Collecting and Provenance

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Edited by

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ABBREVIATIONS

AEJM	Association of European Jewish Museums
BSB	Bayerische Staatsbibliothek
CIVS	Commission pour l'indemnisation des victimes de spoliations intervenues du fait de législations antisémites en vigueur pendant l'occupation, Paris.
DER	Dienst voor Econmische Recuperatie/ Department of Economic Recuperation
EDS	energy-dispersive x-ray spectroscopy
EUR	European currency
FCG/CGF	Fundação Calouste Gulbenkian / Calouste Gulbenkian Foundation
fol(s).	folio(s)
GBP	British Pound
inv. nr.	inventory number
JMB	Musée Juif de Belgique/ Jewish Museum of Belgium, Brussels
JRSO	Jewish Restitution Successors Organization
LC	Library of Congress, Prints and Photographs Division
The Met	Metropolitan Museum of Art, New York
mio	Million
MS	mass spectrometry
ms(s).	Manuscript(s)
NAA	neutron activation analysis
NARA	National Archives and Records Administration
NMNH	National Museum of Natural History
OMGUS	Office of Military Government for Germany
ORE	Office de Récupération Economique
OSS	Office of Strategic Services
p.	protocolo
r.	recto
SEM	scanning electron microscopy
TL	thermoluminescence
USSR	Union of Soviet Socialist Republics
v.	verso
WWI	First World War

WWII	Second World War
XRD	definitive x-ray diffraction
XRF	x-ray fluorescence

ACKNOWLEDGEMENTS

We as the editors of this volume would like to thank first of all the contributors to our eighth volume of collected essays for their articles and for their collaboration during the editing process. These essays are based on conference papers given at the *Collecting and Provenance* conference held in November 2016 at The Israel Museum, Jerusalem in collaboration with The Hebrew University of Jerusalem. As always, speakers and organisers greatly benefited from the participation of the audience. Therefore, thank you for your feedback and for attending our seminars and conferences.

In connection with the present volume our particular thanks go to the contemporary English artist, master potter and author Edmund de Waal (London) for his "Introductory Note" which goes well beyond the task of setting out the general topic or discussing the contributors' essays. Rather, it puts the academic conference papers in the context of family history and personal tragedies.

We would also like to thank the independent peer reviewer for detailed scrutiny of this volume's manuscript. Thanks are also due to all those who helped with the preparation of the manuscript.

But first of all it is a pleasure to thank The Israel Museum, Jerusalem for welcoming the suggestion of the present editors to organise a conference on issues of Collecting and Provenance at the Museum and to host it on its premises. On its way to becoming a major subject of degree classes and university chairs in Europe and overseas, the history of provenance as well as provenance studies are important subjects within the history of collecting and museology. Today, it is often studied within the humanities, e.g. as part of the art historical curriculum but it has lost nothing of its particular importance for the museum world and in the art trade. Therefore, we were particularly pleased to have Edmund de Waal as keynote speaker at our conference.

Our thanks also go to The Israel Museum and to The Municipality of Jerusalem for their financial support to the original conference and we are very grateful to The Israel Museum for kindly giving permission to use

Paul Klee's "Angelus Novus" on the book jacket. Originally purchased by Walter Benjamin, this singular work of art, preserved at The Israel Museum, epitomises through its long, complicated and touching history many of the themes explored in detail in this volume.

The international forum Collecting & Display would like to express its gratitude to IHR administrative staff for their most helpful and long-lasting support of our London seminars and international conferences.

Finally, we wish to thank Amanda Millar, Sophie Edminson and Courtney Blades at Cambridge Scholars Publishing for yet another beautiful volume in this series.

FOREWORD

> There is no morality among collectors, none. I'd rather trust a syndicate of Jesse James, Captain Kidd and Dick Turpin sooner than I would a collector. […] Of course he meant to steal it. He has a museum of his own down in the country.
> —P.G. Wodehouse, *Something Fresh* (1915), republished in *The World of Blandings* by Arrow Books: London, 2008, 68

Collectors, dealers and museum curators more than ever need to know the provenance of their pieces. Of course, this need for information has always existed independently from wars, persecution or international terrorism. Nonetheless, to this day cultural objects are under threat. Archaeological sites, for example, are looted by thieves and terrorists. The illegal trade is booming and, if humans are not the main perpetrators of acts of violence that destroy context and provenance, natural disasters step in and do their worst. Provenance is an essential part of the context of any work of art; it contributes to its cultural relevance and provides the foundation of scholarly engagement. Moreover, provenance is often closely intertwined with key-factors such as materials, schools and creativity or with the cultural politics dominant during a particular timeframe.

The organisation of the Collecting and Provenance conference (Jerusalem, 2016) took place in collaboration between curators and administrative staff of The Israel Museum, scholars and lecturers at the art history department of the Hebrew University, Jerusalem and the international forum Collecting and Display (London). While the term of provenance obviously triggers particular connotations and expectations in most people, we wished to avoid putting the focus of this conference exclusively on looted art or on thieves and murderers, past and present, however essential it is that they will be stopped in their criminal activities. Rather, it was our intention to pick up a wide range of topics connected to provenance. We also tried to show the many facets of "provenance" and of "provenance research" to make it clear that for the theoretical history of collecting as well as for practical museum work there exist few factors of such multi-layered significance and with such a widespread web of consequences reaching into every field – economic, legal, connoisseurial – of culture and of its material manifestations.

The term “provenance” comes from the Latin language and refers to the geographical and cultural origins of an object; the term may however also denote the place of discovery, the place of manufacture, as well as its trail of ownership. An object may be regarded as important due to the identity of the person who discovered it, of who produced it or of who had owned it over the course of its existence. Sometimes the collector left his or her mark on the object in a manifestation of cultural vandalism that nonetheless indicates the object’s (partial) provenance and afterlife, thereby making it even more covetable on the art market. Think of Lorenzo il Magnifico’s mark “LAV.R.MED.” incised on his hard stone vases, a process that endangered the existence of the collecting item, expressed Lorenzo’s political aspirations and, to this day, attests to one of the most prestigious collecting provenances during the early modern period that a vase could possibly aspire to – all at the same time.

How far is the history of an object intertwined with the history of its owners? How much does it reflect the cultural, sometimes ethnic or religious features of a community? To what an extent will it influence the choice of a collector who wishes to own a particular piece? As scholars, how and why do we approach the life and afterlife of a work as part of our analysis and examination? When a collection is dissolved and when the owners are gone, why does our engagement with the remains help to resurrect what had been there?

“Collecting” and “display” are the keywords that characterise the scholarly aims of the international forum, founded by three scholars in 2004 (www.collectinganddisplay.org). The group has been running a series of research seminars at the Institute of Historical Research, University of London since 2005 and managed a chapter in Florence from 2008 to 2012. From 2006, Collecting & Display have organised summer conferences in London, Ottobeuren, Florence, Memmingen, Jerusalem and Irsee. The present publication is the eighth in the series of conference proceedings and it is our hope that it will be followed by many more dedicated to particular aspects of collecting and display.

Our first conference took place in July 2006 at the Institute of Historical Research and discussed the connection between collecting and dynastic ambition (CSP 2009). It was followed by conferences on collecting and the princely apartment (CSP 2011), on female collectors (CSP 2012) and on collecting East & West (CSP 2013) which examined the (often-times vicarious) encounters between diverse worlds via the objects imported from foreign cultures and displayed in settings that were

intended to give at least a flavour of their original provenance. In 2013, Collecting & Display turned to collections of *naturalia* and *artificialia* (May 2013). In 2014, a conference on collections of prints and drawings took place (June 2014) as well as one on collecting and new trends in museology (October 2014).

Since 2014, our publications with CSP have formed part of a peer-reviewed special series under the heading of *Collecting Histories*. It is hoped that this series will further enrich the discussion and exchange of cutting-edge research we aim to encourage through our conferences and seminar sessions.

London, Jerusalem and Munich, August 2020

Introductory Note

All Quite Openly, Publically and Legally: A Story of Restitution*

Edmund de Waal

My grandmother Elisabeth's novel of return to Vienna is painful. It is a story of restitution. There is one moment of confrontation that is particularly revealing. Her main protagonist, an academic and Jewish like her, is challenged as to why he returned, what he was expecting out of Austria: "You did choose to leave a little early. I mean you resigned before you could be dismissed – and you left the country". This is the key, powerful question: What do you want by coming back? Have you come back to take something from us? Have you come back as an accuser? Have you come back to show us up? And, as a tremor beneath these other questions: could your war have been worse than our war?

And for those that did come back there was the difficulty of restitution. This was to cast a pall over the post-war years. Elisabeth fictionalises this in one of the strangest moments in her novel when a collector, Kanakis, notices "two dark, heavily-framed pictures hanging on the wall just opposite his chair, and a faint smile creased his eyelids."

"Do you really recognise those pictures?" exclaims the new owner. "They did in fact belong to a gentleman who was surely an acquaintance of your family, Baron E. You might possibly have seen them at his house. Baron E unfortunately died abroad, in England, I believe. His heirs, after they had recovered what could be traced of his property, had it all sold at auction, having no use for this old-fashioned stuff in their modern homes, I suppose. I acquired them in the auction-rooms, as well as most of the things you see in this room. All quite openly, publically and legally, you understand. There is no great demand for this period."

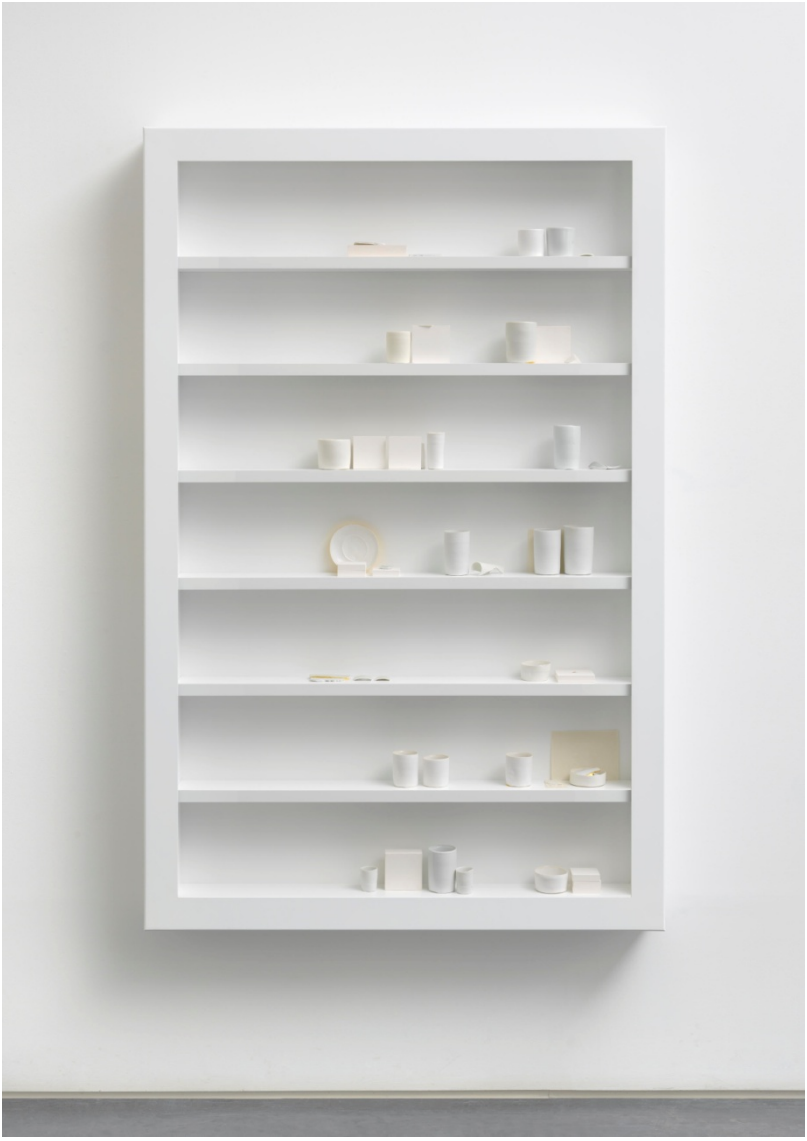

Figure 1: Edmund de Waal, *On the Eve of Departure*, 2016, private collection (photo: Mike Bruce; © Edmund de Waal, courtesy of the artist).

“There is no need to apologise, Herr Doktor”, replies Kanakis, “I can only congratulate you on your bargains.”

“All quite openly, publicly and legally” were words that Elisabeth, daughter of the real Baron E. who had died in England, was to hear repeated back to her. She discovered that on the list of priorities in a shattered society, the restitution of property to those from whom it had been sequestered seemed to be near the bottom. Many of those who had appropriated Jewish property were now respected citizens of the new Austrian Republic. This was also a government that rejected reparations because in their view Austria had been an occupied country between 1938 and 1945. Austria had become the “first victim” rather than an agent in the war.

As the “first victim” Austria had to hold out against those who would damage it. Dr. Karl Renner, a lawyer and post-war president of Austria, was clear about this. He wrote in April 1945 that “Restitution of property stolen from Jews [...] [should be] not to the individual victims, but to a collective restitution fund. The establishment of such and the following foreseeable arrangements is necessary in order to prevent a massive, sudden flood of returning exiles [...]. A circumstance that for many reasons must be paid very close attention to [...]. Basically, the entire nation should be made not liable for damages to Jews.”

When, on 15 May 1946, the Republic of Austria enacted a law which declared that any transactions that had made use of discriminatory Nazi ideology were to be deemed null and void, it seemed that the path was open for restitution. But the law was strangely unenforceable. If your property had been sold under the policy of forced Aryanisation, then you might be asked to buy it back. If a work of art was returned to you that was considered significant to Austria’s cultural heritage, then its export was blocked. But if you donated works to the museum, then a permit for other lesser works of art might be forthcoming.

In deciding what to return and what not to return the government agencies used the documents to hand which held the most authority. And these were those put together by the Gestapo.

One file, on the appropriation of my great-grandfather Viktor’s library, noted that a library was handed over to the Gestapo, but “there is no record describing its full content. However, there can only have been a small number of works, given that the document confirming the takeover

mentions the content of two large and two small boxes as well as of a rotating bookshelf."

So on 31 March 1948, one hundred and ninety one books are returned from the Austrian National Library to the heirs of V. von Ephrussi. One hundred and ninety one books are a couple of shelves full.

So there it goes. Viktor's life of books is lost because the document with its [initials illegible] has an authority beyond that of stories.

Another file is on the appropriation of the art collection. It contains a letter between the directors of two museums. They have an inventory made by the Gestapo and they have to sort out what happened to the pictures "of the banker Ephrussi, Wien I., Lueggerring 14. The inventory does not form a particularly valuable art collection but the wall decoration from the apartment of a wealthy man. From the style it seems clearly to have been put together in accordance with the taste of the 1870s".

There are no receipts, but the "only paintings which were not sold, were the absolutely not sellable ones." There is not much one can really do.

Reading these letters I feel idiotically angry. It is not that it matters that these art historians do not like the taste of "the Banker Ephrussi and his wall decorations", though the phrase is far too close to those used by the Gestapo for comfort. It is the way in which the archives are used to close down the past: there is no receipt in the archive. It was only nine years ago, I think, and these transactions were done by colleagues. This is Vienna. It simply does not matter to you.

Over the next years, Elisabeth wrote and wrote to attempt to track down what had happened to the contents of the old family house. This was partly from anger at the way in which pseudo-legalistic measures were put up to dissuade claimants. She was a lawyer after all. It could have been that she was hoping that certain things could carry forward a memory: that the looted clock might be chiming somewhere, that there might be a synapse of recognition somewhere.

Herr Steinhausser, the then President of the Association of Austrian Banks, was asked in 1952 if he knew anything of the history of the Ephrussi Bank that he had Aryanised. It was believed that the following year 1953 would be the centenary of its foundation in Vienna. "Know nothing of it", he writes back. "Won't be celebrated."

The Ephrussi legatees received 50,000 Shillings on agreement of a renunciation of any further claim.

And I find all this stuff about restitution exhausting: I can see how you could spend your life tracking something down, your energy sapping away with these rules and letters and legalities.

The sight of a picture in a sales catalogue or on a museum wall must bring back the feeling that you can piece together a life, a broken setting for a diasporic family.

That is why it matters.

CHAPTER ABSTRACTS

I

Chapter One

Patrick Hunt

"Where?", "When?" and "How?" are the basic but not the only queries of provenance. Establishing rigorous sources in archaeology and art is fraught with authentication problems across multiple boundaries, both scientific and legal. Whether from European historic and prehistoric contexts or from the New World and Southeast Asia, the wide methodological range of provenance approaches and necessary side issues of scientific elemental analyses and acceptable documentation are selectively mentioned, especially in a fractious era of nationalism, forgery, cultural heritage, repatriation and the rising challenges of addressing collection ethics for all stakeholders. A prospectus of resources and problems for provenance is presented from broad professional experience.

Chapter Two

Eran Arie

More than thirty years have passed since the famous Moshe Dayan Collection was first exhibited at The Israel Museum, Jerusalem, in 1986. The collection had been purchased by donors for the Museum four years previously, after a scandalous affair, still engraved in the collective memory of Israeli society in general and for many visitors to the Museum in particular.

Moshe Dayan, Israel Defence Forces Chief of Staff and later the Minister of Defence, was not only a collector of antiquities but also an avid fan of excavations. Unfortunately, since he had no formal archaeological training, his "excavations" were nothing but pure robbery. From 1951 to 1981, he established a vast collection of antiquities, acquired through illicit excavations, as well as bought, exchanged and sold antiquities in Israel and abroad. Despite criticism from both civilian and professional authorities, due to his heroic past and political power his activities were ignored or even encouraged.

This chapter presents the long and varied relationship between Dayan and The Israel Museum's staff. It is based on so far unpublished source material from the Museum's archive. Moreover, the chapter re-evaluates the Dayan Collection and exposes some of its highlights and fakes. It concludes with the lessons from this acquisition which became a cornerstone in the Museum's history.

Chapter Three

Roni Amir

The code of ethics published by ICOM in 1970 holds museums accountable for professional integrity, when acquiring objects of art. The object to be acquired must be purchased with full, clear and satisfactory documentation in relation to its origin. This ensures that the finding is authentic and has a clean provenance. The issue at stake here is whether this code of ethics is still relevant today, when antiquities from the Ancient Near East and Mediterranean countries such as Syria and Iraq are being looted.

In this chapter I attempt to present the complexity of the mid-eastern antiquities market from two points of view. The first regards what has been happening under the rule of ISIS in Syria and during the second war in Iraq between 2014 and 2016. The second presents the West's attitude towards the purchase of antiquities.

There is no doubt that from an archaeological perspective an object is more meaningful, when found *in situ* which contributes to its archaeological context. And yet, the question must be asked, whether the ICOM code, stating that acquisitions must have full and clear documentation is still relevant? Is there no danger that ICOM's draconian laws against purchasing antiquities may create a loss for museums and the public? At a time, when antiquities are sold on the free market, should museums not be able to buy antiques without restrictions?

Chapter Four

Shmuel Meiri

For a very long time, provenance has seemed to be a non-issue for authentication in dinosaur museums. Whenever large dinosaur fossils were considered, provenance, it seems, was taken for granted simply because most of the major museums excavated their dinosaurs during dedicated campaigns. It was not until the 1980s that provenance became a major

issue for establishing authenticity of dinosaur specimens. When popularity of dinosaurs started to increase, the smaller, less professionalised museums tended to join "dinomania" by acquiring dinosaurs as well. Since most museums lack the ability to conduct excavation campaigns of their own, commercial digging enterprises stepped in.

This chapter will demonstrate the complexity of ensuring provenance in a changing market flooded by objects of dubious provenance as well as present the new museum tendency to exhibit "multiple provenances". Two case studies will highlight these issues: the case of the (fake) Archaeoraptor will serve as an outstanding example of dubious provenance and the so-called "composite" of the Triceratops skeleton at the Smithsonian NMNH will demonstrate the issue of "multiple provenances".

II

Chapter Five

Jennifer McComas

Conducting provenance research within the framework of the Nazi-Era Provenance Research Project at the Eskenazi Museum of Art (Indiana University, Bloomington, USA) has shed unexpected light on the art historical significance of many works in the Museum's collection. The recovered provenances of these objects – and the methodology of provenance research itself – have major implications for broader art historical scholarship.

I consider here the role of provenance research in supporting the analysis of the American reception of modern German art in the 1920s and 1930s – an emerging subject of scholarship. The reconstructed provenances of two works of German art in the Eskenazi Museum's collection – a 1913 sculpture by Wilhelm Lehmbruck and a 1919 assemblage by Kurt Schwitters – reveal that both objects played previously unknown (yet quite significant) roles in the introduction and reception of German modernism in America, both in the wake of WWI and after the Nazis' Degenerate Art exhibition of 1937. Thus, in addition to fulfilling ethical mandates, museum provenance research is valuable for drawing attention to lesser known works of art, reconnecting them to a larger social and political milieu and shedding new light on the processes of artistic reception and canonisation.

Chapter Six

Inês Fialho-Brandão

Karl Buchholz (1901–1992) was one of the few dealers authorised by the Nazi government to mediate the sale and disposal of modernist art in Germany and abroad, in exchange for funds or for other works of art acceptable to the regime. Yet Buchholz alone set up a European network of bookshops and galleries. Recently, attention shifted to Buchholz's Lisbon gallery in particular, establishing a timeline of Buchholz's early activities there, identifying the artists as well as some of the works of art on display and speculating on how these works were brought into the country.

After an introduction to Karl Buchholz and his actions up until and including the establishment of his Lisbon bookshop, this essay will look closely into a hitherto overlooked aspect of his presence there as the intermediary in the trade of Old Masters paintings. A version of El Greco's *The Disrobing of Christ* (known in Spanish as *El Expolio*) will serve to ascertain the ownership of this mysterious painting. This exercise will simultaneously underscore the limitations of engaging in provenance research when working from a peripheral country, today, which was a neutral country, then.

Chapter Seven

Meike Hoffmann

Until now, the losses of Degenerate Art and Nazi looted art have been strictly referred to as two separate entities in the discourse of restitution. While Degenerate Art had been seized by the Nazis for aesthetic reasons from German public museums, looted art, in its official definition as Nazi confiscated property, includes the works of private collectors. They were stolen through forced sales or expropriation due to racial, political, religious or ideological persecution during the "Third Reich".

Because of this distinction, the seizure of Degenerate Art was not subject to the Federal Republic's legislation for reparation and compensation of Nazi-crimes. Indeed, at the Washington Conference on Holocaust-Era Assets in 1998, the topic of Degenerate Art was explicitly excluded. Nonetheless, Degenerate Art could also be Nazi looted art, in particular when works of art were purchased from museums after 1933 or in cases of loans from private collectors.

In 2016, in the light of these peculiar challenges State Minister Monika Grütters, Germany's Federal Commissioner for Culture and Media, proactively incorporated Degenerate Art into the categories covered by her support measures for provenance research. This essay will present examples of the intersection between Degenerate Art and Nazi looted art and explain the specifics of this area of research.

Chapter Eight

Shalom Sabar

Nowadays considered the most valuable and high-ranking national art treasure of Bosnia and Herzegovina, the Sarajevo *Haggadah* is popularly known as the most beautiful Hebrew book ever produced. The famous illuminated *Haggadah* was created in the second quarter of the fourteenth century in a Jewish community in the north-eastern part of the Kingdom of Aragon (Catalonia). The fascinating illuminations reflect the high cultural and artistic achievements of Sephardi Jewry at the time.

The fate of the codex between the expulsion of the Jews from Spain (1492) and its arrival in Sarajevo, where a member of the old local Sephardi community sold it in 1894 to the new National Museum established in the city a few years earlier, remains a mystery. While under Austro-Hungarian rule the manuscript became the topic of the first ever monograph on a Judaic work of art, unusual and fateful events continued to accompany the history of the valuable manuscript. It witnessed many dramatic events – sought by the Nazis, hidden by a Muslim librarian, stolen by art thieves, endangered during the Bosnian War of the 1990s, hidden in the underground vault of the National Bank – and was miraculously saved time and again.

The present small Jewish community of Sarajevo claims some rights to the *Haggadah* and was actually allowed to use the original codex in a communal Seder in 1995. A source of inspiration to modern artists and the subject of a suspense novel (by Geraldine Brooks), the manuscript that was hidden from the public eye for many years continues to fascinate and captivate the collective imagination.

Chapter Nine

Miriam Malachi

The Asian art department's holdings at The Israel Museum include two significant collections of Japanese Edo period (1603–1868) woodblock prints. The first group is the legacy of the former Bezalel National Museum, Jerusalem which opened in 1912; this Museum was merged with The Israel Museum in its inaugural year (1965). The second group of Japanese prints was bequeathed in 2001 by collector-artist Jacob Pins in its entirety to The Israel Museum. Each collection comprises a few hundred works with a diverse artistic scope.

Critical evaluation of the two collections and of their unique histories and collations raised many issues concerning the gap between Japanese artistic practice during the Edo period and its reception in European collections. By looking at a century of collectors' appreciation and aesthetic approach to this form of art, we can learn more on the evolution and the discerning history of the Museum's collections.

In this essay, I sketch out an outline of the two collections and their characteristics. Then, I present the western collectors' approaches towards Japanese artists. In this section, I also briefly address theories of *otherness* (Japan) that might have influenced the collectors' attitudes. Finally, I use these cases to analyse how the Museum might benefit from its collections and if we can enhance our understanding of Edo-period art through the approach of its collectors. Thus, I examine the connections between the meaning of art and art collecting, through the infrastructure of the Museum as an authoritative cultural agent of the *other.*

III

Chapter Ten

Carmela Rubin

In contrast to "British art", "French art", "Italian art" or any other "national" school (incidentally, a characterisation less relevant in today's global art scene), Israeli art has had a relatively short history.

The subject of collecting and provenance received scarce methodical attention during the early years of its existence and has been poorly documented ever since. Consequently, the matter of provenance has hardly