

**THE NEXT HORIZON OF MUSEUM PRACTICE:
VOLUNTARY REPATRIATION, RESTITUTION, AND REPARATIONS**

What's Provenance is Prologue

BY MARC MASUROVSKY
CO-FOUNDER, HOLOCAUST ART RESTITUTION PROJECT



**Center for the Future
of Museums**

ABOUT THIS PAPER

An opinion piece exploring a future in which museums treat the provenance of an object as equally worthy of storytelling as its creation, especially in the case of looted or stolen works.

ABOUT THE NEXT HORIZON PROJECT

This paper is one of a series published by the American Alliance of Museums exploring the future of voluntary repatriation, restitution, and reparations in museums. For this collection, AAM's Center for the Future of Museums invited a diverse group of authors from the museum sector, academia, and descendant communities to share their visions of preferable futures in opinion pieces, academic research, fictional stories, or hybrids between these formats. For a full overview of the project, and a selected timeline of museums' evolving ethics regarding collections and community relationships, see the AAM report [*The First Horizon: Understanding the State of Voluntary Repatriation, Restitution, and Reparations Today*](#).

INTRODUCTION


A series of international events brought the issue of Nazi-looted art into full view in the 1990s. Class action lawsuits were filed against Swiss banks for their mishandling and misappropriation of Jewish assets on deposit since the 1930s. Two seminal books were published on the topic of Nazi art looting (Lynn Nicholas' *Rape of Europa* and Hector Feliciano's *The Lost Museum*). An international conference on the "Spoils of War" was organized at the Bard College Center in New York. And to cap it all off, the District Attorney of Manhattan ordered the seizure of two paintings by Egon Schiele at the Museum of Modern Art in January 1998 on suspicions of stolen property. These events focused international opinion on Nazi-looted art in museums, highlighting the seriousness of the issue and its legal, political, and ethical consequences both in the US and Europe.

In the aftermath of these events, the US government released eleven so-called "Washington Principles" on December 3, 1998. The principles recommended that museums rethink how they treated objects in their collections which may have been in Europe during and after the Nazi years (1933-1945) by examining their ownership history for signs of forced displacement, ruptured ownership, and illicit commercial activity. (They have since been updated, once in June 2009 under the moniker of "Terezin Declaration" and again on March 5, 2024 as "Best Practices.")

The ensuing debate over the principles sparked a spate of restitution lawsuits against museums, pitting cultural institutions seeking to protect the integrity of their collections against Nazi-era and Holocaust victims or their heirs, representatives, and advocates. The latter pointed to what they felt was the unethical behavior of some museums for possessing and displaying objects forcibly removed from Jewish owners victimized by genocide and state-sponsored racial and religious persecution.

Twenty-five years have now elapsed. Museums are gradually beginning to take a more measured approach to Nazi-era claims, attempting to move away from legalistic reactions toward dialogue that will lead to a resolution of the object's fate. This is not always the case, but it's becoming frequent enough that there is hope for the future, especially after the last Holocaust survivor passes away.

History is messy and complicated. It is riddled with stolen property, broken dreams, and destroyed communities the world over. In the process, illicitly obtained objects, particularly works and objects of art, have been reshuffled through markets and across borders, and depending on their quality, have entered museum collections far afield from the scene of the crime. Aside from the endless issue of who knew what when about these objects, one challenge is how to recount those stories and present them



to the public, a difficult and painful exercise to be carried out in a museum context which, at first blush, might even appear ill-advised. After all, one might ask, what do these art objects really have to do with the Holocaust and anti-Jewish persecution, in their content or subject matter? And besides, this is an art museum, not a memorial institution. Why should we tell that story?


My short answer is that museums have a moral and ethical obligation to respect the historical truth that frames the path taken by the objects in the collections they steward for the public good, to reflect it through careful research and analysis in order to educate their public and build awareness about how objects can be deeply affected by historical events. This obligation is an integral part of reasoned due diligence and the restoration of the full provenance history of the objects. For that reason, there should be no elisions and omissions in how the objects' stories are framed and offered for public consumption.

Today, more than any time in our recent history, museums find themselves in the crosshairs of a global discussion about the art and artifacts they display and acquire: How should these objects be shown? Who should curate them, and how should they be presented to the public? What type of explanatory text should accompany them, without offending, undervaluing, or misinterpreting their cultural and historical context? How should these reflect their past ownership history, i.e., provenance? These questions of accountability are particularly paramount in the United States, where the tax-free status of private, nonprofit museums and the ensuing fiscal benefits they receive require them “to promote the public benefit” (“A Portrait of the Visual Arts: the Challenges of a New Era,” by Kevin F. McCarthy, Elizabeth H. Ondaatje, Arthur Brooks, András Szántó, Rand Research in the Arts, 2005, p. 82). In this context, more and more museums in the United States and abroad are changing the way they present difficult subjects to their patrons.



STORYTELLING

How does a museum account for the inhumanity of humanity when narrating the objects in its collections? Too often the temptation is to ignore the terrible circumstances that afflicted past owners and stick to the “official” object history. That raises uncomfortable questions: How much information is “too much”? (Is there such a thing?) How much is “reasonable” to offer the public about how the museum obtained an object? How does a museum explain the “why” of the objects in its collection, as well as the “how”?




In my preferred future, we would recognize that provenance is part of the history of an object, and thus should be told properly. We would change our attitude towards the history of art objects—going far beyond a narrow definition of art history that allows the expert to simply focus on the object, its aesthetic and physical characteristics, its contextual position in art history, and the world surrounding the artist or creator of the object. As a matter of principle, museums would conduct methodical and systematic research into the ownership history of objects, reflecting an institutional commitment to telling the story of the object as it is reflected in the extant historical record, and, if possible, from creation to the present day.

Since the museum world only began to focus on provenance research in earnest in the late 1990s, there would be a significant amount of backtracking in order to make this vision a reality. That would require time and resources, two things that museums more often than not are lacking. Donors rarely fund such efforts, preferring to focus their resources on startling acquisitions and impressive expansions of a museum's physical plant. Small museums often struggle to keep up with even basic research and documentation on their collections, amid more pressing concerns, while larger museums are daunted by the size of their collections. In my vision of the future, however, museums would stop being so competitive, reallocating some of the funds they dedicate to attention-getting acquisitions and expansions toward badly needed research and education efforts, helping them fulfill their ethical obligations towards the public that they serve. This would require a tectonic culture shift inside and outside the museum's walls.

To further close the resource gap, museums would engage the society at large in their provenance research efforts, making use of digital innovations like crowdfunding and online community-based projects that encourage a global citizen approach to culture. They would tap outside expertise from underemployed or unemployed art historians, provenance researchers, archivists, and others versed in specialized research with the appropriate skill sets. They would also strike partnerships with outside entities that could provide research support. In nations where museums are mostly under the control and supervision of ministries of culture, as in Germany, Austria, France, and the Netherlands, this scenario may not be far off. However, in the United States, which does not receive similar levels of government support for research and documentation in cultural institutions, it might require more effort to achieve.

EXHIBITIONS ON NAZI-LOOTED ART

Already, there are models of what this sort of storytelling might look like in museums. For the past thirty years, museums across North America, Europe, and Israel have




organized a variety of exhibitions focusing on art looted by the Nazis, art looting in general, and the fate of looted objects. Since we now live in the digital age, the vast majority of these exhibitors have accompanied their work with handsome and informative pages highlighting specific objects and their histories, as well as discussing the complexities of the provenance research that is essential to unpacking these objects' twisted histories. Most of the examples I have found have been in Europe, where there has been, on average, one exhibition every two years addressing one or more aspects of Nazi-era looting of cultural goods from Jewish owners.

The immediate postwar era witnessed state-sponsored exhibitions both in the United States and Europe that featured “masterpieces” which had been looted, rescued, and returned to their rightful owners, be they individuals or state museums. In the late 1990s, a spate of exhibitions featured so-called unclaimed works and objects of art which had been found in liberated territories in 1945 and repatriated to the countries whence they had been seized, namely France and the Netherlands. In France, these works are classified as “Musées Nationaux Récupération” (MNR) and in the Netherlands, they are known as “Nederlands Kunstbezit” (NK), or “Origins Unknown.” Both the French and Dutch governments are custodians, not owners, of these works, which remain outside of their permanent collections until someone comes forth and submits a restitution claim.

In 2006, the Israel Museum hosted two exhibitions about artworks looted in France and those which remain unclaimed. The Knesset (Israeli Parliament) approved an immunity from seizure law to ensure that no works could be seized by a claimant during the period of the exhibitions.

That same year, the first exhibition to tackle the subject of a Nazi-ordered forced sale took place at the FOFA Gallery at Concordia University in Montréal. It recounted the liquidation sale of the Düsseldorf-based Max Stern collection which occurred in 1937 at Lempertz, a Nazi-approved auction house in Köln, Germany. The exhibition was organized under the auspices of the university's Max Stern Restitution Project, and later traveled to the City Museum of Düsseldorf. (For more details, see Catherine MacKenzie, *Auktion 392: Reclaiming the Galerie Stern, Düsseldorf* [Montreal: FOFA Gallery, Concordia University, 2006], 2.)

In 2008, the Jewish Museum of Berlin (JMB) took a novel approach to addressing the delicate subject of art looting and restitution. Aside from an exhibition on the broad subject of art looting during the Nazi era, the JMB commissioned a well-known illustrator to produce a short interactive piece entitled “What to do with Max Pinselstrich's Portrait?”, a fictional account of a Jewish family's loss of a portrait, its subsequent rediscovery, and the debate around its ultimate disposition. The interactive



animation forces the viewer into the uncomfortable position of making choices that may seem ethical but might not lead to justice as expected, thus humanizing our understanding of art ownership debates.


In 2009, the Jewish Museum of New York presented an exhibition entitled *Reclaimed*, featuring a set of restituted paintings from the collection of the late Jacques Goudstikker, a Dutch Jewish art collector whose assets had been looted in 1940 and 1941 under Hermann Goering's orders with the aid of his right-hand man and personal banker, Alois Miedl. The exhibition was first staged at the Bruce Museum in Greenwich, Connecticut, and following its stop in New York proceeded to San Francisco.

In 2010, the Museum of Art and Industry in Hamburg (MKG) inaugurated a years-long program of provenance research on its collections. The MKG's definition of the purpose of provenance is to "[investigate] whether the art objects in the museum were acquired legally or whether they include unlawfully seized cultural objects." Between 2014 and 2021, the museum hosted an accompanying exhibition that illustrated in great detail the mechanisms intrinsic to the provenance research process on a host of objects (many of which were decorative or ritual) in its collections.

In 2017-19, after a hiatus of nearly ten years, French museums hosted a series of exhibitions addressing different aspects of Nazi art looting during the German occupation between 1940 and 1944. A special exhibition at the Centre Pompidou highlighted the contributions of Paul Rosenberg, one of the most revered Parisian art dealers and collectors of the interwar years, who was forced to emigrate to New York, leaving most of his inventory at the mercy of the French and the Germans. In addition, the Louvre took the unusual step of dedicating several of its painting galleries to showcasing dozens of works that, to this day, remain classified as MNR, unclaimed and in the custody of the museum.

In 2019, the Shoah Memorial museum in Paris, not previously known for its discussions of Nazi art looting, tackled the topic under the guidance of art historian Emmanuelle Polack, one of France's leading experts on the subject, presenting a survey of the art market in Paris during WWII. The memorial mounted a significant educational apparatus around the exhibition, hosting a number of accompanying lectures and presentations featuring Polack and other specialists.

By the end of the 2010s, a new generation of museum curators and researchers in the United States had begun exploring new ways of exploring how looted art should be treated and displayed within their institutions' collections. Of particular note are the approaches of Victoria Reed at the Museum of Fine Arts in Boston and Mackenzie Mallon at the Nelson-Atkins Museum in Kansas City. Reed initiated a project known as





“Art with a Past,” which placed explanatory panels next to works that had been looted then restituted before entering the MFA’s collection. Mallon presented an exhibition of four paintings that the Nelson-Atkins had acquired after they had been restituted, highlighting the pathways the works had taken and how their loss had affected the lives of the rightful owners until they or their heirs were reunited with their property.

The 2010s were also marked by the discovery of the so-called “Gurlitt hoard” in Munich, in the apartment of Cornelius Gurlitt, the son of notorious German art dealer Hildebrand Gurlitt. The discovery led to an international outcry and calls for restitution of the works. It also spawned a raft of exhibitions in Germany which brought to light the mechanics of the art market under Nazi rule through the eyes and experience of Mr. Gurlitt. Exhibitions were staged in Bonn, Berlin, and other cities including Bern in Switzerland, where the residual of the collection was transferred as a condition set forth in Mr. Gurlitt’s will.

Fifteen years after its successful exhibition on Jacques Goudstikker’s collection, the Jewish Museum of New York staged another exhibition on looted art with the cooperation of the French government, emphasizing the individual stories behind the works that had been purloined then restituted during and after WWII. Titled *Afterlives: Recovering the Lost Stories of Looted Art*, it hung from 2021 to 2022 and displayed works which had belonged to noted dealers like Paul Rosenberg and David David-Weill, works by Jewish artists like Feodor Loewenstein, and works purged by the Nazis from German state museums for being “Entartete Kunst,” or “degenerate art” in English. The Loewenstein painting was the only work in the exhibition classified as MNR and subject to possible restitution.

Lastly, Dutch museums like the Mauritshuis and the Rijksmuseum have been particularly active in organizing exhibitions on Nazi-looted art. These exhibitions have not relied solely on high-value works by world-class artists but instead, much like at the MKG in Hamburg, have presented everyday aesthetic objects which were meaningful to their victimized owners. International symposia featuring prominent historians and specialists have punctuated these exhibitions, during which new research has been presented and updates provided on recent developments in the international restitution field.



CONCLUSION

Most of the museums hosting exhibitions on Nazi-looted art had very little or no experience addressing claims for the restitution of such art in their collections. That said, it has not prevented them from hosting these exhibitions. One must note, however, an overall shyness on the part of American museums to take on the subject of Nazi-looted art in public. Based on the experience of their colleagues in Europe and the favorable reception to the few exhibitions hosted on American soil, it would appear there is major benefit in museums building awareness on delicate topics like looting. The creative and imaginative means deployed by European museums exemplify how institutions can present delicate subjects in an engaging and non-triggering manner, so that the public can become more informed on the vagaries of history that have impacted the objects before them. It is a human story after all, one that should not be ignored but highlighted as an integral part of a museum's mission.

The same museums in Europe which have opened their galleries to Nazi loot exhibitions are also addressing the subject of colonial looting and Indigenous artifacts in their collections as part of a general effort to be more transparent and responsive to their audiences, and by so doing to raise their ethical footprint. These promising developments should serve as an inspiration to American museums that there is a lot to gain from being open about the past history of the art objects, artifacts, and ritual or sacred objects in their collections. Treating them responsibly and ethically is a worthy goal.



ABOUT THE AUTHOR

Since 1980, **Marc Masurovsky** has examined the general question of assets looted during the Nazi era. As a consultant and historian for the Department of Justice's Office of Special Investigations, he investigated alleged Nazi war criminals living in the US and postwar relations between former Nazi officials and Allied intelligence agencies. Masurovsky earned his MA in Modern European History from American University in Washington, DC. For his master's thesis, he researched "Operation Safehaven: the Allied response to Nazi post-defeat planning, 1944-1948." In the late 1990s, he worked as an expert historian on a class-action lawsuit filed by Jewish claimants against three leading Swiss banks that had expropriated property entrusted to them by their Jewish clients since the 1930s. He co-founded the Holocaust Art Restitution Project (HARP) in September 1997 and served as its Director of Research. Later on, he served as a Director of Research for the Presidential Advisory Commission on Holocaust-Era Assets. Since 2011, he has taught specialized workshops on provenance research, art looting, and restitution in the United States, Europe, and Israel. He is currently exploring the use of advanced technologies and scientific methods to deepen our understanding of cultural plunder and the complex paths of displaced objects. He is the co-author with Fabrizio Calvi of *Le Festin du Reich* (Editions Fayard, 2006).





Center for the Future of Museums

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