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## Network Of European Restitution Committees On Nazi-Looted Art

### EDITORIAL



It is a great pleasure for me to write this editorial for the fourth issue of the Newsletter of the «Network of European Restitution Committees on Nazi-Looted Art».

2019 marks the twentieth anniversary of the passing of Germany's «Common Declaration of the Federal Government, the Federal States and the local authorities on the return of cultural property seized as a result of Nazi persecution, especially Jewish property» («Common Declaration», «Gemeinsame Erklärung») from 1999.

The Common Declaration forms one of the central foundations for the discovery and return of Nazi looted property in Germany. With regard to further measures to assist parties, the «Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property» was created in 2003.

Against the background of the establishment of similar commissions in France, the United Kingdom, the Netherlands, and Austria, it soon became very clear that a cooperation between the commissions is not only useful, but actually necessary.

For this reason, in 2007 and 2008 joint meetings between the Advisory Commission and the CIVS took place in Paris and Berlin, from which the common book project *“L'Irréparable. Itinéraires d'artistes et d'amateurs d'art juifs, réfugiés du «Troisième Reich» en France. Irreparabel. Lebenswege jüdischer Künstlerinnen, Künstler und Kunstkenner auf der Flucht aus dem «Dritten Reich» in Frankreich.”* emerged. In 2011 and 2012, the Advisory Commission met with the Netherlands Restitution Committee in The Hague

and Berlin. As a result of these meetings, an even more intensive networking of the commissions was considered meaningful.

I am therefore very pleased that the meetings and conferences that have taken place since then in The Hague (2012), London (2017 and 2018), and Paris (2019) reinforced the cooperation between the commissions and their offices and established a new quality of cooperation, especially through the network built in 2019.

All the more so since, as we know, all commissions are dealing with similar problems in the handling of their cases, such as how to deal with gaps in the provenance of an item which, despite intensive research, can not be closed; also dealing with the so-called «Fluchtgut» is one of the aspects that are discussed intensively.

For this reason, I am very confident that the network has created another important measure, which will strengthen the work of the commissions in terms of identifying and returning Nazi-looted property and finding fair and just solutions.

**Prof. Hans-Jürgen Papier**

Chairman

Advisory Commission on the return of cultural property seized  
as a result of Nazi persecution, especially Jewish property

# NEWS

## CIVS

### The 2018 CIVS' Public Report has been published

The 2018 Report to the public on the work of the Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force during the Occupation (CIVS) has just been published.

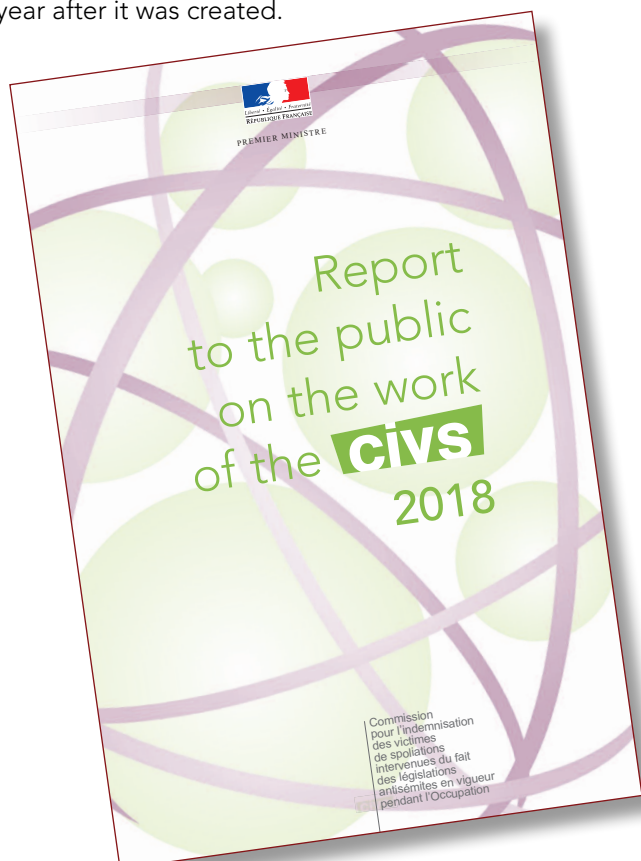
Besides assessment of its reparation efforts, and its specific role in Franco-German remembrance efforts, the second part of the report this year is devoted to new prospects for spoliated cultural property, in particular France's new public organization for the restitution of works of art. The Report addressees the building of our *Network of European Restitution Committees* too.

The CIVS publishes the 2018 Report on its website:

<http://www.civs.gouv.fr/images/pdf/thecivs/UK-RAPPORT-CIVS-2018-vDef.pdf>

### Cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars (Hearing in Brussels, 3 December 2019)

The legal affairs committee of the European Parliament is organising a hearing on December 3. The Director of the Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force during the Occupation (CIVS) is invited to present the *Network of European Restitution Committees on Nazi-Looted Art*, and an assessment of its action one year after it was created.



## SPOILIATION ADVISORY PANEL

### Implementing Recommendation 3 of the London Conference Action Plan

One of the key recommendations agreed at the London Spoliation Conference in 2017 was achieved. On behalf of the committees, the Spoliation Advisory Panel would like to thank Dr Charlotte Woodhead for producing this report which looks at how each committee operates and the differences in approach in determining claims.



WARWICK  
LAW SCHOOL

### Implementing Recommendation 3 of the 2017 London Conference Action Plan

Dr Charlotte Woodhead

March 2019  
(revised October  
2019)

As Dr Woodhead notes, differences in outcome and approach are often justified and unproblematic. However, it is also the case that claimants are often confused at seeing different outcomes in different countries when the circumstances of loss are the same. Dr Woodhead's paper provides the committees with an opportunity to review processes, address unhelpful differences in approach and ensure that decisions are communicated in an open and transparent manner. Most importantly, it concludes by offering some constructive proposals on how this can all be achieved, proposals which our Network, together with the committees we serve, will want to look at.

The report will be accessible in November on the website of the CIVS :

<http://www.civs.gouv.fr/en/our-network/partners/>

# CASE STUDY

## THREE MEISSEN FIGURES IN THE POSSESSION OF THE VICTORIA AND ALBERT MUSEUM

In September 2011, the Spoliation Advisory Panel considered a claim on behalf of the heirs of Emma Budge, for three Meissen figures in the possession of the Victoria and Albert Museum in London.

Emma Budge was born in Hamburg but moved to the United States with her husband, Henry, in the late 19th century. Whilst in the US, the Budges accumulated great wealth through Henry's involvement in banking. The Budges returned to Hamburg in 1903 where they bought and rebuilt a villa (known as the Budge Palais) on the Alster Lake in the middle of Hamburg. The Budges were art collectors.

The task of the Spoliation Advisory Panel was to establish whether the estate of Emma Budge was deprived of the Meissen figures as a result of spoliation and if so to assess the moral strength of the claimant's case and whether any moral obligation rests on the institution. The Panel sought to reach a conclusion on the balance of probability, recognising the difficulties of proof in all the circumstances including the lapse of time since the loss of the pieces.



### The claimant's case

The claimant stated that, initially, Mrs Budge was not significantly affected by the coming to power of the Nazis in 1933 despite being Jewish. It is believed that this was due in part to her American citizenship. She made a Will on 5 October 1933, in which she instructed her executors to distribute her art collections and objects among suitable museums or similar institutions in Germany, the United States or other countries.

Mrs Budge made a codicil to her will on 21 November 1935 which allowed her to give further instructions but in the eventuality that these were not forthcoming, her executors would take decisions based on previous stipulations. In the event, the executors did not bequeath any works of art to institutions in Germany,



Following the death of Emma Budge on 14 February 1937, her heirs were either already abroad or preparing to leave Germany in the face of persecution. Given the insuperable problems of transferring property belonging to Jews out of Nazi Germany in 1937 the executors sent the collection in by the Aryanised Jewish auction house of Paul Graupe on 4-6 October and 6-7 December 1937. Despite the absence of reserve prices, a million Reichsmarks were netted in the sales. This sum was paid into a blocked account in M.M. Warburg, a formerly Jewish bank by then controlled by Nazi supporters and the heirs had no access to it.

The Jewish executors were pushed aside in favour of Emma Budge's former tax adviser, Gottfried Francke, who was not Jewish and was acceptable to the regime. Given that Emma Budge had advised against selling in Germany and given the imposition of Mr Francke as a non-Jewish executor the Panel concluded that this should be regarded as a forced sale.



# CASE STUDY

The prices of some of the items sold were below market value. While in the first year or so of the Nazi regime fair market prices may have been achievable this was much less likely to have been true by the time of this sale. It is likely to have been a sale at an undervalue.

There is no evidence that the executor effectively in control attempted to pay, let alone succeeded in paying, any of the proceeds to the heirs. By then, as Jews, they were subject to expropriatory taxes. The Panel concluded that none of the proceeds of the sale went to the heirs of Mrs Budge.

The Panel then approached the German compensation authorities to determine whether any post-War compensation had been paid to the estate for the loss of artwork. The outcome was that they had not received any payment.

## The Panel's conclusion

The sale of 1937 deprived the estate of Emma Budge of these works of art without the estate receiving a fair value or any value for them then or since. The Panel recommended that the Victoria and Albert Museum should offer to return the figures to the estate of Emma Budge, given the circumstances of their loss to that estate in Nazi Germany in 1937. However, Mrs Budge expressly contemplated and originally directed that some or all of her art objects should go to museums in Germany, the United States or other countries, a description which would include the Victoria and Albert Museum.

The Panel invited the executor of the estate to consider carefully in the light of the discretion granted to him as Emma Budge's executor, whether it would be more appropriate for one of the pieces to remain in this internationally respected institution. If he were to agree to such a course, the Panel recommends that a notice describing the provenance of the piece be displayed alongside it whenever or wherever it is exhibited.

The Secretary of State for Culture, Media and Sport agreed to the Panel's recommendation and the figures were subsequently returned to the estate.



# PRESENTATION OF A COMMITTEE:

## COMMISSION FOR PROVENANCE RESEARCH AT THE AUSTRIAN FEDERAL CHANCELLERY



**Bundeskanzleramt**

Kommission für  
Provenienzforschung

On the one hand, Austria celebrated in 2018 the centenary of the end of the First World War and the founding of the First Republic, on the other hand it commemorated the eightieth anniversary of the *Anschluss*, the annexation of Austria to Nazi Germany in March 1938. The campaign against political opponents of the Nazi regime and people discriminated for “racial” reasons began immediately afterwards. The arrest of more than 70,000 people in the first few weeks and the ensuing deportations to Dachau concentration camp, were merely a prelude to the darkest seven years in Austrian history. The increasing discriminatory measures established by the new Nazi order were aimed at, amongst others, the members of the Viennese Jewish Community or, in general, at those who after the Nuremberg laws were classified as being Jewish. The Nazis closed down Jewish organisations and institutions with the intent to force Jews to emigrate, while at the same time systematically seizing their property, terminating their employment and preventing Jews from participating in social, political or cultural life in general. By the end of 1941, about 130,000 Jews had left Vienna. They left behind most of their assets, but were forced to pay compulsory charges including the Reich Flight Tax, a tax imposed on all émigrés from the German Reich.

The majority of those who stayed – more than 65.000 Viennese Jews – were deported to concentration or extinction camps, only a few thousand survived. Unlike Germany, which after the end of the Second World War was easily identified as being guilty of the “rupture of civilisation”, as described painfully and accurately by Dan Diner, Austria took a different course in dealing with its involvement in the crimes against humanity.

Official post-war Austria cited the 1943 Moscow Declaration, which stated among other things, that Austria was the first victim of Nazi aggression. For decades it simply kept quiet about the additional comment that “Austria is reminded, however, that she has a responsibility, which she cannot evade, for participation in the war on the side of Hitlerite Germany, and that in the final settlement account will inevitably

be taken of her own contribution to her liberation.” Hence, this was the hour of birth of the so-called Austrian “victim myth” (*Opfermythos*), which should form a central part of the Austrian collective identity and draw increasing criticism from the 1980s onward.

Nevertheless, between 1946 and 1949, the Republic of Austria passed a total of seven laws dealing with the restitution of seized assets. The First and Second Restitution Acts were applicable to seized works of art held by the State or in public ownership. The Third Restitution Act was applicable to privately owned art objects, directing people to civil proceedings.

However, the “victim myth” that served as a potentially collective self-victimisation of the Austrian population had severe effects for example on the post-war jurisdiction. Hence in the first few years until 1947/1948 the denazification process was rigorously carried out by special courts, the so called *Volksgerichte*. The then political will to deal with the Nazi past rapidly faded due to inner-Austrian political interests and the beginning of the Cold War. With the signing of the Austrian Treaty (*Österreichischer Staatsvertrag*) and the withdrawal of allied authorities in 1955 it nearly came to an end. Looking back, it therefore cannot be said that Austria dealt with its Nazi past satisfactorily. Furthermore, the restitution of looted property was increasingly low.

Through a systematic insistence over several decades on the victim theory, the Nazi era was barely processed in Austria until the early 1990s, and the role of many Austrians as perpetrators remained under the radar. It is only since 1986, following the Waldheim affair, that an intensified confrontation with the Nazi past has taken place. In 1991, Chancellor Franz Vranitzky was the first official representative of Austria to acknowledge the crimes committed by Austrians and to ask for forgiveness from the victims and their heirs. Consequently, the National Fund of the Republic of Austria for Victims of National Socialism was established in 1995 to express Austria’s special responsibility towards the victims of National Socialism.

# PRESENTATION OF A COMMITTEE

## ESTABLISHING THE COMMISSION FOR PROVENANCE RESEARCH, THE ART RESTITUTION ACT, THE ADVISORY BOARD

It was not until 1998, under massive international pressure, that Austria appointed a committee of historians to investigate and report on the looting from 1938 to 1945 and to review previous cases of compensation and restitution. As a result of this research and its efforts additional restitution was ordered.

Another movement arose in the same year, clearly the consequence of worldwide interest. It focused on the provenance of artworks and cultural assets on display in museums and collections.

The prelude to this took place in New York, but it had a strong connection to Vienna. In 1997, the Leopold Museum exhibited works by Egon Schiele at the Museum of Modern Art in New York. When the exhibition ended and the artworks were to be brought back to Vienna, New York County District Attorney Robert M. Morgenthau subpoenaed the *Portrait of Wally* together with another Schiele painting, *Dead City III*, in January 1998, claiming that they were illegally acquired Nazi loot.

*Portrait of Wally* was originally owned by the Jewish art dealer Lea Bondi-Jaray, who had been forced to flee Vienna in 1939. Under duress, she had handed over the painting to art dealer Friedrich Welz, while her art gallery had already been "aryanised" and all paintings seized. After the war, the painting was recovered by the US Army and eventually purchased by Rudolf Leopold in 1954. He was also the person who Lea Bondi had asked to retrieve the painting, which she believed to be in the Belvedere.

In 1994, *Portrait of Wally* was among 5,400 works in Rudolf Leopold's art collection purchased for \$500 million by the Austrian government and used to create the Leopold Museum, with Leopold named as director for life, a position he held until his death in June 2010.

The seizure of *Wally* led to a worldwide discussion about the provenance of artworks, especially in State museums, and about their rightful ownership. Austrian authorities saw themselves under enormous pressure, which is why the minister responsible set up the Commission for Provenance Research in early 1998. The members of this new Commission were appointed to systematically examine the inventories of the Austrian federal museums, especially acquisitions between 1938 and 1945, and the restitutions straight after 1945 with a view to establishing whether the Republic of Austria had legal title to the objects. On 3 December 1998 another international event took place that intensified the debate about looted art and its restitution: the Washington Conference on Holocaust Era Assets, held in Washington D.C., where the Washington Principles on Nazi-Confiscated Art were signed by forty-four states, which undertook to identify art that had been

confiscated by the Nazis and to take expeditious steps to achieve just and fair solutions.

The next day, on 4 December 1998, the Austrian Federal Act on the Restitution of Artworks from Austrian Federal Museums and Collections (Art Restitution Act) was legislated in order to permit the restitution of artworks confiscated or (illegally) acquired during the Nazi regime.

On 9 December, the independent Advisory Board convened for the first time to pass decisions on restitution or non-restitution based on the work of the Commission members. These decisions are in fact recommendations by the Board to the minister in charge and for the past twenty years every decision has been complied with. Since 1998 more than ninety sessions have been held, and based on the resolutions of the Advisory Board more than 15.800 objects have been recommended to be restituted by the Republic of Austria, including paintings, drawings, prints, sculptures, objects of applied arts, folkloristic, scientific and technical objects, coins and medals. In addition to these more than 52.000 books, photos, autographs, manuscripts, maps and musicals should be returned to their rightful owners.

Thus, in addition to last year's celebration of Austrian centenaries, it might be noted that 2018 also marked the twentieth anniversary of the Commission for Provenance Research as well as the Advisory Board and the Art Restitution Act. In retrospect, with nearly 360 recommendations, the Austrian Art Restitution Act has turned out to be the most systematic and effective tool for implementing the Washington Principles.

## THE ART RESTITUTION ACT (KUNSTRÜCKGABEGESETZ [KRG])

The Art Restitution Act (amended in 2009, now entitled Federal Law on the Restitution of Art Objects and Other Movable Cultural Assets from Austrian Federal Museums and Collections and from Other Federal Property) defines the conditions that must be fulfilled for the restitution of objects to their former owners or legal successors. It is a statutory act authorising the Federal Minister responsible for the collection to proactively return title to assets, removed by the Nazis and held by the State, to the original persecuted owners or their heirs – without waiting for a request from the families concerned. According to Section 2(1)2 of the law, if the original owners or any of their heirs cannot be determined, the confiscated items are to be transferred to the National Fund of the Republic of Austria for Victims of National Socialism for disposal. Although the Art Restitution Act does not provide for a court or administrative procedure, the Art Restitution Advisory Board established by the Art Restitution Act, is to be consulted before every ministerial decision. This ensures an objective basis for each decision. All decisions are published on the website of the Commission for Provenance Research, and the National Council (parliament) is informed of the

# PRESENTATION OF A COMMITTEE

Commission's activities in an annual Restitution Report. The Art Restitution Act therefore involves a three-phase process, namely the investigation by the Commission for Provenance Research, the recommendation of the Art Restitution Advisory Board, and the final decision by the Federal Minister.

## REQUIREMENTS OF THE ART RESTITUTION ACT

Section 1(1) of the KRG defines four requirements, detailed in subparagraphs 1, 2, 2a and 3, three of which are also of significance for the Board's recommendations.

Subparagraph 1 concerns the restitution of objects that were returned to their legal owners after 1945 but became the property of the State as a result of the restrictive application of the Federal Law on the Prohibition of Export of Cultural Assets (Bundesgesetz über das Verbot der Ausfuhr von Gegenständen von geschichtlicher, künstlerischer oder sonstiger kultureller Bedeutung). This law was enacted directly after the collapse of the Habsburg monarchy in 1918 to prevent the disappearance of cultural assets. After the Second World War, the export license required for an object restituted to victims of National Socialism now living outside of Austria was used by the Federal Monuments Authority (Bundesdenkmalamt) as leverage for federal museums to now acquire the object restituted beforehand.

Subparagraph 2 concerns assets that are legally owned by the State today, but were previously the object of a legal transaction or a legal act deemed invalid under the 1946 Annulment Act (Nichtigkeitsgesetz). In its recommendations, the Advisory Board therefore regularly consults the judicature of the Austrian restitution commissions, in particular regarding the Third Restitution Act of 1947.

Subparagraph 2a extends the scope of subparagraph 2 explicitly to Nazi confiscations in the territory of the German Reich outside the present Republic of Austria between 30 January 1933 and 8 May 1945.

Subparagraph 3, which has proved less relevant in practice up to now, refers to objects that were not returned to their original owners on conclusion of restitution proceedings and became the property of the State as "abandoned goods".

According to Section 1(2), in all of the above mentioned cases any payment made by the State to acquire the objects is to be paid back before the transfer.

## COMMISSION FOR PROVENANCE RESEARCH

The Commission is implemented in Section 4a of the KRG, which also defines its responsibilities. Hence, it has to ensure that all collection inventories are part of the ongoing investigations and, in the case of objects appearing to meet the requirements of the Art

Restitution Act, that reports or dossiers are created for the Advisory Board with the relevant documentation.

Apart from the office in the Federal Chancellery, the Commission consists of provenance researchers in federal collections and a Bureau.

The provenance researchers are sent to the federal collection by the Commission, where they systematically investigate all acquisitions from 1933 to the present. Indications by victims or their families are, of course, followed up, although they are not a precondition for the investigations. The aim is to investigate all acquisitions since 1933 in terms of their fulfillment of the requirements of the Art Restitution Act and to compile dossiers for the Art Restitution Advisory Board. In many cases the origins can be reconstructed with great precision. Apart from the internal records of the institutions concerned, the researchers have access to all available sources from the Nazi era and the early restitutions after 1945 as well as the diverse records in public and private archives in Austria and other countries.

The Bureau of the Commission for Provenance Research is the contact and coordination point for federal provenance research. It provides assistance to the Commission management and the provenance researchers at the federal museums. Apart from administration, research, investigation of files and archiving the Commission's research results, the Bureau also deals with inquiries about historical records. In addition, the archival material of the Federal Monument Authority which are of particular interest for provenance research, is processed by the Bureau and supplemented by copies from other relevant institutions, such as the Austrian State Archive, the municipal or provincial archives or the German Federal Archive in Koblenz and Berlin.

The ongoing work of the Commission, the federal museums and the Bureau is described in the annual Restitution Report, which is provided to the parliament and is publicly available.

## ART RESTITUTION ADVISORY BOARD

The Board has a vital role to play, because its decisions determine whether the cases presented in the dossiers by the Commission for Provenance Research meet the requirements of the KRG and thus fulfill the criteria for transfer of title.

The Advisory Board has seven members entitled to vote and is currently under the responsibility of the Federal Minister for the EU, Arts, Culture and Media in the Federal Chancellery. Members and chairpersons are appointed by the Federal Minister on the basis of recommendations by his own Ministry, the Federal Minister of Finance, the Federal Minister for Digitalisation and Economic Affairs, the Federal Minister for Constitution, Reforms, Deregulation and Justice, and the Federal Minister of Defence. Universities Austria (Österreichische Universitätenkonferenz) provides an expert in history and one expert in art history and a

# PRESENTATION OF A COMMITTEE

representative of the Finanzprokuratur (legal advisor of the Republic of Austria) is part of the Board, acting in an advisory capacity. Since 2007 the Board has been chaired by Clemens Jabloner, who was president of the Austrian Administrative Court until 2013, chairman of the Austrian Historical Commission established by the federal government in 1998 and now is Vice Chancellor and Federal Minister for Constitution, Reforms, Deregulation and Justice since June 2019.

In accordance with Section 3(4) of the Art Restitution Act, the Advisory Board examines the Commission's dossiers on the basis of the criteria defined in the law and reaches a decision recommending the restitution or non-restitution of the objects concerned. If the Advisory Board deems it necessary, other experts or informants can be consulted. As mentioned, the Board's recommendations are published directly on the Commission website. The Art Restitution Advisory Board currently meets three to four times a year and since 1998 has issued around 360 recommendations on a wide variety of objects in Austrian federal museums, including the National Library.

On the basis of such a recommendation, the Federal Minister responsible decides whether the objects should be restituted. For reasons of constitutional law, he or she is not legally bound by the recommendations, but the arguments contained in them are of great significance. To this date, no single recommendation has been overturned.

## OUTPUT OF THE COMMISSION FOR PROVENANCE RESEARCH

Whereas the decisions of the Advisory Board are published on the Commission's website, the dossiers written by the historians and art historians working for the Commission are confidential. The Commission does, however, seek to gain visibility and attention for its research, especially concerning new knowledge about public and private collections during and after the Nazi period, about the Nazi looting system and about victims of the Nazis and their biographies, also prior to their prosecution. Telling these stories is important.

The *Schriftenreihe der Kommission für Provenienzforschung* was founded in 2009 to place the research findings in a broader context and make them accessible to the public. Altogether nine volumes have been published since 2009, when the first volume was published to mark the tenth anniversary of the Commission for Provenance Research. They are either anthologies consisting of different case studies, have a specific focus, for example the salvaging of artworks during the Second World War, or deal with one special case, such as the famous Art of Painting by Jan Vermeer, which had been acquired by Adolf Hitler from the Austrian-Czechoslovakian Czernin collection and is now in the Kunsthistorisches Museum in Vienna. The most recent volume looks back at the twenty years in which the Art Restitution Act has been in force in Austria.

In connection with these publications, the Commission recently started a digital initiative prepared over a period of several years by a small group of Commission members, in the form of an online provenance research encyclopaedia. It consists of a regularly updated compendium of articles on historical persons, institutions and art galleries that have been looked into by the Commission in the past twenty years. Another project is the zdk-online website, which for the first time offers the possibility of parallel research on the looting of art by the Nazis in two connected sources located in different institutions in Vienna: the archive of the Kunsthistorisches Museum and that of the Federal Monuments Authority (BDA), managed by the Bureau of the Commission for Provenance Research. The two Central Depot card indexes provide a record of objects from private art collections in Vienna that were confiscated from Jews after March 1938 by the Nazi regime and subsequently dispersed in museums, including the planned Führer Museum in Linz.

In order to collect the backside documentation of paintings and graphics as well as the provenance characteristics of other art and cultural objects, the Database of Provenance Features (Datenbank der Provenienzmerkmale) was created in 2011 and is constantly being updated.

In addition, the Commission for Provenance Research organises monthly Lunchtime Lectures (Mittagsgespräche). The concept is quite simple: provenance researchers from different institutions and countries give lectures on their research or present their books on different fields of our general topic.

Twenty years after the enactment of the Art Restitution Act, provenance research is more or less acknowledged in Austria and in Austrian museums. The Technisches Museum in Vienna has paid a special tribute to it. Public debate on provenance research has always been dominated by the restitution of valuable artworks such as paintings and drawings. It usually overlooks the fact that the Nazis mainly stole everyday objects from those persecuted on "racial", social and/or political grounds: radio sets and cameras, furniture, bicycles, musical instruments, linen, motor vehicles and motorcycles. Since it was first established, the Technisches Museum has always collected everyday objects, and its collection, too, has been found to comprise objects previously in Jewish ownership. In 2015, the exhibition *Inventory No. 1938* opened in the museum. It is the first permanent exhibition of its kind on the subject of provenance research by a museum in a German-speaking country, and it documents the "Aryanisation" of everyday objects from 1938 onward. A database on vehicles looted by the Nazis gives visitors an opportunity to carry out some investigative research of their own. The exhibition shows the day-to-day practice of Nazi raids, reconstructs the life stories of those who were dispossessed, and documents the search currently underway to trace the rightful heirs, who are now dispersed all over the world.



# PRESENTATION OF A COMMITTEE

The Austrian Museum of Folk Life and Folk Art (Österreichisches Volkskundemuseum) has chosen a different way of telling the stories of their objects that have been restituted. This museum is not owned by the State, but by a private association. Nevertheless, it has committed itself to the Art Restitution Act and hence to the decisions of the Advisory Board. In place of objects looted by the Nazis eighty years ago and formerly shown in the permanent exhibition but now restituted, there are photographs of the removed pieces, with extensive information about them. The museum recounts the lives of the original collectors and about their dispossession, persecution, expulsion or extermination by the Nazis. There is also a plaque saying "restituted". In this way, the objects do not disappear without a trace from the museum, but instead their story – the story of their owners and of their restitution – is recalled.

With respect to the confiscation of Egon Schiele's *Wally* in New York, as mentioned above, in 2010, after more than a decade of proceedings and legal wrangling, the Bondi estate accepted \$19 million as restitution for the painting in an arrangement completed shortly before Rudolf Leopold's death, only weeks before a civil trial was scheduled to start in United States District Court. As stated, the Austrian Art Restitution Act of 1998 does not apply to private museums, such as the Leopold Museum Private Foundation. The Foundation, however, still seeks to comply with the principles expressed in the 1998 statement of the Washington Conference. In cooperation with the Federal Chancellery, the Private Foundation set up its own provenance research. A board, similar to the Advisory Board, was established. Its recommendations, presuming that the Republic of Austria would in fact be the owner of an object, can also be found online.

Under the terms of the arrangement with the Bondi estate, the painting was to be returned to the Leopold Museum, where it would be hung together with the Schiele self-portrait regarded as a pair with the *Wally* portrait, showing Egon and Wally as lovers, now reunited. So *Wally* returned to Vienna, which prompted the museum to claim "Welcome Wally", recalling "Ciao Adele" four years earlier in 2006, after an independent arbitration panel had decided in favour of the restitution of the famous Klimt painting to the Bloch-Bauer heirs. Part of the *Wally* arrangement was for the story of the

looting and the legal proceedings from 1998 to 2009 to be noted on a plaque next to the painting in the permanent exhibition. Such plaques are still quite rare and mostly put up as a result of legal negotiations, and not automatically by the museums themselves. These still tend to prefer to inform the public about the object itself rather than its often complex and troubling history. Beside the legal implications it is also a part of the work and the intention of the Commission for Provenance Research to constantly make the public and its institutions aware of the stories behind the surface.

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