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Michael J. Kurtz. *America and the Return of Nazi Contraband: The Recovery of Europe's Cultural Treasures.* Cambridge: Cambridge University Press, 2006. 264 pp. $78.00 (cloth), ISBN 978-0-521-84982-1.

Reviewed by Alison G. Stewart (Department of Art History, University of Nebraska-Lincoln)
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Easier Said than Done–Returning Stolen Art to Its Owners

The return of "cultural treasures" stolen by the National Socialists is the subject of a burgeoning field in print and film; Michael J. Kurtz's book of 1985 is here revised and updated to include the events of recent decades: the end of the Soviet Union and a divided Germany, along with the reemergence of looted art and lawsuits seeking to reclaim it.[1] As Kurtz states in his introduction, "cultural restitution is an ongoing phenomenon" (p. x). This situation is all too clear from Kurtz's book and parallel developments in the last few years. This extremely rich work continues to be of value to specialist readers, but non-specialists might find the book occasionally dense enough to make it difficult going.

Scholarly and public awareness of this topic has grown markedly in the last decade or so, and in the interval since Kurtz's first edition, published as *Nazi Contraband* (1985), new work has appeared on several of the incidents Kurtz discusses. For instance, the topic of repatriating art was addressed in *Rape of Europa* (1994), in which Lynn Nicholas showed how, over a dozen years, the Nazis stole everything they could put their hands on, including art work of all kinds, and how professionals who cared for this art turned to save it from destruction. Nicholas's tour-de-force book was turned into a film in 2006, one supported by public television and today offering a helpful educational Web site.[2] Nicholas's book begins with a 1939 art auction in Lucerne, where reactions ranged from avoidance, since proceeds were believed to go to the Nazis, to support, since purchasing the artwork protected it from them. The book ends with the late 1940s, when plans were put into action to turn the U. S. Army's Central Art Collection Point in Munich, the earlier National Socialist headquarters, into the Zentralinstitut für Kunstgeschichte, today Germany's major research center for art history, under the organizational hand of Craig Smyth, one of the "monuments men." Nicholas's book ends on the same note as Kurtz's, as she writes that "The search for missing works of art still goes on," and that "[n]ever had works of art been so important to a political movement and never had they been moved about on such a vast scale."[3]

Other recent examples of work on art restitution focus on case studies of specific artwork belonging to a particular family. Robert M. Edsel's *Rescuing da Vinci* (2006) explores the history of Leonardo da Vinci's early-sixteenth-century *Mona Lisa* for example, and the story of Maria Altmann's successful lawsuit to regain paintings by Gustav Klimt that had been stolen by Nazis from her uncle's Vienna apartment in 1938 is told in the film *Adele's Wish* of 2008. The film humanizes Altmann's story through interviews with the parties involved in the lawsuit, from the lawyers and the film's director to historians of the World War II period and art.

The most recent work in the area of restitution, however, is presented in the current exhibition at the Jewish Museum in New York, organized by Peter Sutton and the Bruce Museum in Greenwich, Connecticut, "Reclaimed: Paintings from the Collection of Jacques Goudstikker."[4] Goudstikker, an art dealer and collector who fled the Nazis in Amsterdam in 1940 with his wife Dési and their young son, died after a freak shipboard accident when the ship his family was on was prevented from landing at Dover because its passengers lacked proper visas. In Amsterdam, the Goudstikkers' assets were obtained by Nazis working under Alfred Rosenberg via forced sales, and sold in turn to Hermann Göring (who put them in his private museum) and others. In 1943 the London Declaration set the stage for the return of looted works to the governments of their owners. Despite

attempts to reclaim her family's confiscated paintings from the Dutch government, however, Dési had no success. Years later, in 1997, her son's widow, Marei von Saher, began the process of claiming the paintings. Jacques' small notebook inventory of his collection proved crucial to the family's claim. In 1998 the Washington Conference on Nazi Looted Assets opened discussion of the return of these artworks worldwide. In 2006 the Dutch government finally returned 200 of the approximately 1,400 paintings in the Goudstikkers' collection, but the search for remaining items continues.

Kurtz's book follows the thread of these works, draws on them, and expands the historical picture they form by showing how restitution of art and other cultural works (archival documents, manuscripts, and Torah scrolls and their decorations) continues to be made, and how the National Socialists managed to steal such huge numbers of these objects. In building on Nicholas's work, Kurtz expands on her chronology to include chapters on the disbursal of Jewish property, often in cases where no heirs survived; the Cold War; and the situation in the United States (chapters 8-10). Like Nicholas, Kurtz offers a broad view based on a particular set of documents: While Nicholas centered her research on archival materials in the National Gallery of Art and the National Archives in Washington DC, Kurtz mined the U.S. military occupation records in the National Archives at College Park, Maryland.

Kurtz's book is divided into four parts: "Crisis and Response" (part 1) explores the history of restitution and Nazi looting, and responses to the crisis; "First Efforts" (part 2) addresses the early years of the occupation; "America Leads" (part 3) explores the immediate postwar years; and the "Cold War and Beyond" (part 4) the years since. Fifteen interesting black-and-white illustrations depict looted Torah scrolls, "monuments men," the Zentralinstitut für Kunstgeschichte with looted works in it (where library books now stand), a helpful glossary of terms (appendix A) and the Washington Conference Principles on Nazi-Confiscated Art from 1998 (appendix B). These non-binding principles offered eleven ways that looted art could be returned to its prewar owners. But even arriving at non-binding principles took decades, as Kurtz convincingly shows throughout his book.

In the first section, we learn that the first attempts to codify international laws for the protection of cultural property came into existence during the American Civil War. The Lieber Code, as it was called, was the foundation for the Brussels Conference of 1874, but was never ratified. It stated that all cultural and educational property, whether private or state-owned, was exempt from seizure. The Hague Conventions of 1899 and 1907 issued articles protecting property and forbidding pillaging, seizure, or destruction of various institutions, including the religious and educational, and "historic monuments, [and] works of art and science" (p. 8). Specifically prohibited was seizure of private property. Looters and pillagers during World War I ignored the Hague Conventions. Sometimes works were protected by sending them elsewhere, which happened to Jan van Eyck's *Ghent Altarpiece* (1432), an important Northern Renaissance painting, sections of which were sent to Germany, a practice repeated in World War II. Agreement in the 1930s about wartime preservation of cultural property among members of the League of Nations, which resulted in the 1938 "International Agreement to Protect Arts and Monuments in Times of War," became meaningless when Germany, Japan, and Italy withdrew from the League and war broke out. The destruction that followed through 1945 was, as Kurtz states, "beyond anything heretofore experienced or imagined" (p. 11), and Europe's cultural heritage was moved all over the map and partially destroyed.

Kurtz discusses (in chapter 2–the richest but also most dense chapter of the work) the Nazi regime's ideology of race and Aryan and Germanic cultural superiority, and the ideological role that art and culture played as an expression of these. Art belonged to the superior race; if it was in other hands, Germans had a right to it. National Socialist laws led not only to the seizure of art, but to the dispersal of human capital: quickly, Jews were prevented from working in positions at universities, museums, and libraries. Art historians like Erwin Panofsky and Max J. Friedländer fled to the United States and Amsterdam, never to return. With the *Anschluß*, a similar pattern began in Austria; it coincided roughly with the introduction of *Führervorbehalt*, which gave Adolf Hitler first choice of all looted art.

Such actions were nothing less than theft, and with careful documentation, Kurtz shows how–step by step, year by year–National Socialist Germany went about destroying the cultural heritage of Europe by stealing it in several concerted ways. Hitler's private art collection, to be housed in an art complex

in Linz, was his first excuse for the cultural objects he stole. Göring was also an insatiable art collector and, as Kurtz states, he "often kept the best art for himself" (p. 21) despite Hitler's right of first rejection. The Linz project assembled 8,000 paintings, obtained at a cost of RM 90 million, and obtained rights to tens of thousands of other works. Heinrich Himmler and Rosenberg assisted in the theft and transportation of art and other cultural objects, again through supposedly legal means. In 1940, for example, when they seized archives and libraries of Jews, "[o]ver 100,000 books were taken from France, along with 470 cases from the Netherlands" (p. 22). Between 1940 and 1943, Rosenberg's looters appropriated the holdings of hundreds of institutes, archives, and libraries in the East: "[a]ltogether, the ERR seized 552,000 books, manuscripts, documents, and incunabula" (p. 23). Staggering as well were the numbers of works (over fifteen million items) hidden for safekeeping by German curators, among others–such works, smuggled to safety and moved illegally, make up the "contraband" of the book's title.

The importance of the four Allied powers–first for politics and second for cultural restitution–becomes an important leitmotif in the work. Agreement by representatives of four different nations seems, at times, almost impossible for politics, let alone for cultural goods. Important too, is the role that the U.S. military played in such restitution during the U.S. occupation, a fact emphasized by Kurtz's heavy reliance on military documents. The military mobilized specialist officers who had the knowledge to recognize, sort, and return the cultural property under their watch; the Monuments, Fine Arts, and Archives Branch/Section "provided the U.S. Army with specialist officers and guidelines to protect cultural treasures and monuments and to restitute looted objects after the war" (p. 241). These "monuments men" worked with the three collecting points in Germany through the occupation period and had the task of returning stolen or relocated artwork to its rightful owners. The most important collecting point, established in 1945 in Munich, was directed by Craig Hugh Smyth, who went on to become an important historian of Italian Renaissance art and a professor at New York University.[5]

Kurtz demonstrates what he terms the "greatest dislocation of cultural property in history" (p. 24) through a few examples, including the 1942 seizure of the *Ghent Altarpiece* and the order given in 1944, to the art historian Dr. Ernst Buchner in Bavaria, to remove it from Neuschwanstein to a salt mine. And Veit Stoss's sculpted *Cracow Altarpiece* (1477-89), already dismantled for safe-keeping, was sent by the Nazis to Berlin in crates, despite the twelve-foot height of the figures of the apostles. In another example, a still life (ca. 1615-20) by Frans Snyders was confiscated from a Jewish family by Göring, who then exchanged it for another with Luftwaffe officer Karl Haberstock, who passed it on to another art dealer. Examples like the last one reveal the complexity of establishing rightful ownership after the war. In the case of the Snyders's still-life, owned by Marguerite Stern in Paris, the National Gallery agreed to return it on July 3, 2009.[6]

Art historians may read with particular interest the discussion of particular works of art that were relocated and of their restoration by the monuments men. Kurtz gives examples of artworks taken by Russian soldiers and works hidden by Germans to protect them, all of which should have been returned. Drawings from the Bremen Kunsthalle, including Albrecht Dürer's *Bathhouse* (1496), made their way to New York in 1995 through the hands of a Russian refugee, a half century after they had been looted, and were later returned to the museum. These drawings are examples of "trophy art," a typically Russian action that involved taking items as payback for the extensive damage Germans caused in Russia. Along with the *Ghent Altarpiece*, Dirck Bout's mid-fifteenth-century *Altarpiece of the Holy Sacrament* (1464-67) and Michelangelo Buonarroti's *Madonna* (1505) from the Church of Our Lady in Bruges were kept in a salt mine at Alt Aussee, in the mountains southeast of Salzburg.

The monuments men, who returned enormous numbers of displaced artworks to their earlier locations, included trained professionals and art historians who were or became university professors and museum curators. Familiar names in addition to Smyth include Sumner Crosby (later chair of the art history department at Yale), James Rorimer (first curator of the Cloisters Museum and later director of the Metropolitan), Walter Horn (like Panofsky, an exile; he later became professor at UC-Berkeley), and Charles Kuhn (curator of the Busch-Reisinger Museum at Harvard University). Although the work these men accomplished in returning contraband has been included in both *Rape of Europa* and this book, more attention to their accomplishments as both monuments men and art historians in their own right would be a welcome addition to the literature of

art history. One example alone may suffice to show what the monuments men accomplished in the face of an overwhelming task: alone at Alt Aussee 10,000 paintings and hundreds of drawings, prints, coins, armor, and books, along with the Gordon Craig theater archives, stolen from France, needed to be returned to their owners.

Kurtz shows conclusively that the task of returning stolen works was extremely difficult and that a formal agreement on restitution made early in 1946 took years to implement. The basic pattern of the Allied countries was to return cultural loot to the country of origin, with the exception of "heirless Jewish property and the property of refugees of communism" (p. 104). The Soviets did not agree and used trophy art to reward themselves for the damage Germany did to their country; as with the 600 paintings the Russians selected and shipped from the Dresden Art Gallery to Russia. Some art went west as well. General Lucius D. Clay arranged for 202 paintings from Berlin's Kaiser Friedrich Museum to be sent to the United States for safekeeping, an announcement that met with great opposition from most of the Monuments section's officers and American art and academic circles. The fundamental idea of art as war loot was formally prohibited in the United States in 1982 but persists in Russia today.

As this example makes clear, different cultures view restitution differently, a state of affairs that Kurtz demonstrates. He also makes clear that time will, perhaps, allow more art to surface and be returned to its owners. Taken altogether, Kurtz provides a meticulous and fascinating work that, given its level of detail, seems pitched primarily at specialists. The acronyms used throughout the book may contribute, at times, to a sense of confusion for non-specialists, who might have benefited from the inclusion in the appendix of more technical terminology such as "restitution-in-kind," "replacement-in-kind," and "trophy art." The employment of these terms also makes dipping into this book difficult, although everything is explained at some point in the narrative. These very minor reservations aside, this book makes an excellent contribution to the literature on art theft in World War II. It will be required reading for anyone interested in art restitution.

Notes

[1.]. Michael J. Kurtz, *Nazi Contraband: American Policy on the Return of European Cultural Treasures, 1945-1955* (New York: Garland, 1985).

[2]. Lynn H. Nicholas, *Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* (New York: Vintage, 1995). On the film, see http://www.rapeofeuropa.com/aboutTheStory.asp and http://www.pbs.org/therapeofeuropa/. See also http://www.greatesttheft.com/home.php .

[3]. Ibid., 443-444.

[4]. Peter C. Sutton, Yehudit Shendar, Niv Goldberg, et al., *Reclaimed: Paintings from the Collection of Jacques Goudstikker* (New Haven: Yale University Press, 2008), catalogue for the exhibit of the same title held at the Bruce Museum of Greenwich, Connecticut, from May-September 2008 and at the Jewish Museum of New York City from March 12-August 2, 2009.

[5]. On the Zentralinstitut für Kunstgeschichte, founded in 1946, see http://www.zikg.eu/main/geschich.htm; and Craig Hugh Smyth, *Repatriation of Art from the Collecting Point in Munich after World War II: Background and Beginnings; with Reference especially to the Netherlands* (Maarssen: Schwartz, 1988).

[6]. "National Gallery to Return a Family's Painting Looted by the Nazis," New York Times, July 4, 2009, at http://www.nytimes.com/2000/11/21/arts/21PAIN.html.

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