

POSTER PROVENIENZFORSCHUNG

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Woher kommst du? Wie Kunst in die Sammlung gelangt

KUNSTMUSEUM LUZERN TODAY

As an educational institution, the Kunstmuseum Luzern has extensive knowledge at its disposal, and through our scientific art research we are constantly generating new knowledge. We communicate that knowledge transparently online, in publications and in ongoing exhibitions, sharing it with both experts and the general public. Often our findings can only be provisional, therefore we address knowledge gaps so that experts and visitors are always informed about the status of our knowledge. Our aim is to convey that information without lecturing, and to constantly learn more.

At the Kunstmuseum Luzern, with the support of the Federal Office of Culture, 77 works were examined as to their provenance between 2016 and 2018. Provenance research, however, is never complete: new sources emerge, private archives may become accessible, the legal position and moral sensitivities in society change. What is just? This question is answered today differently to several years ago, and will perhaps lead to other answers in the future. A restitution claim of February 2023 shows how important continual research in our collection is. The history of the origins of the works on show in this room was recently examined. How did they get into the collection? Under what circumstances? Whom did they belong to before that? Transparent communication of the tragic fates of former owners and the turbulent history of many works of art are to be conveyed in the framework of the Collection Presentation. In the coming years, over one hundred more works are to be examined.

As a medium-sized museum supported by an art association and financed by the public sector, we are faced with a considerable challenge. Despite limited resources, provenance research has been integrated into everyday life at the museum and we continue to actively arrive at just and fair solutions, as demanded by the → Washington Principles of 1998. Currently, the Kunstmuseum Luzern is in the process of expanding the performance agreement with the City and the Canton Luzern so as to include provenance research among the museum's permanent tasks.

NATIONAL SOCIALISM

The term National Socialism designates both the National Socialist ideology and the rule of the National Socialist German Workers' Party (NSDAP) in Germany from 1933 to 1945. In 1933, the NSDAP rose to power in Germany through regular elections. Within a short period of time, the NSDAP transformed the state into a dictatorship by means of breaches of law and acts of terror. In 1939, National Socialist Germany unleashed the Second World War by attacking Poland. That war ended in 1945 with the unconditional surrender of the German armed forces or Wehrmacht.

During the National-Socialist period, countless crimes and mass murders were committed, including the Holocaust, which led to almost 6 million Jewish victims, the annihilation of

European Sinti, Roma and people with disabilities, the murder of Polish, Soviet and Serbian civilians during the war, and of political prisoners, homosexuals and dissidents. The deliberate degradation of human life and the annihilation of millions of people was in keeping with National Socialist ideology, which is anti-Semitic, racist, anti-democratic and ultranationalist. The brutality with which lives and livelihoods were destroyed, the number of victims, that is, almost 20 million, and the violence towards them are inconceivable. People's property was eagerly stolen, life plans destroyed and people forced to emigrate. Raids and special taxes such as the "Jewish Capital Levy" and the "Reich flight tax" were deliberately imposed so as to destroy the economic livelihood of Jewish citizens.

All this took place during the National Socialist period with meticulous planning and the participation of wide sections of the community. This pedantic precision in the course of the destruction and the widespread support among the German population are still distressing today. Often the prefix "Nazi" is added to certain terms so as to emphasise that a particular phenomenon refers explicitly to National Socialism: Nazi-regime, Nazi-propaganda, Nazi-persecution, Nazi-research, etc. From the viewpoint of a Swiss museum, the term "National Socialism" is preferable to other terms such as "Nazi-era", "National Socialists" or "National Socialist dictatorship". The reason for this being to make it clear that National Socialism does not just mean a radical party and its members, but that the movement had wide support among the German population at the time. As a neutral state at the heart of Europe, Switzerland profited a lot economically from National Socialism. For example, the Swiss banking system was indispensable for National Socialist Germany in order to sell gold (largely looted gold) and thus get hold of foreign currency. At the same time, the victims of National Socialism were neither sufficiently supported nor protected by Switzerland, although historical research indicates that at the latest as of 1941 reports about the National Socialist annihilation of human life reached other countries. The Bergier Report (→ Processing) shows that during the Second World War Switzerland's refugee policy did not comply with the principles of a state based on the rule of law.

NAZI PERSECUTION

During the National Socialist era in Germany countless works of art were confiscated, looted, sold under pressure or out of necessity. It is imperative to use these individual terms with care.

So-called "degenerate art", works of Modernism and Expressionism, which ran counter to the National Socialists' concept of art, were confiscated and removed from public museums in Germany. These also included many works owned by Jewish collectors. The works of art were sold so as to finance the National Socialist state from the proceeds. A famous auction of "degenerate" art, paintings and sculptures from German museums took place in Lucerne in 1939. "Degenerate art" is a term which reflects the National Socialist ideology; it should not be confused with "looted art" (Raubkunst) or Nazi looted art, or "flight art" (Fluchtkunst).

"Looted art" refers to works of art looted or confiscated during the → National Socialist era. Moreover, in their desperation, Jewish collectors sold their works of art at very low prices in order to finance what was called the "Reich flight tax (Reichsfluchtsteuer), the flight itself and their life in exile. Even though these works were not taken from them by force, that change of hands was linked directly or indirectly with the persecution of Jewish collectors and their economic deprivation.

The additional terms "flight art" (Fluchtkunst) and or "flight asset" (Fluchtgut) became established in Switzerland. These refer to objects that were brought into exile by their fleeing owners and sold there. The term "Fluchtgut" is not customarily used outside of Switzerland. Only in the case of "looted art" (Raubkunst) has Switzerland pledged to find a → just and fair solution". If the circumstances of a sale in Switzerland exhibit a dispossessing impact, a "flight asset" (Fluchtgut) can also be treated as NAZI-looted art in the sense of the → Washington Principles.

Currently, this distinction is coming under moral and ethical pressure in the realm of public opinion. Based on the realisation that each individual case has to be examined comprehensively, independently of the terms used, people speak today of “cultural asset withdrawn/taken away/removed as a consequence of NAZI persecution”. A further nuance is inherent in the terms “entzogen” (withdrawn, removed) versus “verloren” (lost). How active or passive were the circumstances that led to the loss?

CONTEXT LUCERNE

The Kunstmuseum Luzern occupies a unique position in the Swiss museum landscape, historically speaking. The opening of the Kunst- und Kongresshaus in Luzern in 1933 took place the same year as the NSDAP came to power in Germany. The collecting activities of the Lucerne Kunstgesellschaft in the 1930s and 40s, therefore, must also be seen in the context of the Second World War and of the theme of the loss of cultural assets as a result of NAZI persecution.

In 1907, the Galerie Fischer was founded and organised auctions in Lucerne as of 1921. The Munich Galerie Tannhauser opened a branch in Lucerne in 1919 and in 1928 continued business under the name Galerie Rosengart. Numerous other galleries were opened in Lucerne so that in the 1920s and 30s the city became the most important art trade hub in Switzerland with an international aura: collectors and art dealers from all over the world bought and sold art in Lucerne. During the war years, Lucerne became a trade centre for art looted by the National Socialists and for objects that persecuted people brought with them to Switzerland to save them from being seized by the National Socialists. At the time, the Kunstmuseum Luzern became an “asylum” or refuge for private collections. By presenting the works in exhibitions where interested buyers could view them, it formed a kind of display window for the Lucerne galleries. Numerous Jewish private collectors sold parts of their collections through the galleries and many stored their objects temporarily at the Kunstmuseum Luzern. On 30.6.1939, Galerie Fischer organised the famous auction “Paintings and Sculptures by Modern Masters from German Museums” at the Hotel National. 125 works by Van Gogh, Klee, Gauguin and others were auctioned off. Those works were regarded in National Socialist Germany as “degenerate” and confiscated from institutional collections. The auction was commissioned by the Reich Propaganda Ministry in Berlin. The proceeds from the auction went to the NAZI-regime.

Since its inauguration, the Bernhard Eglin-Stiftung (today BEST Art Collection Luzern) had supported the Kunstmuseum Luzern in acquiring important works with which to expand its, until then, disparate and rather small collection. Between 1933 and 1945, the Stiftung acquired 28 works, many of them through the Rosengart and Fischer galleries.

REAPPRAISING

Although Switzerland, as a neutral state, may not have been a warring party during the Second World War, it did profit economically from its geostrategic position and the Swiss banking system. Many cultural assets, especially works of art, which were either stolen from Jewish collectors by the → National Socialists, which their owners had to sell in adversity or which they themselves had taken abroad with them, found their way onto the Swiss art market.

Many cultural assets were stored in Swiss museums and also remained there after the end of the Second World War. Numerous Jewish assets were on Swiss bank accounts designated as “dormant” after the war. Descendants were unable to access them or knew nothing about them.

For a long time, Swiss Confederation denied any involvement in the crimes of the National Socialists with reference to the country’s neutrality. In the course of the 1990s, this approach

increasingly came in for criticism. The World Jewish Congress and the US Foreign Ministry reproached Switzerland on the one hand because of its refugee policy and its economic links to Germany during the Second World War, and on the other because of its handling of “dormant” accounts. In December 1996, the Swiss parliament set up the Independent Expert Commission Switzerland – Second World War (UEK) with the task of “examining from both a historical and legal viewpoint the extent and fate of assets that reached Switzerland before, during and immediately after the Second World War”. That commission was also known as the Bergier Commission because of the name of its president, and its eight-man committee examined the Swiss economic and refugee policy as well as the behaviour of Swiss companies and banks before, during and after the war. The commission took part in the Washington Conference on Holocaust Era Assets, at which the → Washington Principles were endorsed. Switzerland signed the corresponding final document.

In its concluding report in 2002, the UEK came to the conclusion that the Swiss refugee policy of the time was not compatible with the principles of a state based on the rule of law. This obliged Switzerland, morally and ethically, to reappraise its own role during National Socialist rule comprehensively and arrange for → just and fair solutions. Meantime, several research projects on the role of Swiss museums and the art market during → National Socialism are ongoing.

THE SWISS CONFEDERATION TODAY

Public interest in looted art from the → National Socialist era has increased greatly, both nationally and internationally since the 1990s. In the context of the political → reappraisal, the Swiss Confederation set up the Independent Expert Commission Switzerland – Second World War (UEK) in 1996. Three years later, the Confederation established a contact point for looted art with the aim of reappraising the handling of the problem of NAZI looted art transparently, legally and appropriately, as well as finding → just and fair solutions.

The reappraising of the Gurlitt Collection, which was bequeathed to the Kunstmuseum Bern in 2014, and the presentation of the collection of the Stiftung E. G. Bührle at the Kunsthaus Zurich in 2021 were observed critically by the general public. Public opinion has changed in the course of the intense debates on the two collections. Currently, it is difficult to assess whether the distinction between looted art and flight art (→ NAZI persecution), which only exists in Switzerland, can be maintained in the longer term.

What is certain, however, is that the general public is aware of the explosive nature of the topic and that politicians are acting accordingly. It is in the interests of the Swiss Confederation that museums assume their responsibility and reappraise their collections. Since 2016, the Federal Office of Culture has been making public funds available on application for public and private museums in order to research the origins of the objects in their collections. The Confederation participates in the cost of provenance research to the tune of 50%. The museums being supported pledge to apply the → Washington Principles and to publicise the findings of their provenance research. Between 2016 and 2018, the Kunstmuseum Luzern also researched the origins of its own works for the first time thanks to the financial support from the Confederation.

It has become an established fact that provenance research seldom leads to definitive results, because new sources become accessible or the historical context is re-evaluated. For this reason, the Confederation has appointed a Permanent Expert Commission which, as an independent body, will make recommendations on encumbered cultural heritage in as far as the parties are unable in advance to agree on a → just and fair solution. This commission will begin work in summer 2024. It can be involved not only in the case of the loss of cultural assets as a

result of NAZI persecution, but also in the case of cultural assets that were looted in the context of colonialism and brought to Europe.

THE WASHINGTON PRINCIPLES

After the Second World War, the Allies introduced legal bases in Germany so as to restitute cultural goods taken away as a result of → NAZI persecution. Thanks to the legal regulation, in the post-war years works were returned to their legal owners or else they were compensated. For many survivors and descendants of victims of → National Socialism, it became impossible because of the Cold War to prove their losses. In addition, there were very short deadlines for registering claims, and these finally expired in the late 1960s.

With the end of the Cold War and German reunification, increasingly the question of restitution and compensation was publicly debated. Long after the end of the war, it was also clear that there was still a significant need for action. In 1998, the international “Washington Conference on Holocaust Era Assets” took place at which the so-called Washington Principles were adopted. Switzerland along with 43 other states and 13 non-state organisations, pledged therewith to identify cultural assets withdrawn as a result of → NAZI persecution and to find → just and fair solutions with the owners or their descendants. The conference recognised that the participating states had different legal systems and that the countries would act within the framework of their own legal regulations. Even though the Washington Principles do not constitute a legally binding obligation, legal regulations have been made in many states. As a Swiss Museum and member of the ICOM (International Council of Museums), the Kunstmuseum Luzern acts in accordance with the Washington Principles.

JUST AND FAIR SOLUTIONS

People who currently possess works of art which the NAZI-regime confiscated or which were sold under their market value due to pressure should find a “just and fair solution” with the original owners or their descendants. In 1996 in Washington, 44 states and 13 organisations pledged to do this. Switzerland also recognised the → Washington Principles. But what does “just and fair” mean? Why are cultural assets not simply returned, i.e., restituted, to the original owners or their descendants unconditionally?

The English term ‘fair’ can mean just, appropriate, decent, proper or sufficient. So as not to create another injustice, a “just and fair solution” does not necessarily mean the return of a cultural asset, but takes into account the conditions under which it changed hands. Why was a cultural asset sold, at what price, where, when, by whom, to whom, under pressure, threat of violence or voluntarily? Did the buyer know where the object came from? Was the price negotiated tenaciously? Did the sellers actually receive the selling price? Was an object bought in good faith? Or were the circumstances ignored?

A just and fair solution, therefore, is always dependent on the individual case. To arrive at it, several rounds of negotiations are needed so as to understand and acknowledge the positions of all those involved, and then decide jointly on the future of the artwork or cultural asset in question. Examples of just and fair solutions can be: unconditional restitution, financial compensation in keeping with the market price or considering the price formerly paid, sale of the work and division of the proceeds, joint ownership between the descendants and the museum. A just and fair solution can also mean that a work of art remains in the possession of the museum on permanent loan and just the ownership changes. Publicly accessible exhibition spaces can create visibility: if an object is not just exhibited as an artefact, but its provenance is also communicated to a broad public in the context of an exhibition, then the tragic fates of the original owners can be acknowledged and prevented from being forgotten.

The reason why the debate about cultural assets removed due to → NAZI persecution is so controversial is because the art visible in museums reminds us just how much was destroyed as a result of → National Socialism: human lives, fates, talents, carriers, love relationships, houses, gardens, unwritten books, ideas, encounters, friendships, confidence, trust and so much more.

TIME SPAN

In the course of the → National Socialist era, the Jewish population in Germany and the surrounding countries were robbed not only of their artworks, but also of precious metals, jewellery, books and much more. These raids destroyed the economic means of survival of Jewish citizens and replenished the state coffers depleted due to the arms build-up. What is more, Jewish owners had to sell their possessions so as to pay the oppressively high “Reich flight tax”, finance their flight from Germany and survive in exile.

As early as 1943, the Allies made a declaration whereby after the end of the war trade in cultural assets as of 1933 had to be reappraised. They recognised that dispossession can take many forms, and that sales by the people themselves affected are among them. For this reason, it is generally suspected that all art objects that changed owners between 1933 and 1945 are suspicious and that their provenance could be problematic. In the post-war period, however, people also had to sell art assets to secure their survival, as they had got into existential difficulties as a result of war, persecution and flight. So today’s provenance research no longer focusses just on the period of → National Socialism. Works that changed hands later also have to be examined in terms of their origin and the circumstances of their sale.

The provenance research promoted by the Confederation was initially restricted to art that changed hands between 1933 and 1945. In the meantime the research also examines cultural goods traded in the post-war period as well as cultural assets acquired in a colonial context and archaeological cultural assets that were looted.