5 In case of sale: Information about the purchase price and its appropriateness and statement about whether the seller received the amount and was able to dispose of it freely
 - 2.1.6 Brief information on fate after the confiscation
 - 2.1.7 Compensation for restitution proceedings after 1945
 - 2.1.8 Presentation of the facts in their larger historical context (e.g. situation of the Jewish population after 9 November 1938)
- 2.2 Previous owner 2 (etc.)

Further previous owners are listed consecutively according to the same outline.

III. Conclusion/Summary

1. Further research options and assessment of chance of success
2. Rating and assessment of the provenance according to the traffic light system [see Chapter 4.1.c](#)
3. Recommendation for further process, e.g. entry in the Lost Art Database/restitution/...
4. Comparable cases in other institutions, earlier restitutions
5. Information or contact data of legal successors/heirs etc.

IV. Appendices

1. Copies or citation of existing URLs of essential documents about the confiscation and circumstances of loss
2. Comprehensive descriptions of involved persons/corporations which might be important for the greater context but not relevant to the concrete confiscation event
3. Sources and literature citations

4.1.c Research result and extended traffic light system

The examined objects are rated according to a traffic light system, and gaps within the provenance chain or any doubt about the identity of the work is documented.

1. Green: The provenance for the period 1933–1945 can be reconstructed and is not suspicious. It can be proven that the item was not seized as a result of National Socialist persecution and further investigation is not required.

2. Yellow: The provenance is uncertain for the period 1933–1945. There are gaps in the provenance, or suspicion cannot be invalidated. The provenance should be researched further.

3. Red: The provenance is very likely or clearly suspect for the period 1933–1945. In addition to searching for living heirs who are entitled to the item, registration in the Lost Art Database is advisable.

4. Orange: The provenance for the period 1933–1945 is questionable as there are indications (e. g. »Red Flag« names) that the item was seized due to National Socialist persecution. The provenance must be researched further; registration in the Lost Art Database is advisable.

5. White or gray: No information on the provenance for the time prior to acquisition by the institution can be given.

For examination of serial objects or mass-produced items, reference points must be prioritized, as otherwise there is virtually no chance of successfully clarifying their provenance. Prioritization can be realized in various ways. A large, systematically structured library collection, for example, can be prioritized based on the acquisition logs (acquisition by donation, suspect supplier entries). As another example, when examining multiple works on paper (prints in editions, etc.) priority is given to works about which some prov-

enance information is already known, or for which the artist's level of notability promises better success. The decision-making process must be documented. It is also recommended to establish transparency. Among other measures, the (found object) registration in the Lost Art Database can help to clarify the origin of an object.

4.1.d Reports to the German Lost Art Foundation

Lost Art Database

When confiscation due to National Socialist persecution is ascertained or cannot be ruled out, the research results on the object in question should be made public through the Lost Art Database of the German Lost Art Foundation: www.lostart.de. There, the object data are publicly documented, with the consent of the reporting institution or persons, according to No. III of the »Joint Declaration« on 1999 as a so-called found object registration. This documentation is for purposes of transparency and has no bearing on ownership rights, power of disposal or the existence of other legal entitlements, be it in favor of or to the detriment of the respective reporting party or a third party.

The Lost Art Database also contains so-called search requests, which can be published by private individuals or their representatives. These reports contain data on objects lost by public institutions or private persons and institutions as a result of National Socialist persecution or the Second World War, whose whereabouts are unknown. Large data records can also be transmitted via interface imports or Excel sheets. Interface imports are particularly well suited for libraries due to their generally large quantity of findings. This method can also be used for regular updates to Lost Art registrations. For questions about the formal and content requirements for these reports, the team of the Lost Art and Documentation Department of the German Lost Art Foundation can be contacted.

Restitution reports

All museums, libraries and archives in Germany, but also private persons are urged to inform the German Lost Art Foundation about restitutions or other »just and fair solutions« connected with cultural property seized as a result of National Socialist persecution. Restitution reports provide the public and researchers with a reliable and continuous overview that shows progress and can be a template for unresolved questions. Institutions can use, for exam-

ple, an online reporting form: www.kulturgutverluste.de/restitutionmeldung. In addition, anyone can contact the German Lost Art Foundation directly using the usual communication channels.

Notably results of provenance research projects funded by the German Lost Art Foundation are processed for the Foundation's research database »Proveana«: www.proveana.de/en. Project reports are also published there, taking data protection and other legal requirements into consideration.

Research
database Proveana

The source principle applies, i. e. every piece of information must be traceable to its source. Fundamental aspects are the standardization of heterogeneous individual data sets, their connection to other data pools and the optimization of computer-assisted search for complex content. In keeping with the transparency requirement for academic work, a complex reference system is supported that ties each individual piece of information to a source and assigns it a status in the research process. In addition, researchers expressly have the option of including academic results from external sources and other databases.

4.1.e Provenance research and data protection

Transparent documentation of provenance research results is essential, but it usually contains a host of personal data. There are limitations imposed by archive laws, copyright and personal rights, the regulations of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG), and of state data protection laws. The GDPR defines the fundamental right of living natural persons to informational self-determination with regard to the processing of their personal data, while postmortem confidentiality applies to the deceased. Regardless of individual considerations necessary in each case, a requirement for all publications is that personal data must be anonymized or pseudonymized or the consent of the affected person must be obtained. The latter is recommended even during the research process. § 27 of the German BDSG specifies that processing of personal data is permissible without consent for example for academic or historic research purposes or for statistical purposes, if such processing is necessary for these purposes and the interests of the responsible entity in processing the data significantly outweigh the interests of

the affected person(s) in excluding the data from processing. According to recital 158 of the EU-GDPR, member states are permitted to process personal data for archiving, if it is for the purpose of providing information connected with political behavior under former totalitarian regimes, genocide, or crimes against humanity, in particular the Holocaust and war crimes. It remains to be seen to what extent individual states' national laws will result in changes or amendments.

4.2 Education and Information

4.2.a Printed catalogs and other print publications

Traditional printed collection catalogs – including those for partial collections displayed in exhibitions – and printed catalogues raisonnés lists allow the researcher to freely compile provenance information, and offer variable comprehensive scholarly presentations of the provenance of the collection or individual objects. Often, an additional register of provenances will make sense, as sometimes a separate appendix on object histories apart from the main text of the catalog.

When working with print publications, one should bear in mind that – unlike online publications – changes and additions are only possible in later editions, and further processing and interlinking of printed provenance data is only possible indirectly. It is therefore best to also enter provenance research results in the freely accessible recording system of the respective institution, if possible. This can be done in abbreviated but standardized form.

4.2.b Online catalogs, research systems and special databases

Prompt documentation and free online accessibility of the ascertained history of an object or copy are a crucial contribution to sharing provenance information. This documentation can and should reflect the current, possibly incomplete progress of the research project, especially when that process cannot be completed because of missing sources or evidence.

For books and other printed works and serially produced objects, the use of existing catalog systems has proven expedient, to avoid having to duplicate information (biographical data) applicable to all

pieces of a series. To do so, the recording system must be technologically adapted to the requirements of standardized, specimen-specific indexing. This differentiation does not apply to unique objects. To date, many archive and museum databases or special databases on manuscripts and estate indexing offer few structured text fields for recording provenance information.

When conceptualizing separate database solutions, standardization of data and data exchange as well as sustainability (long-term archiving) must definitely be taken into account. It must also be considered whether it makes sense to develop a special database solution for every single project, which, in the worst case, will no longer be maintained and developed after the end of the project. Targeted search should – independently of the recording system – be facilitated by a specific research access for provenance data.

After completed restitution, the data records on the objects or copies must remain visible and accessible for research. Recording and presentation systems must be sustainable, i. e. data maintenance by the institution must be guaranteed beyond the end of the project.

4.2.c Exhibitions

In permanent exhibitions, displaying provenance information is increasingly becoming standard practice. Wall labels should at least include information about the acquisition of the object by the institution (date, mode of acquisition, e. g. donation, purchase, previous owner). Complete object biographies on labels would be desirable, but are often difficult to implement in practice due to the size of the label and the necessity for displaying other information about the object. Nevertheless, doubtful or even problematic provenances should be mentioned on the label whenever possible. Various other media and information sources are conceivable as offers for the visitor: A wide range of information on the object can be accessed using a QR code or an app, including detailed provenance information; a special audio or media guide on provenance research with concise object histories; a media station illustrating a current restitution case or recall of an object. All these instruments can be used in special exhibitions as well.

In addition to information on the object and its biography, provenance research provides important insights about the institution, the history of collecting, biographies of private collectors and gal-

geries, key figures in the arts and book market, on distribution channels of (looted) cultural property and destroyed libraries.

A special exhibition is a great way to comprehensively present the results of a provenance research project and make them accessible to a wider public. On the one hand, it is a way to present detailed object histories and recall the fate of former owners, on the other hand it is an opportunity to present the day-to-day activities of provenance research as a form of »look inside the lab«. Such an exhibition can include, for example, the backs of paintings, archived documents and research tools such as databases. Apart from large special exhibitions, smaller »interventions« in the permanent exhibition that spotlight individual objects and their biographies are a good method for making provenance research come to life for the visitor. Ancillary programs with lectures, themed tours, live speakers etc. can be a useful complement to a permanent or special exhibition.

In addition, small and low-cost print materials like brochures, fliers, posters and bookmarks are very helpful for drawing public attention to provenance research and its results.

4.2.d Public relations

Above and beyond the institution's usual educational activities, the topics of »provenance research« and particularly »restitution« are well suited for targeted media communication. Commonly used tools include media or press releases, press conferences and other events for journalists. Timely press invitations and information or background talks may be useful. They establish transparency even before results, restitutions or other significant events are presented, thus building confidence.

Typical journalistic formats are authored articles or special reports, features or interviews. It is up to the institution which preparatory material it offers. Provenance research also analyzes biographies of victims of the Shoah, a significant contribution to commemorative culture.

In this context, it should be carefully considered which media channels are most appropriate for which type of communication (regarding cooperation with heirs [see also Chapter 5.3.e](#)). In order to reach younger target groups, the usual online platforms and networks are suitable. Micro-blogging services require the shortest texts, so they work well for brief, headline-style information. Complex infor-

mation can be communicated via blogs, newsletters or websites.

Case study Museum

Hans von Marées, Selbstbildnis mit gelbem Hut, 1874

Oil on canvas, 97 x 80 cm, Nationalgalerie,

Staatliche Museen zu Berlin, Inv. No. NG 1/02

Provenance: until 1907 estate of the artist; Adolf von Hildebrand, Munich/Florence; until 1935 Max Silberberg, Breslau; 03/23/1935 purchased by the Nationalgalerie at auction Paul Graupe, Berlin; 1999 restitution to the heirs of Max Silberberg; 2002 re-acquisition

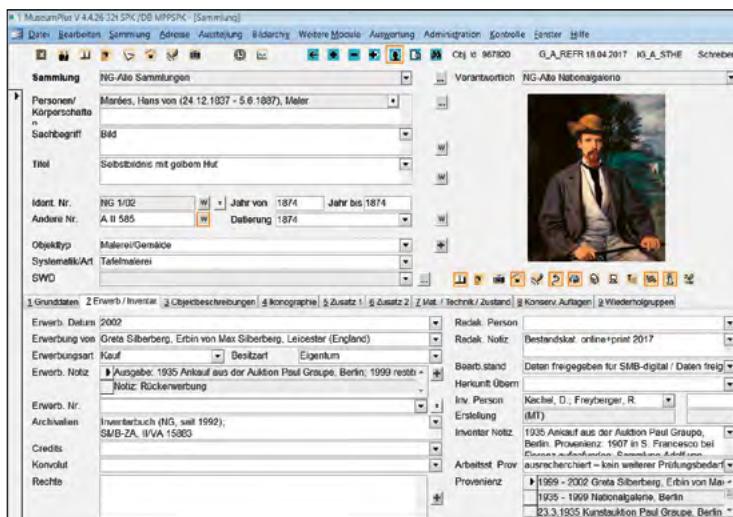


Fig. 12
Indexing in museum database Museum Plus: Grunddaten (Basic data) / Erwerb (Acquisition) / Inventar (Inventory)

Fig. 13
Indexing in museum database Museum Plus: Provenienzmodul (Provenance module)

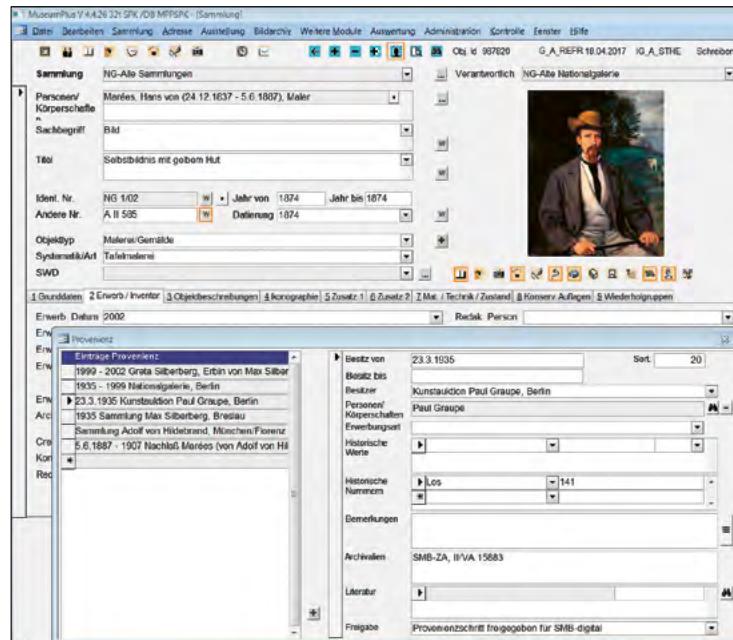
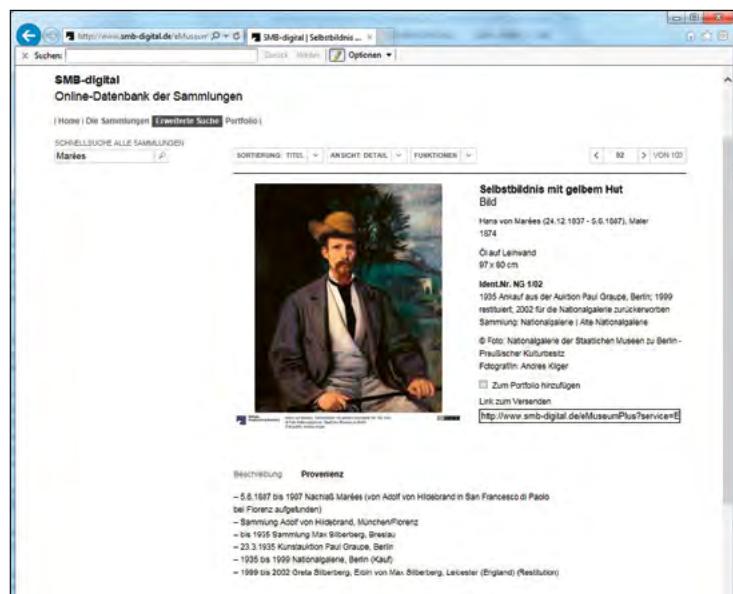


Fig. 14
Publication on
smb-digital



Case study Library

Three books with provenance Hedwig Hesse

Restitution by Staatsbibliothek zu Berlin – Preußischer Kulturbesitz and Sächsische Landesbibliothek – Staats- und Universitätsbibliothek Dresden 2018

The screenshot shows a search interface for the Staatsbibliothek zu Berlin's online catalog. The search term 'Hesse, Hedwig' has been entered into the search bar. The results page displays a list of items, with the first item being a book by Mr. Barnes from New York. The detailed view for this item includes the following information:

Titel: Mr. Barnes von New York : Roman in zwei Bänden / von Archibald Clavering Gunter. Autoris. Uebers. aus d. Engl. von F. Mangold
VorleserIn: Gunter, Archibald Clavering "1847-1907"
Schrift. Personen: Mangold, Ferdinand Franz "1832-1903"
Veröffentlichungsangabe: Stuttgart : Engelhorn, 1889
Umschlagtitel: Engelsmanns allgemeine Romanbibliothek. - Stuttgart : Engelhorn, 1884-1919 | ZDB-ID: 046542-3 ; 6,6
Stichwörter: Digitalisierte Ausg.: Gunter, Archibald Clavering; Mr. Barnes of New York | Bd. 2
Provenienz(en): Signatur: Yt 654-6,5/c>> Vorbesitz: Hesse, Hedwig | Exlibris | Datum: 1918-05-XX | Erläuterung: Signatur: Yt 654-6,5/c>> Vorbesitz: Hesse, Hedwig | Exlibris | Datum: Mai 1918 | Provenienzmerkmal
 Signatur: Yt 654-6,5/c>> Vorbesitz: Berliner Stadtbibliothek | Bibliotheksexemplar | Stempel | Erläuterung:
 Stempel auf der letzten Seite: St. B. 8 | Provenienzmerkmal
 Signatur: Yt 654-6,5/c>> Zugang: Staatsbibliothek zu Berlin | NS-Raubgut | Datum: nach 1945 |
 Erläuterung: Herkunft: Lindenbergs-Rest
 Signatur: Yt 654-6,5/c>> Abgang: Staatsbibliothek zu Berlin | Restitution | Datum: 2018-08-14 |
 Erläuterung: An die Eltern restituiert.

Fig. 15
 Data set with provenance indexing on one of the specimens in the online catalog of Staatsbibliothek zu Berlin

Fig. 16
Image file on Ex libris
in ProvenienzWiki

GBV

Datei: Diskussion Lesen Quelltext anzeigen Versionsgeschichte ProvenienzWiki durchsuchen

Datei:Hesse Hedwig Exlibris DE-1 Yt664-27 19 a.jpg

Daten Dateiverisionen Dateiverwendung Metadaten

Größe dieser Vorschaubild: 430 x 500 Pixel. Weitere Auflösungen: 172 x 240 Pixel | 1.736 x 2.419 Pixel.
Originalgröße: 1.736 x 2.419 Pixel. Dateigröße: 404 KB. MIME-Typ: image/jpeg

Exlibris

Provenienz: Hesse, Hedwig
Beschriftung: Aus meiner Bücherei Hedwig Hesse
Beschriftung horizontal: Aus meiner Bücherei Hedwig Hesse Behmann Mai 1918 Nr.
Maße: Blatt: 142x80mm, Molv: 121x70mm
Motiv: Nachtmahl mit Stärmen, davor eine erloschene Kerze und drei Bücher, wovon eines aufgeschlagen ist, darin Messer und Gabel, die oben von einer Eule zusammengehalten werden.
Künstler: Behmann, Adolf (ursprüchliche Zuschreibung)
Zeitraum: XX.05.1918
Weinkatz GND: 1063389128#

Link zu diesem Datensatz	http://d-nb.info/gnd/1037771176
Person	Hesse, Hedwig
Geschlecht	weiblich
Andere Namen	Bachur, Hedwig (Früherer Name)
Zeit	Lebensdaten: 1880-1942
Land	Deutschland (XA-DE)
Geografischer Bezug	Geburtsort: Berlin Sterbeort: Riga
Weitere Angaben	Buchbesitz: Privatbibliothek Hedwig Hesse Deutsche Jüdin, die bis zu ihrer Deportation nach Riga am 19.01.1942 in der Helmstedter Str. 5 in Berlin-Charlottenburg wohnte, im August 1942 wurde sie in Riga ermordet, seit 09.04.2010 befindet sich ein Stolperstein vor ihrem letzten Wohnhaus in Berlin, ihre Privatbücher zeigen das Exlibris "Aus meiner Bücherei Hedwig Hesse", das Adolf Behmann (1928789734! (Berliner Designer, der zwischen 1900 und 1933 wirkte) gestaltete
Bezug zu Werken	Behmann, Adolf: Exlibris (groß, Hesse, Hedwig), 01 Behmann, Adolf: Exlibris (klein, Hesse, Hedwig), 02
Typ	Person (piz)
Beteiligt an	2 Publikationen: 1. Behmann, Adolf / Exlibris (groß, Hesse, Hedwig), 01 Provenienzmerkmal (wip) 2. Behmann, Adolf / Exlibris (klein, Hesse, Hedwig), 02 Provenienzmerkmal (wip)

Fig. 17
GND set Hedwig
Hesse with two
linked workssets
for Ex libris



Fig. 18
Joint press release
via blog <https://blog.sbb.berlin/gabel-messer-und-eine-eule-sind-zeugen>

Gabel, Messer und eine Eule sind Zeugen

27.09.2016 / 0 Kommentare / In Feuilleton, Foyer, Historische Drücke, Monatsbericht, Presse / von Michaela Scheibe

Staatsbibliothek zu Berlin – Preußischer Kulturbesitz und Sachsische Landesbibliothek, Staats- und Universitätsbibliothek geben gemeinsam Bücher an die Erben von Hedwig Hesse zurück

Ein Beitrag von Elisabeth Geldmacher.

5 PROVENANCE RESEARCH AS A BASIS FOR »JUST AND FAIR SOLUTIONS«

Michael Franz and Maria Kesting

Provenance research is the basis for finding »just and fair solutions« as defined by the »Washington Principles« of 1998 and the »Joint Declaration« of 1999. Those concerned with these solutions are the parties, i.e. the heirs on the one side and the cultural heritage institutions or their legal entities on the other. The parties must document that they are properly authorized (heir's certificate, testament etc.), i.e. that they are entitled to approve a »just and fair solution«.

5.1 The Spectrum of »Just and Fair Solutions«

Depending on the factual and legal particulars of each case, several options are available for reaching »just and fair solutions«:

One such option is restitution, meaning the return of a cultural property from the former possessor to the lawful owner. This return is possible with subsequent re-acquisition by the former possessor, if for instance both parties wish the object to remain accessible in a public collection.

[Return](#)

[Subsequent
re-acquisition](#)

If a provenance has not been completely resolved, another option is to temporarily place the object, for example based on the testament of the entitled party. In such cases, an institution that focuses on the specific type of object is most suitable.

It is also conceivable that a cultural property is returned in accordance with special regulations. For example, the parties can de-

[Special regulations](#)

termine that it is loaned to an exhibition which informs about the original owner's persecution, or that an explicit dedication to that effect is made.

Compensation

The parties can also agree that the cultural property is to remain with the current possessor and the former owner to receive compensation. In this case, the object is not returned.

Trade

Furthermore, it is possible that the parties agree on trading the object in question against another similar or equivalent object.

Loan agreement

The parties might also consider concluding a loan agreement – possibly for a longer period of time – after the restitution.

Public

It is also possible to publicly exhibit the cultural property along with information about its origin and its provenance, in order to underscore the significance of the object for the general public.

Examples of previously achieved »just and fair solutions« can be found on the website of the German Lost Art Foundation: www.kulturgutverluste.de/fair-and-just-solutions.

The »just and fair solution« agreed upon by the parties involved can be implemented in a corresponding written agreement [see Chapter 5.3.e.](#)

5.2 Tracing Heirs and Legitimacy

There is a difference between provenance research and a search for heirs: Provenance research is concerned with examining the history of an object. The aim of a search for heirs is to find out who – starting with the person from whom the object was confiscated between 1933 and 1945 – was or is the lawful heir. Further information on genealogy as well as person and institutional research is available in [Chapter 3.4](#).

It is essential to proceed with care and empathy, as being confronted with the fate of a family member can often be painful for descendants. It is not uncommon to find that they know little or nothing of the persecution or the loss of cultural property of their relatives. It is therefore advisable to proceed sensitively when establishing contact. It can be helpful to involve third parties in the initial contact, for example a Rabbi in the heir's community or other institutions or persons with whom the heirs are already in contact. When the heir is an institution, establishing contact is less complicated.

The search for heirs often also results in issues of a legal nature, such as the differentiation between entitlement to claim and actual claims:

Entitlement to claim is the basic authority to be able to assert claims. This authority is of fundamental significance (Section I of the »Joint Declaration«). It is determined by clarifying the line of succession or reconstructing the community of heirs. Useful documents are testaments, heir's certificates, powers of attorney, sworn statements etc.

A claim, on the other hand, is the concrete right of a person to demand that another person undertake or desist from a specific action on a particular basis (e. g. law or contract). Under civil law, surrender claims are often already time-barred, i. e. they can no longer be enforced in court [see Chapter 5.3.a](#). In light of the complexity of this issue, specialized legal experts should be consulted regarding legal disputes.

5.3 Restitution / Return

5.3.a Presumption rule and burden of proof

Legal foundations for the restitution of Nazi-looted art were the Bundesergänzungsgesetz zur Entschädigung von Opfern der nationalsozialistischen Verfolgung (Additional Federal Compensation Act, BerG) of 1953, the Bundesentschädigungsgesetz (Federal Compensation Act, BEG) of 1956 and the Bundesrückerstattungsgesetz (Federal Restitution Act, BRüG) of 1957. The respective deadlines for filing claims have since expired [see Chapter 1.1.b](#).

These restitution laws and the Allied Restitution Directive for Berlin (REAO/Decree BK O (49) 180/ Restitution of identifiable Assets to the Victims of National-Socialist Repression Measures of 26 July 1949) stipulated that when an object was given away or sold, National Socialist persecution was presumed to be the cause of the loss of property and could only be disproved by means of documentation defined in detail in the law text.

In the implementation of the legally non-binding »Washington Principles«, an applicant can invoke the presumption rule for losses based on a legal transaction (e. g. sale) [see Guidelines \(Handreichung\), Section D.II](#). Under this rule it is presumed that losses of property of persons persecuted under National Socialism during the persecution

period were unlawful seizures. The presumption rule can be refuted by proving that the seller received an appropriate sale price and was able to dispose of it freely. For sales after 15 September 1935, it must also be proved that the transaction, in light of its essential nature, would have taken place without National Socialist rule or that the interests of the persecuted person were preserved deliberately and with essential success.

With regard to distribution of burden of proof, both parties are obligated to prove the facts they purport. For instance, the applicant must claim and prove their entitlement to claim the item in question. The other side must – if applicable – claim and prove those facts that counter a claim. All parties must provide evidence for their statements. According to Section 4 of the »Washington Principles« it must be noted that, in light of the amount of time passed and the special circumstances of the Holocaust, gaps and uncertainties regarding provenance are unavoidable. This should be taken into account when submitting proof of National Socialist confiscation.

Compensation must be checked against previously remitted benefits in order to avoid double restitution of an item (regarding the prohibition of double restitution [see Chapter 1.1.b](#)).

5.3.b Regulations of the Cultural Property Protection Act

The Act on the Protection of Cultural Property (Kulturgutschutzgesetz, KGSG), which took effect in 2016, contains regulations for checking the provenance of cultural property:

Due diligence

Under the KGSG it is prohibited to put cultural property on the German market that have been lost, were excavated unlawfully or imported illegally (§ 40 I KGSG). In order to better identify such cultural property, certain legally defined due diligence obligations must be satisfied prior to any transfer of an item, particularly as part of a sale. The due diligence obligations for commercial trade stipulate, among other things, that the provenance of a cultural property must be examined and that prior to a sale, it must be checked if the item is listed in publicly accessible indexes and databases (e.g. Interpol or Lost Art Database of the German Lost Art Foundation, see § 42 I Nr. 1 KGSG).

The depth to which the provenance and possible entry of cultural property in publicly accessible indexes and databases must be examined generally depends on the reasonable (economic) expenditure

required. However, this does not apply to cultural property which are proven or suspected to have been confiscated between 30 January 1933 and 8 May 1945 due to persecution. Cultural property in this category are subject to more stringent due diligence obligations, regardless of reasonable monetary expenditures and thus the value of the item (§ 44 I Nr. 1 KGSG). In such special circumstances, more intensive research efforts must be undertaken before the item can be offered on the open market. The only exceptions from this more stringent due diligence obligation cultural property expropriated as a result of National Socialist persecution are objects that have been returned to their original owners or their heirs or objects for which a different final settlement has been reached.

In cases of restitution, § 13 and § 23 KGSG also state that the listing as a nationally valuable cultural property can be removed when circumstances have changed significantly. This is the case when a legal ruling or final agreement between the parties involved – a »just and fair solution« – determines that the object is indeed a Nazi-looted cultural property. Permission to export national cultural property is granted in order to return the items to their eligible claimants abroad.

[Export permit](#)

5.3.c Procedure in the absence of heirs / legal successors

The aim of provenance research is always to find legitimate former owners of Nazi-looted cultural property. Based on this insight, institutions should negotiate with heirs the restitution or other material compensation in the spirit of a »just and fair solution«. Because decades have passed since the confiscation and heirs are often scattered across the globe, in some cases it is not possible to find one or all heirs or eligible claimants despite the most strenuous efforts.

If no heir can be found, that does not mean that no heir exists. Usually, the state's legal right to inheritance applies in such cases. In Germany, this situation is regulated in § 1936 of the Civil Code. When at the time of inheritance the decedent has no relative, spouse or life partner, the state of the decedent's official residence is next in line or, if none can be determined, his habitual residence. Otherwise, the Federal Government inherits.⁶⁹

[No heirs](#)

However, in cases where only some but not all heirs are found and both parties express the wish to still find a »just and fair solution« instead of letting even more time pass by, the question is how to proceed: First, all parties involved should have agreed that in light

[Incomplete
community of heirs](#)

of the efforts exerted thus far, it is not very likely that more heirs can be found in the near future with reasonable funds or appropriate effort. When this is agreed and both parties have found a »just and fair solution«, it must be considered how to handle the question of the not-yet-identified heirs. On the one hand, the identified members of the community of heirs will be interested in having equal rights regarding the handling of the object in question. On the other hand, the cultural heritage institution as the possessor of the object will want to avoid any possible future claims against itself. In such cases, the instrument of exemption from liability is a suitable option. In it, both parties can jointly declare that all mutual claims resulting from the loss of cultural property are settled by the »just and fair solution«. The cultural heritage institution is thus exempted from third-party claims – such as possible further heirs appearing in the future. A clause to that effect should then be included in the agreement between the parties.

5.3.d Advisory Commission

In 2003, the German Federal Government, the federal states and the leading municipal associations established the independent »Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property« (»Beratende Kommission im Zusammenhang mit der Rückgabe NS-verfolgungsbedingt entzogener Kulturgüter, insbesondere aus jüdischem Besitz«) in order to settle disputes over possible cultural property expropriated as a result of National Socialist persecution. The Commission can be called in jointly by former owners or their heirs and the institution or person currently in the possession of the property.

The Commission can consist of up to ten members. Appointees are independent persons with legal, ethical, cultural and historical expertise. They can become involved, provided both parties consent to conciliatory mediation by the Commission. The Commission works based on a code of procedure.

The Advisory Commission can issue recommendations for the settlement of disputes over Nazi-looted cultural property, taking into account particularly the circumstances of the loss of property and any research conducted regarding the provenance of the cultural property. These recommendations are not legally binding.

The Advisory Commission and the other four European restitution commissions joined to form a network in 2019 [see Chapter 6.3.e.](#)

The German Lost Art Foundation supports the independent Advisory Commission as a business office with organizational tasks only. It also acts as the first point of contact for claimants and the media. The rules of procedure, recommendations and a list of current members of the Advisory Commission are accessible at www.beratende-kommission.de.

5.3.e Legitimization of eligible claimants and transfer ceremonies

When implementing a »just and fair solution« agreed between the parties, several aspects must be considered.

If the parties do not agree on the value of the item in question, a value assessment should be conducted, as the value of the item determines the insurance costs, e. g. for transporting the item.

Regarding legitimization of eligible claimants, who can be represented in the procedure by third parties with powers of attorney, we refer to the explanations in [Chapter 5.2](#) on claims or entitlement to claims as part of a search for heirs.

The parties should set up an agreement that defines the details of the »just and fair solution«, such as the time and place of the handover, transport of the object, transfer of ownership or liability in case of loss or damage to the item, media activities (e. g. official language rules, deadlines, press releases) etc.

In restitution cases, the surrendering institution often wishes to generate public awareness for provenance research and for finding »just and fair solutions«. When deciding whether the hand-over should be a public event, it is important to respect the wishes of the heirs. A good option is a small hand-over ceremony that is only reported within the institution. Experience has shown that public recognition of National Socialist persecution in their family history is very important to heirs. Larger events also including press representatives can be a suitable framework for such recognition.

Public awareness

In addition, it is useful to continuously report on the institution's provenance research efforts: in the local and national press, online media including blogs and on the institution's own web pages. Not only does this promote cooperation between different institutions, but it also prevents the crimes committed by the National Socialists regime from sinking into oblivion [see Chapter 4.2](#).

Case study Restitution

Ignatz Isaac Bick lived in Frankfurt/Main with his wife Mira Bick (née Mannheimer) and their daughter Ingeborg until 1939. He had been a rabbi teaching at the »Philanthropin« school since 1926. The family was able to emigrate in 1939, traveling via London and Québec to finally settle in New York.

The contracted shipping company Brasch & Rothenstein informed the Bicks on 25 May 1939 that their household goods could not be moved to Rotterdam as planned, but had been taken to the Hamburg free port on 7 July 1939 due to new foreign exchange regulations. There, the container with the Bicks' household goods was confiscated pursuant to a directive by the Tax office Moabit West of 18 September 1940, and subsequently utilized, meaning sold at auction. At the same time, the family members' German citizenships were withdrawn.

In 1940, the State and University Library Hamburg (SUB) received a donation of a number of books from the Gestapo Hamburg, some marked as formerly in the possession of Dr. Ignatz Isaac Bick.

The identification of heirs and subsequent search for them relied on sources from various institutions. One of them was the Museum of Jewish Heritage in New York, which contacted the family's community, whose Rabbi in turn established direct contact with Ingeborg Isler née Bick.

Possible »just and fair solutions« in this case:

1. Restitution of the books to the family
2. Restitution and re-acquisition of the books
3. Donation of the books by the family to SUB Hamburg
- 4 . Compensation payment (according to the files, the »Hamburg« books were not part of the restitution proceedings)
5. Restitution to an institution named by the family

In this concrete case, the chosen solution was two-fold:

1. On 11 August 2010, in a ceremony at the Temple Sholom Greenwich New York, some of the books were returned to the family. Thus, restitution was made to the heirs of the owner.
2. Some more books found after this handover at SUB Hamburg, were left by the sons of then deceased Ingeborg Isler née Bick to the New York Leo Baeck Institute for its library.



6 NETWORKING AND FRAMEWORK

6.1 The Expert Community for Provenance Research

6.1.a Arbeitskreis Provenienzforschung e. V. *Johanna Poltermann*

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.org](http://www.arbeitskreis-
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org)

The »Arbeitskreis Provenienzforschung« (Provenance Research Association) was founded in November 2000 by four art historians – Ute Haug, Laurie Stein, Katja Terlau and Ilse von zur Mühlen – with the goal of promoting academic exchange and networking within this relatively new field of research. Since 2014, the group has been a registered nonprofit organization. Thanks to annual conferences and a growing number of participants, the association has been able to systematically build and expand structures and develop methods for provenance research. Today, it connects more than 300 scholars and experts worldwide who are dedicating their efforts to provenance research at public and private cultural heritage institutions (museums, libraries, archives etc.), in galleries, at universities or as freelancers. The association focuses primarily on cultural property confiscated under National Socialist persecution, seized in the Soviet occupation zone and the GDR, and property from colonial contexts.

The association works toward the optimization of working conditions at public and private institutions, where scholars' efforts are limited by working mainly in third-party-funded projects and for limited periods of time. The association bundles core competences

and expertise, generates content and establishes working groups, for example on methods, digital provenance research or indexing of exceptional source categories. One of the results of its work was the »Guidelines for Standardization of Provenance Information« published in 2018.

In 2019, the association organized its first Day of Provenance Research. More than 80 institutions in Europe conducted a range of activities to offer insights into the varied issues and methods of the field to a wide audience. The Day of Provenance Research now takes place every year on the second Wednesday in April.

6.1.b Arbeitskreis Provenienzforschung und Restitution

- Bibliotheken (ARP-Bib)

Maria Kesting

The Provenance Research and Restitution Association of Libraries was founded in Hamburg in 2014 and is open to all library employees who deal with provenance research, predominantly the search for Nazi-looted property, in their libraries. The group meets once or twice a year at different locations. The meetings are organized by the hosting colleagues and mainly serve the purpose of sharing information and lending mutual support. As libraries that were confiscated and robbed during the National Socialist era were dispersed far and wide, cooperation is indispensable for provenance research and above all for restitutions or finding »just and fair solutions«. A number of cooperative restitutions have been completed to date.

provenienz
@bibliotheksverband.de

www.bibliotheksverband.de/fachgruppen/kommissionen/provenienzforschung-und-provenienzerstossung/aktivitaeten.html

The association has found its organizational home with the »Kommission Provenienzforschung und Provenienzerschließung« (Commission on Provenance Research and Provenance Indexing) of the German Library Association [see Chapter 6.3.c](#). A mailing list is available for communication between the working meetings. The association uses its own section in the communication portal of the German Lost Art Foundation [see Chapter 6.2.a](#) as a platform for materials and information.

Members of the association are integrated in the »Arbeitskreis Provenienzforschung e. V.« as a working group.

6.1.c Regional networks and research associations

Johannes Gramlich

Provenance researchers all deal with the same or very similar issues regarding sources, methods, assessment and documentation of research results across institutions. Insights about galleries, collectors, market structures, acquisition methods and persecution mechanisms of the National Socialist era are usually of significance beyond individual objects for the collections of other museums and libraries. Direct professional exchange between researchers is therefore highly useful, especially since provenance research is a young discipline, for which standardized methods and established education programs are only now developing. In various German cities and states, provenance researchers have joined to form informal meetings for discussing their work regularly and supporting each other in solving problems. Also, the governments of Bavaria and Lower Saxony have founded official research networks that encompass museums and libraries and archives as well as university and non-university research institutes. The Hessen State Ministry for Higher Education, Research and the Arts has established the »Zentrale Stelle für Provenienzforschung« (Central Office for Provenance Research).

These bodies support not only the work of participating institutions, but are also committed to public relations work, education and consultation. For provenance researchers, it is always advisable to establish relationships with the networks in their working environments or initiate their own groups.

6.2 German Lost Art Foundation

Uwe Hartmann

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The German Lost Art Foundation is the central contact for all questions regarding unlawfully seized cultural property in the 19th and 20th century. It was founded by the German Federal Government, the Länder and the three leading national associations of local authorities on 1 January 2015 as a foundation with legal capacity under civil law. Its registered office is in Magdeburg.

The foundation supports provenance research through research grants and registers losses of cultural property in Germany and abroad as lost and found entries in its publicly accessible Lost Art Database. In order to strengthen and expand provenance research, the foundation also works toward creating fundamental structures for historical context research, cooperates with university and non-university research and education institutions, publishes academic papers and organizes conferences and events. In addition, the German Lost Art Foundation supports public and private institutions and individuals with finding »just and fair solutions«.

The communication portal of the German Lost Art Foundation offers a communication system as well as a research archive for provenance research.

Portal for
Provenance research

The portal is designed as a closed Intranet. This way, only registered users can send and read messages or publish, archive or view documents, photos and other media. The German Lost Art Foundation not only provides the web-based communication and cooperation platform but also mediates and coordinates all administrative and technical-organizational tasks. Users are responsible for the content they post.

The portal offers the following options:

- Organization of academic exchange by means of a discussion forum
- Administration and publication of heterogeneous materials (digital file formats, research reports, discussion contributions etc.)
- Access to saved content anytime and anywhere – requiring only internet access
- Organization of timetables and administration of contact data, as well as task and project management

Users can establish virtual meeting rooms (project or group areas) within the portal. Access is granted to groups of users of any size and composition. By logging in, users agree to keep the issues and topics discussed in the portal confidential.

The German Lost Art Foundation provides a database for documenting results of provenance research, particularly from funded

projects but also for other data (research database Proveana, [see Chapter 4.1.d](#)). Apart from data on the provenance of an object and the circumstances of its acquisition or loss, the database also provides information on persons and institutions involved and related historic events. Beyond that, the research database serves as a central platform to achieve and maintain academic topicality through close cooperation. The aim is to facilitate transparent and beneficial networking of data and specialist knowledge and thereby increase efficiency. Functioning as a digital library, the database links all available information relevant to provenance research and connects involved persons and institutions.

Publications Since 2016, the German Lost Art Foundation has been publishing a biannual periodical entitled »Provenienz & Forschung« (Provenance & Research). It provides the professional community of provenance researchers and the interested general public with a forum for recent developments, introducing exemplary projects and methods and discussing current research and conferences. The goal of the publication is to further increase public awareness and to demonstrate the importance of research into the provenance and whereabouts of cultural property, particularly those that still have not been returned to their lawful owners in the context of historic measures to redress injustice.

With its book series »Provenire«, the German Lost Art Foundation has been publishing monographs and anthologies on topics of provenance research and the confrontation of unlawful loss of cultural property since 2019. The series addresses the ongoing dynamic of provenance research by including contributions on the theory and practice of object, provenance and translocation research in particular. It focuses on the foundation's four essential missions: Research of cultural property expropriated due to National Socialist persecution, research of seizure of cultural property in the Soviet occupation zone and the GDR, cultural property from colonial contexts, and documentation of cultural property removed and relocated as a result of the Second World War.

6.3. Further Information and Networking Opportunities

6.3.a Deutscher Museumsbund e. V. (DMB)

David Vuillaume

The Deutsche Museumsbund e. V. (DMB, German Museums Association) has represented the interests of German museums and their employees since 1917. Proper handling of collections in museums is one of its main areas of focus. This is reflected in numerous recommendations the DMB issues with and for museums in Germany. One important topic is provenance research, which includes not only the approach to Nazi-looted art or seizures of cultural property in the Soviet occupation zone or the GDR, but also the nation's colonial heritage.

The lack of financial support for permanently establishing provenance research is still one of the greatest challenges. In order to address the growing significance of the field, further staff positions, education, databases and measures for sharing research results are required. Museums urgently need support with creating the prerequisites for provenance research, such as completing the as-yet insufficient inventories of their collections and establishing digital access to them. The DMB works toward transitioning provenance research from a project-based field in the framework political challenges to an integral and fundamental component of museum work.

With its board of trustees the German Museums Association has supported and worked with the German Lost Art Foundation since its founding.

Publications and further information are available at
www.museumsbund.de/provenienz

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6.3.b International Council of Museums (ICOM)

Matthias Henkel, Michael Henker and Markus Walz

In April 2019 – prompted by the Arbeitskreis Provenienzforschung e. V. – the first ever International Day of Provenance Research took place. The effort enjoys the full support of ICOM. The International Council of Museums is a network of more than 40,000 museum

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experts worldwide. Its »ICOM Code of Ethics for Museums« is an internationally recognized reference text setting standards for museum work, which defines holistic research of object biographies as the core of museum work.

Even though the code does not explicitly mention provenance research, it does emphasize the moral obligation of museums to create transparency and rigorously research the origins of items in their collections. In 2011, ICOM Germany worked with the former Koordinierungsstelle (Coordination Office) Magdeburg to prepare a »Checklist on Ethics of Cultural Property Ownership«, based on the eight principles of the »Ethical Guidelines«. It offers a useful and practical introduction to topics of museum ethics by focusing the often abstract character of ethical issues on concrete aspects, clearly accentuating the great national and international significance and necessity for ethically responsible conduct in museum work (English and German versions available on the website of ICOM Germany).

For the continuous development of the Ethical Guidelines, ICOM has installed a special »Ethics Committee«. The first point of contact is the respective national committee, which can contribute international expertise on a case-by-case basis.

6.3.c Deutscher Bibliotheksverband e. V. (dbv) Michaela Scheibe

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The Deutscher Bibliotheksverband e. V. (dbv, German Library Association) has been supporting libraries in Germany for more than 70 years. The association has about 2,100 institutional members nationwide, who represent more than 3,000 libraries. Important specialist topics are addressed by expert groups – for instance special committees of volunteer experts appointed by the federal board.

One such group is the »Provenienzforschung und Provenienz-erschließung« committee, established in 2017, which is the first point of contact within the dbv for all issues involving the origins of library collections. The committee is responsible for established instruments of provenance indexing such as the Thesaurus of Provenance Terms (T-PRO) and ProvenienzWiki. The subject of Nazi-looted cultural property in libraries is one of the group's priorities. The committee offers training and support for libraries of all types

and at the same time aims to raise awareness of the subject among the press and the general public. Since May 2017, the group has acted as the business office for the »Arbeitskreis Provenienzforschung und Restitution – Bibliotheken«.

On its website, the dbv committee regularly offers training events on provenance research. At the annual Librarians Days and Library Congresses, the committee organizes block events on the subject.

6.3.d Museum associations and museum offices in the federal states

Susanne Köstering

Due to Germany's federal structure, public museum consulting is managed at state level. The individual states provide consultation through state centers for museum support, museum offices or museum associations. The »Konferenz der Museumsberater in den Ländern« – KMBL for short – is the alliance of public museum advisory offices in the Federal Republic of Germany. Consultation provided by state associations and offices covers the fields of collection and preservation, documentation and research, exhibition and education, and legal and operational museum organization. The museum advisory offices of the states offer training events for qualifying museum employees in Germany. They share their knowledge twice a year at special conferences, and there is a »Provenienzforschung« working group.

[info@museen-
brandenburg.de](mailto:info@museen-brandenburg.de)

Provenance research has been a relevant topic in the consulting and educational work of the museum advisory offices. Some of them offer a »First Check« to determine whether there are grounds for conducting in-depth research into museum collections. This process creates an entry level for provenance research, particularly for smaller museums. All addresses of museum associations and offices are listed at: www.kmbl.de

6.3.e International commissions

Michael Franz

Research into Nazi-looted art is not limited to Germany. Consequently, other states have established corresponding commissions to Germany's Advisory Commission [see Chapter 5.3.d](#). Since 2019 these offices have been linked in a »network« in order to strengthen their cooperation. The mandates of the individual commissions vary widely.

The Netherlands

On 16 November 2001, the government of the Netherlands established a restitution commission, which issues recommendations on restitution applications. If the parties agree to the procedure, they are bound by the issued recommendation.

France

In France, the Commission pour l'indemnisation des victimes de spoliations intervenues du fait des législations antisémites en vigueur pendant l'Occupation (CIVS) reviews individual applications by eligible claimants for compensation for damages resulting from loss of property due to anti-Semitic laws passed during the occupation by the German occupying forces and the Vichy regime. The commission has no legal jurisdiction, but prepares suitable restitution and compensation measures in the form of recommendations.

Austria

In Austria, the Commission for Provenance Research was established in 1998 in order to examine the Austrian Federal museums and collections for objects that are in the possession of the Federal Government today as a result of National Socialist confiscation. The substantial basis for the commission is the »Bundesgesetz über die Rückgabe von Kunstgegenständen und sonstigem beweglichem Kulturgut aus den österreichischen Bundesmuseen und Sammlungen und aus dem sonstigen Bundes Eigentum« (BGBl I No. 181/1998, Federal law on the return of works of art and other movable cultural assets from the Austrian state museums and collections and other state property). Results of the research are submitted to the art restitution council, which issues recommendations to the responsible Federal Minister.

Great Britain

The British Spoliation Advisory Panel deals with claims by private persons regarding cultural property confiscated due to National Socialist persecution which are located in public institutions of Great Britain. Proceedings can also be initiated for objects in private possession. The Spoliation Advisory Panel has a mediating function.

Although its recommendations are not legally binding, their acceptance is expected.

In other countries, no similar commissions exist as yet, but other efforts are being undertaken to find and return Nazi-looted art. In this regard, one can refer to the study »Holocaust-Era Looted Art: A Current World-Wide Overview« by Wesley A. Fisher and Ruth Weinberger/Conference on Jewish Material Claims Against Germany and World Jewish Restitution Organization: www.lootedart.com/web_images/pdf2014/Worldwide-Overview.pdf.

Other countries

6.4. Training and Development

Ulrike Saß and Christoph Zuschlag

Provenance research has always been part of the methods catalog in the field of art history. Often it was a means to an end, for example to prove the authenticity of a work of art or reconstruct collections of cultural and historical significance. However, the specific requirements of the type of provenance research that is necessary for identifying unlawfully confiscated art and cultural property were generally not part of university studies. This is why, until even a few years ago, provenance researchers were self-educated and acquired their skills through »learning by doing« and by sharing their experiences with colleagues. The »Arbeitskreis Provenienzforschung e. V.« plays a key part in this process and is still the platform for a worldwide network of scholars [see Chapter 6.1.a.](#)

Common specialization in the subject of art history was and is achieved through final theses, mostly doctoral dissertations. In addition, several education and training programs have developed over the past ten years in response to the urgent need to integrate provenance research more deeply in museum work. With regard to the professorships for provenance research established since winter semester 2017/18 it can be said that this discipline has now explicitly been included in academic teaching and research.

In book studies and library science, as well as manuscripts and incunabula research, provenance research has also always been part of the methods repertoire (qualification in library provenance research [see Chapter 6.3.c.](#)).

6.4.a Education

Several universities now offer teaching courses on provenance research as part of their art history curricula. Every winter semester since 2011, for instance, the Art History Institute of Freie Universität Berlin has been offering the module »Provenance Research«. FU Berlin and other Berlin institutions (Humboldt Universität, Technische Universität, Hochschule für Technik und Wirtschaft) started a cooperation in winter semester 2018/19 to allow students to take advantage of the various courses offered on »provenance research, confiscation of cultural property and collection history« across universities. At Oldenburg university, a module on »Provenance, law and internationalization« was integrated into the existing master's program »Museum and Exhibition« as of winter semester 2016/17. Master's programs in provenance research are currently offered in Würzburg and Bonn. Also since winter semester 2016/17, Würzburg has been teaching the interdisciplinary master's program »Collections—Provenance—Cultural Heritage«, which involves the departments of art history, museology and history. In Bonn, the interdisciplinary master's course »Provenance Research and the History of Collecting« started winter semester 2019/20. In addition to their mandatory studies of art history and law, students in that programme can elect complementary courses in subjects like »Museum studies« and »Post-colonial studies«.

The catalog of university courses was also significantly expanded and at the same time institutionalized through the establishment of special junior professorships for provenance research in Hamburg, Bonn, Munich and at TU Berlin. In addition, there have been two professorships financed by the Alfried Krupp von Bohlen und Halbach Foundation since 2018: one for »Art history of the modern era and the present (19th–21st century) with a focus on provenance research and the history of collecting« and one for »Civil law, arts and cultural property protection law«. In October 2018, the research center »Provenance research, arts and cultural property protection« was founded, incorporating these two professorships and the junior professorship at Bonn University.

6.4.b Training

While the educational programs at universities are mainly intended for students, there are also training programs for established academics. The country's first certification course, initiated and financially supported by the German Lost Art Foundation and entitled »Provenance research – About the origin of objects« started in 2016 at the training center of FU Berlin. It is taught by expert provenance researchers. The course is taught in Berlin and Dresden each fall/winter and in Munich and Würzburg in the spring. In cooperation with the work group »Volontariat Mitteldeutschland«, the German Lost Art Foundation also held two workshops on provenance research specially designed for trainees in 2017 and 2019. The Federal Academy for Cultural Education Wolfenbüttel and the Museum Academy MUSEALOG offer thematically similar training opportunities as part of their programs. Initiatives in this area are increasing abroad as well. Examples are the »Provenance Research Initiative« of the »European Shoah Legacy Institute« in Prague and the time-limited German/American Provenance Research Exchange Program for Museum Professionals (PREP).



NOTES

1 Martin Friedenberger, *Fiskalische Ausplünderung. Die Berliner Steuer und Finanzverwaltung und die jüdische Bevölkerung 1933–1945*, Berlin 2008, p. 56–66; Christiane Kuller, *Bürokratie und Verbrechen. Antisemitische Finanzpolitik und Verwaltungspraxis im nationalsozialistischen Deutschland*, Munich 2013, p. 325–329.

2 As above, p. 185–242.

3 Volker Dahm, *Das jüdische Buch im Dritten Reich und der Schocken Verlag*, Frankfurt/Main 1979/82, p. 134; Anja Heuß, *Der Kunsthandel im Deutschen Reich*, in: Inka Bertz and Michael Dorrman (ed.), *Raub und Restitution. Kulturgut aus jüdischem Besitz von 1933 bis heute*, Göttingen 2008, p. 75–81.

4 Regarding Nazi-looted art during the Second World War see Wolfgang Eichwede and Ulrike Hartung (ed.), »Betr.: Sicherstellung«. NS-Kunstraub in der Sowjetunion, Bremen 1998; Anja Heuß, *Kunst- und Kulturgutraub. Eine vergleichende Studie zur Besatzungspolitik der Nationalsozialisten in Frankreich und der Sowjetunion*, Heidelberg 2000; Lynn H. Nicholas, *The Rape of Europa. The Fate of Europe's Treasures in the Third Reich and de Second World War*, New York 1994; Jonathan Petropoulos, *Art as Politics in the Third Reich*, Chapel Hill 1996.

5 Birgit Schwarz, *Auf Befehl des Führers. Hitler und der NS-Kunstraub*, Darmstadt 2014, p. 16–18 and other passages.

6 US Political Adviser for Germany to American Foreign Secretary, 1 June 1948, in: National Archives and Records Administration, RG 59, Z 165, Reel 11, Part 1.

7 Official Gazette of German Military Government, American-controlled zone, Edition G, 10 November 1947, p. 1–23.

8 Jan Philipp Spannuth, *Rückerstattung Ost. Der Umgang mit dem »arisierten« Eigentum der Juden und die Rückerstattung im wiedervereinigten Deutschland*, Essen 2007.

9 For the entire agendas of the conferences: see Tono Eitel, »Nazi-Gold« und andere »Holocaust-Vermögenswerte«. Zu den beiden Konsultationskonferenzen von London (2. bis 4. Dezember 1997) und Washington (30. November bis 3. Dezember 1998), in: Volker Epping, Horst Fischer and Wolff Heintschel von Heinegg (eds.), *Brücken Bauen und Begehen*, Munich 2000, p. 57–74.

10 As above, p. 70; Hannes Hartung, *Kunstraub in Krieg und Verfolgung: Die Restitution der Beute und Raubkunst im Kollisions- und Völkerrecht*, Berlin 2005, p. 108.

11 Leonie Schwarzeimeier, *Der NS-verfolgungsbedingte Entzug von Kunstwerken und deren Restitution*, Hamburg 2014, p. 225.

12 Evelien Campfens, »Alternative Dispute Resolution in Restitution Claims and the Binding Expert Opinion Procedure of the Dutch Restitutions Committee«, in: Valentina Vadi, Hildegard E. G. S. Schneider (ed.), *Art, Cultural Heritage and the Market*, Berlin 2014, p. 76.

13 Annemarie Marck and Eelke Muller, *National Panels Advising on Nazi-looted Art in Austria, France, The United Kingdom, The Netherlands and Germany. A brief Overview*, in: Evelien Campfens (ed.), *Fair and just solutions?*, Den Haag 2015, p. 41.

- 14** Wesley A. Fisher and Ruth Weinberger, Holocaust-Era Looted Art: A Current World-Wide Overview, Claims Conference/WJRO <http://art.claimscon.org/wp-content/uploads/2014/11/Worldwide-Overview.pdf> (08/09/2018).
- 15** Campfens 2014 (as note 12), p. 77.
- 16** Schwarzmeier 2014 (as note 11), p. 232.
- 17** Harald König, 12 Jahre Provenienzrecherche – eine Zwischenbilanz, Bundesverwaltungsamt 2010 www.kunstverwaltung.bund.de/Webs/KVDB/DE/Provenienzforschung/Aufsaetze/5ZwischenbilanzKVDB.html (07/28/2020).
- 18** www.kulturgutverluste.de/guidelines.
- 19** Schwarzmeier 2014 (as note 11), p. 233.
- 20** Claudia Andratschke, Jasmin Hartmann, Johanna Poltermann, Brigitte Reuter, Iris Schmeisser and Wolfgang Schöddert, Leitfaden zur Standardisierung von Provenienzangaben, published by Arbeitskreis Provenienzforschung e.V., Hamburg 2018, available online: www.arbeitskreis-provenienzforschung.org/data/uploads/Leitfaden_APFeV_online.pdf.
- 21** Deutscher Museumsbund e. V. (ed.), Leitfaden für die Dokumentation von Museumsobjekten. Von der Eingangsdokumentation bis zur wissenschaftlichen Erschließung, Berlin 2011. Available online at www.museumsbund.de/wp-content/uploads/2017/03/dmb-dokumentation.pdf. See also the Guidelines and Principles for Indexing Objects by the International Council of Museums (ICOM): http://network.icom.museum/fileadmin/user_upload/minisites/cidoc/DocStandards/guidelines1995.pdf and http://network.icom.museum/fileadmin/user_upload/minisites/cidoc/DocStandards/principles6_2.pdf.
- 22** E.g. Gersbachs-Auto-Adressen. Gersbachs Adressendienst über Neuzulassungen von Kraftfahrzeugen in Preußen (1930–1940) or Hamburger-Autobuch, Adressdienst über Neuzulassungen von Kraftfahrzeugen in Gross-Hamburg (1927–1942). For this information and the theft of vehicles under National Socialism in Austria see www.technischesmuseum.at/datenbanken-zu-kraftfahrzeugen-in-oesterreich-in-den-1930er-und-1940er-jahren. We are grateful to Christian Klösch, Technical Museum Vienna, for this information.
- 23** Peter Malina, Die »Sammlung Tanzenberg«: »Ein riesiger Berg verschmutzter mit Schnüren verpackter Bücher«, in: Bruno Bauer, Christina Köstner-Pemsel and Markus Stumpf (ed.), NS-Provenienzforschung an österreichischen Bibliotheken. Anspruch und Wirklichkeit, Graz-Feldkirch 2012, p. 133–154, here fig. p. 144.
- 24** Marlies Coburger, Der Silberschatz im Märkischen Museum, in: Jahrbuch Stiftung Stadtmuseum Berlin, Volume IV 1998, p. 223–272, here p. 237 on the pawn brokers and p. 241 with image of a purchase receipt of Berlin pawnbrokers.
- 25** Sabine Schulze and Silke Reuther (ed.), Raubkunst? Silber aus ehemals jüdischem Besitz – wie gehen Museen damit um. Symposium occasioned by the exhibition »Raubkunst? Provenienzforschung zu den Sammlungen des Museums für Kunst und Gewerbe Hamburg«, 4–5 February 2016 as well as Frank Matthias Kammel (ed.), Silber für das Reich. Silberobjekte aus jüdischem Eigentum im Bayerischen Nationalmuseum, Passau/Munich 2019.
- 26** For Hamburg see Wiebke Müller, Das Silber der Hamburger Juden, in: Sabine Schulze and Silke Reuther (ed.), Raubkunst? Provenienzforschung zu den Sammlungen des Museums für Kunst und Gewerbe Hamburg, Hamburg 2014, p. 74–87 as well as Silke Reuther, Silberbestände aus ehemalig jüdischem Besitz im MKG, as above, p. 88–95.

27 Information kindly provided by Christine Bach and Carolin Lange, Nichtstaatliche Museen Bayern. A list of different asset seizure codes of the Oberfinanzpräsident in Staatsarchiv Würzburg, Finanzamt Aschaffenburg, Jüdisches Vermögen, 1, pages not numbered.

28 On a painting confiscated in Augsburg, the number had been hand-written with black pen on canvas and stretcher. Anja Zechel, *Die fehlende Zahl war der Beleg. Ein Restitutionsbericht zum »Fall Friedmann«*, in: Bayerische Staatsgemäldesammlungen Jahresbericht 2018, Munich 2019, p. 176–183. Comparable markings also found on confiscations in Mainz and Dortmund. For the information about the Mainz/Darmstadt region we are grateful to Emily Löffler, Landesmuseum Mainz.

29 Birgit Schwarz calls these numbers Linz numbers. According to current research, the system cannot be transferred onto other graphics collections. See Birgit Schwarz, *Der sogenannte Linz-Bestand im Kupferstich-Kabinett der Staatlichen Kunstsammlungen Dresden*, in: Dresdener Kunstblätter 02/2012, Dresden 2012, p. 143–149.

30 Archives diplomatiques and Jean-Marc Dreyfus, *Le catalogue Goering*, Paris 2015. The glass panes are now in the Archives diplomatiques Paris.

31 Ilse von zur Mühlen, *Die Kunstsammlung Hermann Görings. Ein Provenienzbericht der Bayerischen Staatsgemäldesammlungen*, Munich 2004, p. 87 (for paintings) as well as for sculptures and jewellery e.g. at www.bayerisches-nationalmuseum.de/index.php?id=547.

32 Floria Segieth-Wuelfert, *Zum Umgang mit Provenienzmerkmalen. Die interdisziplinäre Perspektive von Restauratoren und Kunsttechnologen*, in: German Lost Art Foundation (ed.), *Provenienz & Forschung* 2/2018, Magdeburg 2018, p. 48–53, especially p. 50 f.

33 V. a. Antonius Jammers (ed.), *Bibliotheksstempel. Besitzvermerke von Bibliotheken in der Bundesrepublik Deutschland*. Wiesbaden 1998; or e.g. the database Looted Cultural Assets. <http://lootedculturalassets.de>; Provenienzwiki of the GBV: <https://provenienz.gbv.de/Kategorie:Provenienzmerkmal>. Provenance markings in the image database of Deutsche Fotothek der Sächsischen Landesbibliothek – Staatsund Universitätsbibliothek Dresden: www.deutschefotothek.de/list/freitext/provenienzmerkmale and especially about the library: <http://nbn-resolving.de/urn:nbn:de:bsz:14-qucosa-27458>.

34 Bundesarchiv-Militärarchiv Freiburg, BArch, RS 15/4 Part 2, fol. 251 r.+v. and fol. 371 r.+v., stamps of Sonderkommando Künsberg. Found and kindly provided by Marcel Kellner, Stiftung Deutsches Historisches Museum, Berlin.

35 In Switzerland the Oberzolldirektion (www.ezv.admin.ch) is the agency to contact. See also the index of customs museums of the International Association of Customs/Taxation Museums (IACM), www.customsmuseums.org.

36 In Germany, inquiries should be directed to the Zollmuseum Hamburg www.zoll.de/DE/Der-Zoll/Zollmuseum/zollmuseum_node.html. We are grateful to Jürgen Hegemann, Deutsches Zollmuseum Hamburg, for the information.

37 Marc Rosenberg, *Der Goldschmiede Merkzeichen, Frankfurt/Main 1890–1928*, in three revised editions, digitally at <https://digi.ub.uni-heidelberg.de/digit/rosenberg1922ga>.

38 For information on the as-yet unindexed items at the Deutsche Kunstabchiv see http://dka.gnm.de/objekt_start.fau?prj=dka-ifaust&dm=dka&ref=997. Complementary collections in Augsburg, Städtische Kunstsammlungen; Universitäts-

archiv, Freiburg; Dumbarton Oaks Research Library and Collection, Dumbarton Oaks Archives, Washington, D. C. Augsburg is accessible upon request, the large Nuremberg collection is usable to a limited extent only.

39 Jewish Claims Conference (ed.), *Descriptive Catalogue of Looted Judaica*, New York 2009, partially supplemented 2016, see www.claimscon.de/unsere-taetigkeit/verhandlungen/geraubte-kunst-und-kulturgueter/judaica/deskriptiver-katalog-geraubter-judaica.html.

40 Helmut Nickel, Ullstein Waffenbuch. Eine kulturhistorische Waffenkunde mit Markenverzeichnis, Berlin 1974.

41 E.g. www.pewterbank.com/Weygang_1937_-_some_1900_and_1907...96.pdf.

42 Ilse Bahr, Hanns-Ulrich Haedeke and Theodor Kohlmann, Zinn. Kopie, Imitation, Fälschung, Verfälschung, Hannover 1981. On counterfeit Judaica see Bernhard Purin, Judaica. Funkelnde Tora-Zeiger. Seit zehn Jahren boomen die Fälschungen, in: Spektrum, no. 3, 1 March 2013, p. 44; also: Judaica in Süddeutschland. Eine Typologie, in: MuseumsBausteine, Vol. 18, Berlin/Munich 2017, p. 90–94 and Cecil Roth: Caveat Emptor Judeus, in: Commentary, 43rd year, Issue 3 (March 1967), pages not numbered. We are grateful to Lilian Harlander, Jüdisches Museum, Munich for the information.

43 Heinrich Göbel, Wandteppiche, Leipzig 1923.

44 As an example of the involvement of the fiscal administration in the National Socialist looting of art see Susanne Meinl and Jutta Zwilling, *Legalisierter Raub. Die Ausplündерung der Juden im Nationalsozialismus durch die Reichsfinanzverwaltung in Hessen*, Frankfurt/Main 2004.

45 Werner Markmann and Paul Enterlein, *Die Entjudung der deutschen Wirtschaft. Arisierungsverordnungen vom 26. April und 12. November*, Berlin 1938, p. 66.; Meike Hopp, In Frage gestellt. Die Versuche der staatlichen Preisregulierung am Auktionsmarkt seit 1938, in: Uwe Fleckner, Thomas W. Gaehtgens and Christian Huemer (ed.), *Markt und Macht. Der Kunsthandel im »Dritten Reich«*, Berlin/Boston 2017, p. 93–137, here p. 107 and particularly p. 120, note 41 with sources.

46 Nancy Yeide, Konstantin Akinsha and Amy S. Walsh, *AAM Guide to Provenance Research*, Washington D. C. 2001.

47 The database of the International Foundation for Art Research, while not claiming to be complete, facilitates the search for works lists: www.ifar.org/cat_rais.php.

48 There are further trade journals for every specialist area.

49 E.g. Uwe Fleckner, Thomas W. Gaethgens and Christian Huemer (ed.), *Markt und Macht. Der Kunsthandel im »Dritten Reich«*, Berlin/Boston 2017.

50 E.g. Angelika Enderlein, *Der Berliner Kunsthandel in Weimarer Republik und im Nationalsozialismus. Zum Schicksal der Sammlung Graetz*, Berlin 2006; Christine Fischer-Defoy (ed.), *Gute Geschäfte. Kunsthandel in Berlin 1933–1945*, Exh. Cat. Aktives Museum Berlin im Centrum Judaicum, Berlin 2011; Meike Hopp, *Kunsthandel im Nationalsozialismus. Adolf Weinmüller in München und Wien*, Köln 2012.

51 Gesa Jeuthe, *Kunstwerte im Wandel. Die Preisentwicklung der Moderne im nationalen und internationalen Kunstmarkt 1925 bis 1955*, Berlin 2011.

52 See e.g. <http://adressbuecher.sachsendigital.de>.

53 From today's perspective, the formerly very popular book can be seen as problematic as an expression of colonial circumstances, the actions of its author and protagonist should also be questioned critically.

54 Andratschke/Hartmann/Poltermann/Reuter/Schmeisser/Schöddert (as note 20).

55 http://lootedculturalassets.de/index.php/Detail/Object/Show/object_id/1581

56 Andratschke/Hartmann/Poltermann/Reuter/Schmeisser/Schöddert (as note 20).

57 www.bayerisches-nationalmuseum.de/index.php?id=547 and Ilse von zur Mühlen, Von Tapisserien bis zu Stoffmustersammlungen. Textilien aus der »Sammlung Hermann Göring« und erste Forschungserfahrungen, in: Annette Paetz gen. Schieck und Dirk Senger (ed.), Textile Erwerbungen und Sammlungsstrategien europäischer Museen in der NS-Zeit, Oppenheim 2019, p. 63–77.

58 Die Weltkunst, X, No. 25/26, 28 June 1936, p. 4.

59 Auction transcript in different copies in the compensation files of the shareholders, today Bayerisches Hauptstaatsarchiv, Munich.

60 Andrea Hollmann and Roland März, Hermann Göring und sein Agent Josef Angerer. Annexion und Verkauf »Entarteter Kunst« aus deutschem Museumsbesitz 1938, Paderborn 2014, p. 75. See also tax files of the racially and politically persecuted in the Staatsarchiv München with Bornheim's testimony.

61 Link list for rule books of the various library associations in ProvenienzWiki: <https://provenienz.gbv.de> (01/21/2019).

62 Format description in ProvenienzWiki: https://provenienz.gbv.de/GND-Sätze_für_Provenienzmerkmale (01/21/2019).

63 T-PRO in ProvenienzWiki: https://provenienz.gbv.de/T-PRO_Thesaurus_der_Provenienzbegriffe (01/21/2019).

64 ICOM: <http://network.icom.museum/cidoc/working-groups/lido> (01/21/2019).

65 Library of Congress: www.loc.gov/marc (01/21/2019).

66 Library of Congress: www.loc.gov/ead (01/21/2019) and SBB-PK: <https://eac.staatsbibliothek-berlin.de> (01/21/2019).

67 Creative Commons: <https://creativecommons.org/publicdomain/mark/1.0/deed.de> (01/21/2019).

68 Creative Commons: <http://creativecommons.org/licenses/by-nc-sa/3.0/de> (01/21/2019).

69 With regard to the restitution and compensation claims, the Conference on Jewish Material Claims Against Germany (Claims Conference) is available as well. For further information visit www.claimscon.de.

IMAGE CREDITS

- Cover:** Seated Madonna with Child (detail), 15th century (?), limewood, 77 x 34 x 22 cm, Inv. No. 65/157, Photo No. D69680, Photo: Bastian Krack © Bayerisches Nationalmuseum München
- Fig. 1:** Thomas Gainsborough, Mrs Thomas Hibbert (detail of the back of the painting), 1786, oil on canvas, 127 x 101,5 cm, Inv. No. FV 4, acquired 1977 by the Pinakotheks-Verein for the Neue Pinakothek, Photo: Sibylle Forster © Bayerische Staatsgemäldesammlungen
- Fig. 2:** Johann Friedrich Negges, Candelabra (detail), 1804/05, silver, 17,8 x 8,3 x 8,3 cm, Inv. No. 39/219, Photo No. D94577, Photo: Walter Haberland © Bayerisches Nationalmuseum München
- Fig. 3:** Johann Jacob Priester, Chalice (detail) around 1720, height: 6.50 cm, diameter: 7.30 cm, silver/partially gold-plated, Inv. No. 8322 © Museum Angewandte Kunst, Frankfurt am Main
- Fig. 4:** Max Thedy, Shepherdess (frame detail), around 1900, oil on canvas, 160 x 72 cm, Archive No. J 1 © GDKE RLP, Landesmuseum Mainz
- Fig. 5:** Franz von Lenbach, Male Portrait (frame detail), 1901, oil on canvas, 125 x 86 cm, Archive No. J 2 © GDKE RLP, Landesmuseum Mainz
- Fig. 6:** Hans Makart, Painter with model (following Holbein) (detail of the backside), 1880 – 1884, charcoal/gold background/carton, matte cutout: 28.5 x 57cm, outer frame dimensions: 89 x 62 x 5.5 cm, Inv. No. 35131 © Albertina, Vienna
- Fig. 7:** Carl Wagner, Heiligenblut und die Glocknerspitze (detail of the backside), 1825, water-colored pencil drawing, 308 x 438 mm (sheet), Inv. No. C 1944-147, Photo: Andreas Diesend © Kupferstich-Kabinett, Staatliche Kunstsammlungen Dresden
- Fig. 8:** Seated Madonna with child, 15th century (?), limewood, 77 x 34 x 22 cm, Inv. No. 65/157, Photo No. D69680, Photo: Bastian Krack © Bayerisches Nationalmuseum München
- Fig. 9:** Klaes Molenaer, Winter landscape (detail of the backside), around 1660, oil on oak board, 45 x 55.5 cm, Inv. No. MP 149 © GDKE RLP, Landesmuseum Mainz
- Fig. 10:** Henry M. Stanley, Im dunkelsten Afrika. Leipzig: Brockhaus 1926, Zentral- und Landesbibliothek Berlin, Signature Bm 289
- Fig. 11:** BArch, Bestand B 323/657 fol. 859
- Fig. 12/13:** Screenshot, Staatliche Museen zu Berlin, Nationalgalerie, August 2019
- Fig. 14:** Screenshot, Staatliche Museen zu Berlin, SMB-digital, www.smb-digital.de/eMuseumPlus?service=ExternalInterface&module=collection&objectId=967820&viewType=detailView, August 2019
- Fig. 15:** Screenshot, Staatsbibliothek zu Berlin, <http://stabikat.de/DB=1/XMLPRS=N/PPN?PPN=371839467>, August 2019
- Fig. 16:** Screenshot, ProvenienzWiki – Plattform für Provenienzforschung und Provenienz-erschließung, https://provenienz.gbv.de/Datei:Hesse_Hedwig_Exlibris_DE-1_Yt664-27_19_a.jpg, August 2019
- Fig. 17:** Screenshot, Deutsche Nationalbibliothek, <http://d-nb.info/gnd/1037771176>, August 2019
- Fig. 18:** Screenshot, Staatsbibliothek zu Berlin, <https://blog.sbb.berlin/gabel-messer-und-eine-eule-sind-zeugen>, August 2019

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DUE TO PERSECUTION DURING THE
NATIONAL SOCIALIST ERA