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*LEITFADEN PROVENIENZFORSCHUNG  
ZUR IDENTIFIZIERUNG VON  
KULTURGUT, DAS WÄHREND DER  
NATIONALSOZIALISTISCHEN  
HERRSCHAFT VERFOLGUNGSBEDINGT  
ENTZOGEN WURDE, MULTIPLE  
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The reviewed work forms a compendium of methodological tips for provenance studies (goals of research, legal grounds, material and chronological ranges, research methods). Targeted at employees of museums, libraries, and archives, as well as antiquarians and private individuals, it is conceived to serve those who ‘want to deal with the provenance of objects and collections’ (p.5).<sup>1</sup> It was published through the shared collaboration of six institutions: the German Lost Art Foundation in Magdeburg (Deutsches Zentrum Kulturgutverluste), the Team for Provenance Research (Arbeit-

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1 ‘Allen, die sich mit der Herkunft ihrer Sammlungsobjekte oder Bestände auseinandersetzen wollen, soll dieser Leitfaden Anregung und Hilfe bieten’, (p. 5).

skreis Provenienzforschung e. V.), Provenance Research and Studies - Libraries Working Group (Arbeitskreis Provenienzforschung und Restitution - Bibliotheken), Association of German Librarians (Deutscher Bibliotheksverband e. V.), German Museums Association (Deutscher Museumsbund e. V.), and ICOM Germany.

According to the publishers' statement in the Introduction, the publication aims to contribute to the broader implementation of the *Washington Principles on Nazi-Confiscated Art* of 3 December 1998, thus it should 'seek out and identify cultural goods which were seized and looted, mainly from Jewish owners, in 1933-1945' (p.6).<sup>2</sup> Therefore, the guide does not take into account other areas eligible for provenance studies: German war losses, expropriations within the Soviet occupation zone and in East Germany (GDR), as well as colonial policies.

The goal of the publication is specified in the Introduction authored by Gilbert Lupfer of the Dresden State Art Collections, and Lupfer's assistant Maria Obenaus, a representative of the German Lost Art Foundation (pp. 9-13). The focus of their research is the provenance of cultural property seized and looted from Jewish owners from 1933-1945, as they state: 'The majority of them were Jewish citizens of German descent and from the territories either annexed or occupied by German troops during WW II. Persecution for racial, political, ideological, or religious reasons in 1933-1945 was also suffered by other groups of people and institutions; the looting of art also applies to them'.<sup>3</sup> However, the authors do not specify these groups.

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- 2 'Der Suche nach und der Identifizierung von Kulturgütern, die ihren - meist jüdischen - Eigentümern zwischen 1933 und 1945 entzogen oder geraubt wurden' (p. 6). The instruction based on Polish realities addressing heritage items kept at museums was published in 2012. Z. Bandurska, D. Kacprzak, P. Kosiewski et al., 'Badania proveniencyjne muzealiów pod kątem ich ewentualnego pochodzenia i własności żydowskiej', *Muzealnictwo*, 2012, 53, pp. 14-26.
  - 3 'Das waren in der großen Mehrheit jüdische Bürger in Deutschland und in den von deutschen Truppen während des Zweiten Weltkriegs annektierten oder besetzten Gebieten. Betroffen von der Verfolgung aus rassistischen, politischen, weltanschaulichen oder religiösen Gründen und vom Raub zwischen 1933 und 1945 waren jedoch auch andere Personengruppen sowie Institutionen', p. 10.

Chapter One, 'Provenance Studies as a Commitment' (*Provenienzforschung als Selbstverpflichtung*), discusses the legal grounds for the confiscation of cultural goods in 1933–1945. In addition, it outlines the Washington Principles, their interpretation, and their implementation. The authors of the chapter, Johannes Gramlich, Carola Thielecke, highlight the fact that the confiscation of assets of the political opponents of new authorities began immediately after Adolf Hitler seized power. In May and July 1933, the Law on the Confiscation of Communist Property (*Gesetz über die Einziehung kommunistischen Vermögens*) and the Law on the Confiscation of the Property of Forces Hostile to the People and the State (*Gesetz über die Einziehung volks- und staatsfeindlichen Vermögens*) were passed. Initially, only the assets of Jewish immigrants from Eastern Europe were seized. In subsequent years, the state interfered in property ownership to a larger degree, restraining the capacity of the Jewish population to freely administer their assets. An important caesura in this respect was marked in 1938 when new, discriminatory laws were introduced. Jews were banned from running businesses and trading, as their capacity for taking legal action in causes related to trading in real estate, securities, and valuables was also limited. New legislations aimed against Jews were introduced in 1941 and 1943, such as the 11<sup>th</sup> and 13<sup>th</sup> Ordinances to the Reich Citizenship Law (*11., 13. Verordnung zum Reichsbürgergesetz*), ruling that the German state could seize the property of Jewish immigrants, as well as that belonging to deported, dead, and murdered Jews. Interestingly, the authors overlook legislations targeted at other national and religious groups.

The authors hold the opinion that a separate analysis should be conducted on territories annexed or occupied by Germany after 1938. They reason that a particular drive among high-ranking Party members to seize cultural assets can be observed in this context. They add that specialized institutions and units, competing for the loot, operated there. When speaking of this issue, the authors mention the Polish case for the first and last time in the publication: 'Depriving the Jewish population of their property through-

out all the war-covered territories formed part of the German reason of state, and was in many a case legalized with appropriate normative acts. In Poland and the Soviet Union, that is the territories in which the Wehrmacht, aiming at winning *Lebensraum*, was ranging the war of attrition, this goal also affected the Slavic population, and to a much greater extent than in Western Europe, it applied to Church and state property'.<sup>4</sup> Such simplifications distort the reality of the situation, misleading readers unfamiliar with the German actions against Polish cultural heritage in 1935-1945, as the authors failed to mention the restrictive legislations introduced in occupied Poland. The confiscation of library collections was ruled across territories directly incorporated into the Reich by late autumn 1939: it applied to state, local government, Church, social, and private book collections. Similar policies affected archives and museums. In November 1939, the General Government adopted an ordinance regarding the confiscation of the property of the former Polish state; in January 1940, this ordinance was extended to include private assets. In December 1939, an ordinance was issued that allowed the seizure of artworks. More examples of similar legal regulations could easily be quoted to introduce a more expansive and nuanced perspective.

Next, the authors examine the return of looted property after 1945. The process was most effectively conducted within the American occupation zone. By the end of March 1948, American military authorities had returned around 470,000 artworks and 1,7 million books deposited from almost 1,500 temporary depots. However, readers are not informed of the types of heritage pieces returned, nor whom benefitted from the American restitution. The 'internal restitution' provided another step toward 'lifting the National Socialist expropriation policy'. As of November 1947, those who 'had

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4 'Die Enteignung der jüdischen Bevölkerung gehörte in allen Kriegsgebieten zur deutschen Staatsräson und wurde häufig durch Verordnungen legalisiert. In Polen und der Sowjetunion, wo die Wehrmacht einen Vernichtungskrieg zur Gewinnung von »Lebensraum« führte, galt dies auch für die slawische Bevölkerung und — mehr als in Westeuropa — für kirchliche und staatliche Vermögenswerte', p. 18.

lost their property for the reasons of race, religion, nationality, ideology, hostility to the National Socialist Regime' could apply for their property's return.<sup>5</sup> German legislations enacted in 1957 echoed the American solutions. As the authors emphasize, similar legal grounds and procedures for the return of the confiscated goods were neither formulated within the Soviet occupation zone nor in East Germany. The return of cultural assets to private individuals regarded as persecuted by the Third Reich only took place in few politically justified situations. Finally, the authors proceed to discuss the content of the Washington Principles of 3 December 1998, which appealed to cultural institutions to verify Nazi-confiscated art within their collections, as well as the reception of the Principles in West Germany. In Germany, the agreement yielded *The Shared Declaration of the Central Government, Land Governments, and Local Governments with Respect to Searching for and the Restitutions of Cultural Property Seized as a Result of Persecution of Mainly Jewish Owners* (*Erklärung der Bundesregierung, der Länder und der kommunalen Spitzenverbände zur Auffindung und zur Rückgabe NS-verfolgungsbedingt entzogenen Kulturgutes, insbesondere aus jüdischem Besitz*) of 14 December 1999. In comparison to the Washington Principles, it expands the search of collections to include all heritage assets, including books. Furthermore, not only does it cover all confiscated materials but also all those which 'were taken away from the rightful owners by the National Socialist regime'.<sup>6</sup> Legally speaking, the declaration does not have a binding force.

Chapter Two (*Von der Identifizierung von Verdachtsmomenten zur systematischen Provenienzforschung*) focuses on subsequent stages of provenance studies, which can be implemented either as temporary projects or a permanent element of a research agenda. Jasmin Hartmann and Tessa F. Rosebrock point to the fact that this kind of search should be planned regardless of subsequent restitution

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5 'Aus Gründen der Rasse, Religion, Nationalität, Weltanschauung oder politischer Gegnerschaft gegen den Nationalsozialismus« Vermögen verloren hatten, die Restitution beantragen konnten', p. 19.

6 'NS-verfolgungsbedingt entzogenes Kulturgut'.

claims submitted by cultural institutions. Furthermore, the authors underline that verifying the provenance of all objects usually proves impossible, so they recommend placing limitations on search areas. What criteria should be adopted to this end? The identification of an accession date is of key importance in this respect. Provenance studies should apply to all items created prior to 8 May 1945 and those that entered a collection after 30 January 1933 (p. 27). Thus, this kind of investigation should exclude all items created after 8 May 1945 and the artefacts that had entered an institution prior to 30 January 1933; the limitation should also apply to materials or works purchased directly from artists who were not persecuted for ethnic, religious, or political reasons, as well as to historic objects acquired from 1933–1945 that can be unquestionably proven not to have been illegally seized from their rightful owners (pp. 34–35). The items that are to be taken into consideration thus should not only include purchases, but also donations, exchanges, as well as items acquired as legal deposits. It is of crucial importance to verify the extended acquisition context of an object; so, it should first be ascertained whether an historic monument was not associated with individuals persecuted in the Third Reich as well as individuals and institutions involved in an illegal acquisition of or trade in heritage items. In this respect, the *Red Flag Names List* put together by the Allies and forming part of *The Central Registry of Information on Looted Cultural Property, 1933–1945* can be consulted.<sup>7</sup> According to the authors, a thorough study of the history of an institution as well as research into its relations with antique dealers, artists, and collectors can prove extremely beneficial to such an analysis. This research can provide information on the activity of the respective directors of an institution, and it can help recreate networks of contacts and bonds, in turn potentially leading to an effective reduction of the range of objects classified for provenance studies. The authors strongly emphasize that provenance studies can lead to positive effects only through

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7 <https://www.lootedart.com/MVI3RM469661>

a harmonious cooperation of all the internal units and institutions, and in particular of the departments dealing with the following: studies, inventory, conservation, archives. Finally, the Chapter contains practical guidelines for the preparation of an application for external financing (this, obviously, limited to Germany's realities only).

Chapter Three, which presents a methodology for provenance studies (*Methoden der Provenienzforschung*) by explaining how to work out an 'object's biography', is of major importance. The team of four authors experts of library and museum studies — Jana Koucourek, Katja Lindenau, Ilse von zur Mühlen, and Johanna Poltermann — present important observations related to the process of researching the vicissitudes of cultural property, complementing theoretical analyses with 'case studies'. The authors emphasize that the first criterion to be considered is the object itself, which hides much information about its own past. It is of high importance to correctly identify all the numbers that it bears: catalogue numbers, accession numbers, library catalogue numbers, numbers assigned by antique dealers (often featuring the letter 'L' for *Lagernummer* or 'C' or 'K' for *Kommissionsnummer* at the front); as well as numbers given by auction houses. Series numbers are also relevant in the case of mass-produced objects (e.g., the archives of big German automobile manufacturers, such as Mercedes-Benz, BMW, Audi, have preserved their sales books). A separate group of data relevant to provenance studies concerns accession or inventory numbers of illegally acquired cultural assets in 1933-1945. Online databases are available for some of them, facilitating the identification of the objects, such as registers for degenerate art, including *Entartete Kunst*, known as *EK-Nummer*, a database run by the Berlin *Freie Universität*.<sup>8</sup> Another data point is the so-called ERR-Nummer, featured on objects looted by the Reichsleiter Rosenberg Taskforce (*Einsatzstab Reichsleiter Rosenberg*, ERR-Nummer); a relevant da-

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8 [https://www.geschkult.fu-berlin.de/e/db\\_entart\\_kunst/datenbank/index.html](https://www.geschkult.fu-berlin.de/e/db_entart_kunst/datenbank/index.html)

tabase for these has also been created.<sup>9</sup> Furthermore, the Authors mention that the items from the collection of Reichsmarschall Hermann Göring feature their unique RM number (Reichsmarschall-Nummer). The historic pieces may also bear inventory or accession numbers assigned after World War II, such as numbers assigned by the Central Collecting Point in Munich (Mü-Nr.) or Wiesbaden (WIE and the subsequent ordinal number). The authors stress that when conducting provenance research it is of major importance to pay similar attention to stamps of private individuals or institutions. A researcher must look closely at stamps or inserts left by bookbinders; in fact, all elements related to bookbinding, can provide relevant information on the provenance of an item, such as customs marks, labels, book plates, handwritten provenance entries, dedications, monograms, coat of arms, among others.

Having thoroughly analysed the item, one should then search for the archival sources of the institution that held it. The authors suggest looking through accession books, any accession-related files (e.g., lists of objects donated or temporarily deposited during World War II), lists of objects taken to temporary repositories, books registering correspondences, and epistolary exchanges with individuals and institutions dealing with or acting as agents in the trade of cultural assets.

The next stage of provenance studies consists of preliminary research into legal regulations illustrating state policies and Party authorities, as well as police records. To this end, the B323 fonds held in the Federal Archives in Koblenz and related to Nazi-era cultural property, titled *Trust Management of Cultural Property at the Finance Administration in Munich. Koblenz Branch (Treuhandverwaltung von Kulturgut bei der Oberfinanzdirektion München am Standort Koblenz)*, is of major importance. They contain materials created and collected by the Management, an institution active from 1951–1962 that inherited and continued the activities of the Collecting Points. Among other relevant archival materials, the authors point to the

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9 <https://www.errproject.org/jeudepaume>



R43 Fonds *Reich Chancellery (Reichskanzlei)* in the Federal Archives in Berlin, or other materials in that archive belonging to various Party organs. Interesting findings might also result from searching through police files, which often contain minutes related to confiscated cultural property, as well as records of financial institutions. Interestingly, the authors omit military archives among the institutions they recommend for preliminary provenance research; it is particularly surprising that the Federal Archives in Freiburg im Breisgau has not been suggested in this regard.

The chapter is complemented by a basic literature review on the topic and useful websites, as well as online databases available online and genealogical portals, and by two reference studies - a book from the 1920s-1930s and a 16<sup>th</sup>-century tapestry.

The next chapter by Andrea Baresel-Brand, Michaela Scheibe, and Petra Winter, focusing on the publication of provenance studies (*Ergebnisse der Provenienzforschung*), deals with the current standards of the field, as well as with means of disseminating findings among scholars and the general public. Of major concern is the standardization of archival descriptions. The authors recommend a model related to the organization of the central catalogue of the German National Library (*Gemeinsame Normdatei*) and a standardized dictionary of concepts (e.g., *Thesaurus der Provenienzbegriffe, T-PRO*). Not only is it possible to publish the list of objects in a standardized manner, but also related materials, such as a source dossier or an academic paper. The authors present a model to order texts of all types. Furthermore, they remind readers of the obligation to submit all cases to the German Lost Art Foundation and, through them, to the *Proveana* central database.<sup>10</sup> As far as the publication of provenance studies is concerned, the preparation of printed or online catalogues, databases, exhibitions, etc., must also be taken into consideration.

Finally, Chapter Five (*Provenienzforschung als Grundlage für 'gerechte und faire Lösungen'*) by Michael Franz and Maria Kesting provides

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10 <https://www.proveana.de>.

information on potential solutions in the event when a given heritage object that had been held in an institution from 1933–1945 had been taken away from its rightful owners. Several options are possible: it can be returned, purchased by the institution, compensation can be paid to the descendants of the former owners, or the ownership title can be transferred, with the item in question left in the institution's collection as a deposit.

The concluding Chapter (*Vernetzung und Institutionalisierung*) presents the organizations that provided support to cultural institutions for provenance studies, beginning with the publishers of the discussed volume.

The reviewed work is addressed namely to individuals beginning their work on provenance research, providing a useful introduction into the topic. Yet I consider its oversight of looted cultural goods in territories annexed or occupied by the Third Reich, an extremely relevant analysis for the topic of the book, an evident drawback. I do not only refer to Poland, although it is widely known that German operations within the Polish territories were unprecedented, but other European states as well. The issue is not unknown. For example, Cornelia Briel has analyzed the activities of Hermann Fuchs, employee of the Prussian State Library in Berlin, head of the Office for Library Protection (*Referat Bibliotheksschutz*) at the Military Command in France (*Militärbefehlshaber in Frankreich*), his contacts with Paris antiquarians and booksellers, as well as the ways he acquired books of interest to the Prussian State Library.<sup>11</sup>

Translated by Magdalena Iwińska

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11 Cornelia Briel, *Beschlagnahmt, erpresst, erbeutet. NS-Raubgut, Reichstauschstelle und Preußische Staatsbibliothek zwischen 1933 und 1945*, Berlin 2013, pp. 265–282.