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The Last Prisoners of War:
How Nazi-Looted Art is Displayed in U.S. Museums

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History Senior Inquiry
December 7th, 2020

What is Nazi-Looted Art?

In 1938 Lea Bondi, a Jewish art collector had her collection confiscated by Friedrich Welz, a Nazi functionary. Welz was taken aback not only by the works in her business but her private collection in her home as well. Specifically, the *Portrait of Wally* painted by Egon Schiele in 1912. This painting was dear to Bondi but feared that fighting Welz would stop her from fleeing Austria so she begrudgingly surrendered *Wally*. When the war was over Bondi went about getting her gallery and *Wally* back. In 1949 she recovered her gallery in a restitution proceeding. However, the *Portrait of Wally* was still out of her grasp.

While Bondi was living in London, Welz was arrested for war crimes and 'his' artworks were seized by US troops. From there, the US troops falsely contributed *Wally* as being a part of another well-known Jewish collector of Schiele's artwork, Heinrich Rieger, who had died in a ghetto after Welz confiscated his collection. The *Portrait of Wally* and Rieger's other artworks were sent to his heirs in the United States who then sold them to the Austrian Gallery Belvedere in 1950. While all of this is happening Bondi is still searching for *Wally* in London.

In 1953, Bondi was contacted by an Austrian art collector by the name of Rudolf Leopold. Leopold has seen *Wally* in Belvedere and is looking to create his own Schiele collection so he seeks Bondi's advice as she is an expert on the artist. Bondi is ecstatic to hear that *Wally* has been found and pleads for him to tell the museum that the painting was wrongly stolen from her, and in exchange she would find Schiele works in London for him to purchase. Leopold promptly purchases the *Portrait of Wally* in exchange for a collection of other artworks in his possession. He doesn't reach out to Bondi, and he doesn't attempt to return *Wally* to her. Four years later Bondi hears that Leopold has *Wally* and her lawyer sends him a message to return the painting to

her, but Leopold refuses. Bondi doesn't take Leopold to court as she fears she would lose the case. Instead, she pleads with him to return to the painting for the next 12 years until her death in 1969.

All hope was not lost for *Wally*, however, as Bondi's heirs would take up her cause in New York where the *Portrait of Wally* was on loan to the Museum of Modern Art (MOMA) by the newly created Leopold Museum. Named for you, guessed it, Rudolph Leopold. In 1998, *Wally* was a part of the "Egon Schiele: The Leopold Collection" exhibition and was recognized by Bondi's heirs despite the false provenance that Leopold had written for the exhibition catalog. Bondi's heirs contacted the MOMA and reported that the artwork was stolen and requested that the MOMA did not send it back to the Leopold Museum in Austria. The MOMA refused their request and claimed they were contractually obligated to send the artwork back. From here Bondi's heirs contacted the District attorney's office in New York City and *Wally* was caught in a whirlwind of court proceedings for the next 11 years until finally, the case reached a settlement before it went to trial. The case would have begun its trial in July of 2010, but Leopold died in June of 2010. After his death, the board of the museum agreed to purchase the painting from Bondi's heirs for a whopping \$19 million. *Portrait of Wally* continues to hang in the Leopold Museum, now with a newly purchased status.¹

In order to understand why it is important for art museums to treat Nazi-Looted art pieces specially in the collections first you have to understand the history and the legal issues surrounding these pieces. Bondi's story, sadly, is not a unique one. Bondi was one of the millions of Jewish people whose property was confiscated by Nazi soldiers during World War II. Artwork seized during this time is known as Nazi-Looted Art (NLA). This title refers to more than just artwork that was stolen but also includes artwork that had been sold under duress such as Bondi's *Portrait*

¹ Hay, Bruce L. *Nazi-Looted Art and the Law: the American Cases*. New York: Springer International Publishing, 2017.

of Wally. Many Jewish art collectors feared for their safety and would part with beloved artworks in order to save their lives. Today, NLA is now scattered around the world in museum collections and private galleries. Many pieces are even sitting in museum basements, and the museums have no idea they are stolen. As more time passes, the original owners have passed on or have given up hope of ever finding their pieces again. However, we owe to the victims who are left, and their heirs, to find their stolen works and acknowledge the crimes that have been done against them. Throughout this paper I will be discussing how art museums in the United States display Nazi-Looted art in their collection on their websites, and how they can make improvements.

What Has Been Written on NLA and Museums

The American legal system is failing to pass legislation which is fair towards the victims of NLA. In his book *Nazi-Looted Art and the Law: the American Cases*, Bruce Hay discusses cases in the United States and their results. He divides the cases into 3 categories: suits against museums, suits against private collectors, and suits against foreign states. The focus for this paper will include the cases against museums. Within this category, Hays names seven cases, two of which end with settlements, four end with the courts siding in favor of the museum, and one where the artwork was returned. When discussing how courts make their decisions in NLA cases, Hay's talks about four important factors: statutes of limitations, equitable time limits, state restitution measures, and federal restitution measures. All four of these factors affect the results of the trial, often in favor of the museums.

Statutes of limitations and equitable time limits cause the most problems for NLA cases. Hays states "The principal problem for the courts has been to determine at what point a claim accrued, and the limitations period began running, during the long interval between the artwork's

wartime loss and the filing of the claim in court”.² Discovering the timing of a claim is crucial because it determines how long the plaintiff has to bring their case to court. If museums can argue that the statute of limitations began in the 1940’s or 1950’s when some of the victims first discovered their stolen artworks then they can use that to get the cases thrown out of court. Equitable time limits can bring up a similar issue. Both sides can use an argument for equitable time limits in order to “...allow claims that would otherwise be barred by the statute of limitations or, conversely, to bar claims that would otherwise be allowed by the statute of limitations”.³ The grey area that is created in NLA cases makes questions about statutes of limitations and equitable time limits difficult to answer.

The other two factors which affect the results of NLA cases are state and federal restitution measures. State restitution measures vary by state while Federal restitution measures on the other hand do not vary. Currently the US Congress endorses the Holocaust Victims Redress Act of 1998 which states “...all governments should undertake good faith efforts to facilitate the return of private and public property, such as works of art, to the rightful owners in cases where assets were confiscated from the claimant during the period of Nazi rule” and the Holocaust Expropriated Art Recovery Act which “...creates a special federal statute of limitations, and displaces state limitations periods, for claims filed or pending after 2016”.⁴ By passing these acts the US government shows its commitment to restituting art for victims for NLA. However, state restitution measures vary and thus, NLA cases are still thrown out for timeliness which is covered under federal laws. American art museums use these discrepancies between state and federal regulations in order to win cases of NLA and keep works of art in their collections.

² Ibid, 6.

³ Ibid.

⁴ Ibid, 8.

While NLA cases take place in the courtroom, the frontlines of the battle over Nazi-Looted art takes place within American art museums. Museums not only control the fate of these pieces in their collections, but more importantly what information is made available to the public about these pieces. A scholar who has written about the roles of museums in society is Willam L. Boyd. In his journal article *Museums as Centers of Controversy*, Boyd states “[a] profession has the responsibility to take the lead in setting the ethical standards by which its members are governed. The museum profession should set the example for governments, private collectors, and dealers with respect to all museum collections”.⁵ This statement is applicable to NLA because throughout the following cases we can see how museums have set examples, both good and bad, for how the legal system and the public in general should approach NLA. It is because of this power that museums hold, they need to be more responsible in how they display NLA works to the public. In his conclusion Boyd states “Similarly, museums can learn much by listening to and working with lay people in their own communities. Particularly, museums can learn how to be more effective in their public educational role”.⁶ Although this article was written about museums in general, Boyd’s views can be applied to art museums who display NLA.

Another scholar who has written about museums and NLA, and is very sympathetic to their cause, is Erica B. Marcus. In her MA Theses *Nazi Looted Art: Setting the Precedence for Museum Decisions*, Marcus states “Nazi looted art found in museum collections is a complex issue that museums cannot morally or ethically ignore. It has been only recently that the museum world has acknowledged this crisis, and it is through procedures and policies that museum organizations are slowly working on ways to resolve this issue of unclaimed artwork”.⁷ This statement is well

⁵ Boyd, Willard L. "Museums as Centers of Controversy." *Daedalus* 128, no. 3 (1999): 191.

⁶ *Ibid*, 224.

⁷ Marcus, Erica B. “Nazi Looted Art: Setting Precedence for Museum Decisions” (2010). *Theses*. 249. <https://scholarship.shu.edu/theses/249>, 8.

supported by the rising popularity in NLA in the public eye which puts pressure on museums to act on these cases. Museums, like Boyd states earlier, are centers of controversy, and thus cannot ignore moral or ethical issues as they are under pressure from the public eye. Patrons can make or break a museum, and if museums aren't careful they easily lose funding. Later on in her work, Marcus states "Every claim is different, and it is up to the individual museum and its staff to legally, ethically, and morally figure out the right course of action - to return the art, keep it in its collections, or reach a compromise".⁸ This is an important point to recognize. Although museums have the power to decide how they educate the public, at the end of the day they are made up of individuals who are under pressure to do the right thing for the museum as well as what is morally right.

Overall, art museums are powerhouses whose power lies within their ability to educate and entertain the public. However, they are failing to educate the public about NLA within their collections, and within their history, on their websites. Their failures become apparent when reading about the history of the pieces and the legal cases over them, and comparing this to the museum's websites. The websites are grossly lacking the information above which is important in regards to educating the public. This should be a priority for museums as the world only continues to become more digital and the internet is a massive source of information for people who want to learn about art. As we've seen during this pandemic the ability to virtually visit museums is important and this platform has unlimited space to educate that is not available to visitors in person. Before we dive into the websites it is important to understand the guidelines that are set forth for museums to follow in regards to NLA.

The Guidelines for Museums

⁸ Ibid, 9.

Museum guidelines that have been published focus more on making information on object and provenance research available so that pieces can be identified as looted and so that restitution claims that easily be made. They emphasize how important it is that this information is made available online so that is accessible by millions more people. However, museum guidelines fail when it comes to how NLA pieces the museum legally owns should be displayed on their websites. The following guidelines have been published by the American Alliance of Museums (AAM) from 2001 to 2013. Although the guidelines were published between 19 and 7 years ago, they have not undergone much if any change since then.

In 2001, the AAM published the “Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era”. The AAM states “In recent years, public awareness of the extent and significance of Nazi looting of cultural property has grown significantly ... AAM recognizes that the atrocities of the Nazi era demand that it specifically address this topic in an effort to guide American museums as they strive to achieve excellence in ethical museum practice”.⁹ The guidelines they came up with include how to handle acquisitions, loans, existing collections, claims of ownership, and fiduciary obligations. For acquisitions and loans the AAM emphasizes that the museums should research the objects they are receiving, either permanently or temporarily, and that they have an ethical responsibility for these objects. For claims of ownership the AAM advises museums to thoroughly research the provenance of the object in question, and advises that they avoid litigation if possible. The particularly interesting sections in the guidelines refer to existing collections, and fiduciary obligations.

In the existing collections section, the AAM states “... museums should make serious efforts to allocate time and funding to conduct research on covered objects in their collections

⁹American Association of Museums, “Unlawful Appropriation of Objects During the Nazi Era”, Washington D.C: American Alliance of Museums, 2001.

whose provenance is incomplete or uncertain ... museums should establish priorities, taking into consideration available resources and the nature of their collections”.¹⁰ However, this statement was issued in 2001, and thus museum websites weren’t the biggest priority as the internet was not as widespread and used as it is today. Therefore, these guidelines are outdated and need to be updated to hold art museums websites to higher standards. In the fiduciary obligations, the AAM states “[Museums’] stewardship duties and their responsibilities to the public they serve require that any decision to acquire, borrow, or dispose of objects be taken only after the completion of appropriate steps and careful consideration. a) Toward this end, museums should develop policies and practices to address the issues discussed in these guidelines. b) Museums should be prepared to respond appropriately and promptly to public and media inquiries”.¹¹ Here the AAM shows that even 20 years ago it was committed to pushing museums to share information about the NLA pieces in their collection with the general public.

Another set of guidelines that the AAM published in 2013 is called the “Recommended Procedures for Providing Information to the Public about Objects Transferred in Europe during the Nazi Era” and was published in 2013. Within it the AAM state

“Under this agreement the parties concurred (a) on the desirability of expanded online access to museum collection information that could aid in the discovery of objects unlawfully appropriated during the Nazi era, (b) on the need to identify the categories of objects for which this information should be made available, and (c) toward those ends, that every museum should: 1) Identify all objects in its collection that were created before 1946 and that it acquired after 1932... 2) Make currently available object and provenance (history of ownership) information about covered objects accessible online; and 3) Give

¹⁰ Ibid.

¹¹ Ibid.

priority to continuing provenance research on those objects as resources allow... [and] the creation of a search tool on the Internet that would assist claimants, claimants' advocates, and researchers in accessing information on covered objects in museum collections".¹²

The statement continues to give exact examples of the kinds of information that museums need to include on these websites. Although the AAM above states the guidelines all parties included have agreed to uphold, their recommended procedures are very short. The first procedure is making object and provenance information available and the second is to report information to the AAM created Nazi-era Provenance Internet Portal.

This gives museums a lot of leeway in how they must portray the objects in their collections on their website. Although these museums have supposedly agreed to the above statements, they are not required to include the histories of the pieces in their collections nor the statements from lawsuits they have undergone for these pieces. This is a gross injustice because viewers of the websites can see that museums are committed to Nazi-era provenance research and take their word at face value because they are not required to share everything on the pieces webpages. As I investigate some specific museum websites and the pieces they have in their collections we can see what information they are leaving out of their webpages, and how by doing so they are still following the AAM guidelines.

Overall, all the guidelines that have been published need to be re-examined and elaborated on because circumstances have changed since they have been published. Especially looking at this past year we've seen how much technology affects education. Unforeseen circumstances, such as the pandemic, have shown us how we take everyday activities for granted one of those being

¹² American Alliance of Museums, "Recommended Procedures for Providing Information to the Public about Objects Transferred in Europe during the Nazi Era", Washington D.C: American Alliance of Museums, 2013.

visiting museums. Museums have done their best with these circumstances by adapting their websites and exhibits to be virtual in order to entertain and inform guests while also keeping them safe and healthy. However, by expanding their websites museums have opened Pandora's box and shown where they are failing, as well as succeeding, especially when it comes to how they display Nazi-looted artworks within their collections. It follows suit that as the internet has updated and become more important in everyday society, that museum websites need to update as well to fulfill their obligations to educate the public about NLA. In the following section, I will dive deeper into 4 different museum websites, the Detroit Institute of Arts, the Toledo Museum of Art, the Norton Simon Museum of Art, and finally the Museum of Fine Arts Boston, in order to show what museums are successfully doing in regards to NLA on their websites and where they are failing.

Detroit Institute of Arts and Toledo Museum of Art v. Ulin

To begin discussion of the Detroit Institute of Arts (DIA) and Toledo Museum of Art (TMA), I first would like to tell the stories behind these pieces, and the legal suits that followed the museums' ownership of these pieces. Martha Nathan was a Jewish art dealer who inherited a vast collection from her late husband Hugo Nathan. After her husband's death, Mrs. Nathan fled to Paris and a year later returned to Germany where she was forced to sell six of her paintings to Nazis. After doing so, Martha sold two more paintings to a group of Jewish art dealers in order to fund her escape to Switzerland. These paintings were *Street in Tahiti* by Paul Gauguin and *The Diggers* by Vincent Van Gogh, both were pieces from prominent post-impressionist artists. The dealers, knowing the paintings values, sold them quickly to the Toledo Museum of Art and Detroit Institute of Arts respectively. After the war, Nathan filed a claim with the German government for six paintings as well as the house that had been stolen from her. She did not file claims for the Gauguin and Van Gogh paintings that she sold under duress. After Martha passed on, her brother

Willy produced more claims for compensation from the government including losses from the family banking business but again did not file claims for the paintings sold under duress.¹³

Fast forward to 2004, Nathan's heirs asked both the Toledo and Detroit museums to return the paintings as Martha had only parted with them while under duress. Additionally, she took a far lower price for them than what they were valued which supports the idea that the sale was involuntary. The museum conducted an investigation and refused the heir's claims. They stated that the sale was not involuntary because the price she sold the paintings for was consistent with other deals from that time, and Martha had continued to work with the dealers she sold the paintings to meaning she maintained a positive relationship with them. Both museums concluded by saying "Nathan 'had an appropriately strong sense of justice, as evidenced by her energetic and successful post-war restitution claims,' the museums stated, 'and we find it telling that the paintings by van Gogh and Gauguin were not subjects of these claims,' adding that 'we are proud to preserve Mrs. Nathan's legacy through our continued stewardship of these paintings'".¹⁴

Two years later, both museums filed suit against the Nathan heirs in order to establish their ownership of both pieces. They wanted the heirs to declare the museums the rightful owners and for them to give up attempting claims that these works. The heirs refused and insisted that the sale was involuntary and filed counterclaims for ownership of the paintings. The museums insisted that the case was time-barred and thus should be dismissed. The courts in both Toledo and Detroit agreed with this and granted both museums motions labeling the museums the owners of the van Gogh and Gauguin works. The heirs did not file for appeal afterwards thus ending the battle.¹⁵

¹³ Hay, Bruce L. *Nazi-Looted Art and the Law: the American Cases*. New York: Springer International Publishing, 2017, 253.

¹⁴ Ibid, 254.

¹⁵ Ibid.

The DIA webpage for *The Diggers* shows an image of the front of the painting as well as the back of the canvas in the frame. Scrolling down we can see that the website provides links for downloading the image, adding it to your digital collection, or sharing it on social media (figures 1-3). Following these links are the details of the piece including artist, title, year, media, etc. Following the details is a very short provenance which only lists dates and names without elaboration. Underneath the provenance is a list of published references which use the piece in their works.¹⁶ The TMA webpage for *Street in Tahiti* is very similar (figures 4-6). There is a published image of the painting, followed by the details of the piece including artist, date, dimensions, medium, etc. Underneath the details of the painting is a label text which explains Gauguin's inspiration for the piece, and an analysis of the piece itself. Following the label text is a bibliography of works about Gauguin. Under the bibliography is exhibition history which details where the piece has been displayed since 1928. Finally beneath exhibition history is a publication entry which provides more information about Gauguin and the formal qualities of the piece such as its colors, lighting, etc.¹⁷

A webpage that the DIA has that the TMA does not is a page dedicated to provenance research.¹⁸ On this page they detail what provenance is, and how they are committed to researching paintings in their collections that could be considered NLA (figures 7-9). They state "To ensure that the DIA does not retain Nazi looted art and in accordance with the guidelines adopted by the Association of Art Museum Directors (AAMD) in 1998, the DIA maintains a listing of all European paintings where the provenance indicates a change of ownership between 1932 and

¹⁶"The Diggers". 2020. Dia.Org. <https://www.dia.org/art/collection/object/diggers-46067>.

¹⁷ "Street In Tahiti – Works – Toledo Museum Of Art". 2020. Emuseum.Toledomuseum.Org. <http://emuseum.toledomuseum.org/objects/55062>.

¹⁸ "Provenance". 2020. Dia.Org. <https://www.dia.org/art/provenance>.

1945. Research is being conducted to compile similar lists for European sculpture, drawings and decorative arts".¹⁹

Overall both of these museums webpages are lacking as they do not include anything information about the histories of either piece or about the cases surrounding the pieces. It is disgraceful that the history of these pieces, and the lawsuits have not been made available anywhere on either museum's website. They are undermining the American Association of Museums, albeit vague, guidelines by not making information related to the looting of these pieces available to the public. The museum's web pages could be suffering from a lack of funding towards provenance or NLA related fields. The Toledo museum has no provenance page which could imply that they do not have a provenance research department at all. However, it wouldn't take any extra funding for research in order to publish this information as the museums have all the information they require from the court cases. Webpages are easily edited and the job could be done by high school or college interns (either paid or unpaid). The next museums in discussion has done more on their website to make information accessible to the public, but is still lacking on the main piece in questions webpage.

Von Saher v. Norton Simon Museum of Art

Before diving into the Norton Simon Museum of Art's webpage, I would first like to discuss the history of the piece and the lawsuit for ownership. The Goudstikker family was forced to leave their livelihood and belongings behind in order to flee the Netherlands in 1940 following the Nazi invasion. Jacques Goudstikker, a Jewish art dealer, died in a shipboard accident while fleeing leaving his wife and children with only a notebook filled with the titles of artworks he owned. While the Goudstikker family fled for their life, Nazi leader Hermann Göring stole

¹⁹ Ibid.

thousands of works from the Goudstikker gallery and falsified their records so it appeared that they had been purchased. One piece which caught Göring's eye was a diptych (two paintings framed on a hinged wooden panel which can be closed and opened like a book for easy traveling and display) called *Adam and Eve*. *Adam and Eve* was created by the old master German artist Cranach the Elder during the Renaissance period. Göring was so taken by this piece that he hung it in his personal collection which was found by Allied forces.²⁰

Following the war, the Allied forces returned hundreds of artworks and the Netherlandish government refused to return the Goustikker artworks to the family because of the records falsified by Göring. Desirée Goudstikker, now Van Saher, was forced to buy back from the government a few pieces that she could afford and watch while the rest were auctioned off or kept in the national museum. 40 years later a journalist printed an expose on the government and its dealings with Nazi Looted art leading to a legal battle upon which the government agreed to take action, in order to save face, and returned 200 artworks to the Von Saher family. One of the pieces that was not returned to the family was *Adam and Eve*. Now this is where the story becomes even more complicated. The Von Saher family was not the only family who wanted to lay claim to this piece.²¹

The Stroganoff family from Russia claimed that the painting had been seized from them by the Soviets during the 1920's. It was then unrightfully put up for auction 10 years later where Jacques Goudstikker had purchased the painting. A descendant of the Stroganoff family contacted the Dutch government and asked for *Adam and Eve* to be returned to him. The government sold the diptych to this man who then sold it to Norton Simon, a wealthy and influential California

²⁰ Hay, Bruce L. *Nazi-Looted Art and the Law: the American Cases*. New York: Springer International Publishing, 2017, 115.

²¹ Ibid, 116.

businessman where it became a part of the Norton Simon museum. In the year 2000 the heir of the von Saher family, Marei von Saher, learned the location of *Adam and Eve* and asked the museum to return the work to her. The museum refused and argued that the artwork was never the Goudstikkers as it had been stolen from the Stroganoffs in the first place. Thus, the later sale to Norton Simon was valid. Von Saher rebutted and argued

“...the Stroganoff family in fact had never owned the diptych. The 1931 auction at which Jacques Goudstikker had purchased the work was advertised as the sale of “The Stroganoff Collection”. Nonetheless, von Saher noted, the Soviets had indiscriminately included in the auction many works they had taken from other places. The diptych hung in the Church of the Holy Trinity in Kiev before its seizure by the Soviets in 1927; it was, she asserted, never part of the Stroganoff collection. The Dutch government therefore had no right to transfer the work to the Stroganoff family in 1966, she argued, and title to the work remained with the Goudstikkers heirs”.

In 2007 von Saher filed suit against Norton Simon museum and the case jumped around the courts for the next 12 years just ending in 2019. The case was originally dismissed due to California’s statute of limitations. Von Saher repealed this under the statute that extended the statute of limitations for Holocaust-era art claims to 2010. The court appealed the case and then dismissed it again this time due to the doctrine of foreign affairs preemption. The museum had argued that the federal court could not override a decision made by a Dutch government because they would “... therefore infringed on the federal government’s authority over foreign relations”. Von Saher was able to file for an appeal again and this time the court dismissed the case because the diptych constituted as ‘enemy property’. Because Desiree Goudstikker did not file suit in the 1940’s for *Adam and Eve*, the ‘sale’ to Goring became rightful and thus when Allied forces

retrieved the work it became enemy property which could then be confiscated by the Netherlands. Von Saher filed for appeal again this time in the Supreme Court. She argued that the Netherlandish government did not have the right to sell the work because they were the custodian of it, not the owner. This appeal was rejected and now the diptych remains at the Norton Simon museum where the museum maintains ownership.²²

The Norton Simon displays *Adam and Eve* as two separate pieces on their website (figures 10-14). The link for Eve takes you to a page that shows an image of the Eve panel, the citation for the piece, and a small description of the piece.²³ The Adam page is similar to the Eve page except it includes an audio tape with a transcription. This tape goes into more detail about the piece itself but not its lotted history.²⁴ Neither web page mentions the lawsuit or the egregious history of the piece as a whole. The museum does, however, have a webpage for provenance research (figure 15), as well on which they state “Documentation with regard to the provenance... has been an important concern throughout the Museum’s history. In the past 25 years, there have been accelerated efforts on the part of most American museums to investigate the history of ownership of their collections, especially between the years 1933–1945”. This statement shows the commitment the museum has towards provenance research however when compared to other museums like, Museum of Fine Arts Boston, the provenance webpage appears abysmal. The webpage concludes by providing a link to a statement about the *Adam and Eve* lawsuit.²⁵

The goal of this statement was an attempt to save face and convince museum goers that they are legally, and morally, the rightful owner of *Adam and Eve*. They edit the facts of the case

²² Ibid, 117-134.

²³ "Eve » Norton Simon Museum". 2020. *Nortonsimon.Org*. <https://www.nortonsimon.org/art/detail/M.1991.1.P>.

²⁴ "Adam » Norton Simon Museum". 2020. *Nortonsimon.Org*. <https://www.nortonsimon.org/art/detail/M.1971.1.P>.

²⁵"Provenance Research » Norton Simon Museum". 2020. *Nortonsimon.Org*. <https://www.nortonsimon.org/art/provenance-research/>.

to make themselves look better and leave out the details that could make the public question if the court made the right decision. They make the heiress von Saher out to be an opportunist who wanted to take advantage of the museum for compensation although she knew her claim was untimely. They state that von Shaer and her husband burned papers from her mother-in-law, Desi, but then they imply that these papers contained evidence that Desi believed she had no rights to *Adam and Eve* after the forced sale to Goring. However, it is impossible to know what the papers had on them if they have been burned. This fact is only included to cast doubt onto von Saher's moral compass. They continue to cast doubt for readers on von Saher by discussing past instances when she attempted to make a claim to paintings stolen by Goring. The Netherlandish government refused these claims for untimeliness as well.²⁶

They also include facts about Johann and Desi Goudstikker, the original owners of the piece, to make readers doubt their claim. When discussing Johann's purchase of *Adam and Eve* at the Stroganoff Auction (which included some pieces from other places besides the Stroganoff Collection) they quote him as saying "...that 'financial and political catastrophes sometimes give opportunity' to acquire 'previously unattainable' artwork". The fact that the quote has been reduced down and taken out of context is misleading as we do not know what else Johann said about the auction. This quote also serves only one purpose: to make Johann out to be at the very least morally corrupt and at worst a thief who bought works from protested auctions with no remorse. The statement then continues to describe the crimes inflicted upon the Goudstickers by the Nazis, specifically Hermann Goring, in a very nonchalant way focusing more on how the sale was 'valid' and how they were lucky that the artworks were not lost but recovered by the US army and sent to the Netherlands.

²⁶"NSAF Extended Statement". 2020. *Nortonsimon.Org*. <https://www.nortonsimon.org/assets/Uploads/2018-07-30-NSAF-Extended-Statement.pdf>.

By including these facts, the Norton Simon museum attempts to persuade museum goers that they are legally, and morally, the rightful owners of the painting. They finish their statement by saying “In the early 1970s, Commander Stroganoff sold Adam and Eve to the predecessor of the Norton Simon Art Foundation. Since that time, the Norton Simon has carefully restored, preserved, studied and interpreted the paintings. For more than 40 years, they have been on view at the Norton Simon Museum and will continue to be accessible to the public for years to come”.²⁷ By concluding their statement in this way they attempt to show the public they are committed to keeping the artworks in their collections in order to entertain and educate the public. However, the museum does not make the history of the piece or the legal case available on the webpage for *Adam and Eve*. Therefore, if a visitor was not privy to this information already they would have no idea about the history of the piece. This a gross injustice on Norton Simons part as it would be easy to attach the statement to the *Adam and Eve* webpages, at the very least, or add this information to the webpages themselves. The last museum in discussion is guilty of similar shortcomings, but overall is an example of a museum which is doing a better job of educating the public about NLA.

Museum of Fine Arts, Boston v. Seger Thomschitz

Like the previous websites, I would like to discuss the history and lawsuit associated with this piece before analyzing the museum’s websites. Claudia Seger-Thomschitz is the sole heir to Oskar Reichel, a famous jewish art collector in Vienna, who sold his beloved *Two Nudes (Lovers)* (1913) by Oskar Kokoschka. This painting was sold under duress as Reichel was fleeing Vienna in order to avoid Nazi persecution. Reichel died in 1943 unable to handle his livelihood being taken away from him. His wife Malvine and two of their three sons survived the war, the third was

²⁷ Ibid.

killed in a death camp.²⁸ Meanwhile the painting, *Two Nudes*, had been sold in America after the collector who bought it, Otto Kallir who was also jewish, fled persecution after the aryanization of his gallery. From here, the *Two Nudes* was sold to a private collector who left it to the Boston Museum of Fine Arts in 1973. Meanwhile Reichel's son Raimund, after his death in 1997, left everything to his friend Claudia Seger-Thomschitz making her sole heir to Reichel's looted artworks. Seger-Thomschitz was able to recover some of Reichel's artworks from the Austrian government in Vienna and afterwards she learned that some pieces had travelled to the United States through Kallir. In 2007, she discovered *Two Nudes* at the Boston Museum of Fine Arts (MFA) and contacted them to claim ownership. The museum denied her claim and filed suit against her to establish their ownership in a court of law.²⁹

When the museum filed its suit it did so under two allegations. The first allegation was that Reichel had voluntarily, not under duress, sold *Two Nudes* to Kallir in 1939. They supported this by showing Reichel had consigned the painting to Kallir twice before its sale meaning that Reichel had been looking to part with the painting for many years prior. Seger-Thomschitz rebutted this allegation by stating the painting was in fact sold under duress as Reichel had been forcibly removed from his job, had his gallery and home taken from him, and was forced to sell his assets and place them into a blocked account. She also stated that other paintings Reichel sold to Kallir at the same time had been returned as they were seen as having been sold under duress. Thus, another court of law had already acknowledged the sale was under duress. However, the court of Massachusetts sided with MFA and considered the Reichel's sale to be voluntary.³⁰

²⁸ Hay, Bruce L. *Nazi-Looted Art and the Law: the American Cases*. New York: Springer International Publishing, 2017, 203.

²⁹ Ibid, 204.

³⁰ Ibid.

The second allegation was that any action Seger-Thomschitz could take was time-barred. Meaning that it was too late for her to file any legal suits against the museum. The MFA contended that the painting had been in public view at the museum since 1947 and thus Seger or Reichel's other heirs, had plenty of time to find the painting and file a suit. The court agreed with MFA and stated that "...under Massachusetts law, the appropriate limitations period was three years, and that the claim accrued when Reichel's heirs were given reasonable notice of its existence. Both of Reichel's sons had access to the information necessary to bring a claim during their lifetimes, the court opined; in addition, Seger-Thomschitz had access to such information after receiving restituted artworks from the city of Vienna in 2003". Thus, the court sided with MFA on both of its allegations. When Seger appealed the case, the First Circuit court, the next court above, sided with the previous court's decision. Seger appealed again but the Supreme Court declined to hear the case.³¹

When you view the webpage for *Two Nudes* on the MFA's website (figures 16-18) you are shown the image of the painting and given the basic information about the piece. Underneath this is a small description of the piece detailing when and why it was created and the influence of the artist. Beneath this is a detailed provenance of the piece which includes Reichel and provides details about Reichel. The provenance also provides descriptions of Kallir and how he acquired the painting. Although the provenance is short and only encompasses a few paragraphs (which leave out information about Nazi persecution and aryanization of these Jewish art dealers and their galleries), this provenance is actually a lot more detailed than most included on museum websites.³²

³¹ Ibid, 205.

³²"Two Nudes (Lovers)". 2020. mfa.org. <https://collections.mfa.org/objects/34173/two-nudes-lovers?ctx=eed3ac55-5d34-4eb6-9987-ec9c3101ef91&idx=4>

The MFA also has a webpage on Ownership Resolution (figures 19-20) which lists out all cases of ownership claims including repatriation and nazi-era cases. There are 14 cases listed here including *Two Nudes*.³³ This webpage is well-made and details each case of resolution that the MFA has undergone since the late 1990's including *Two Nudes*. Beneath the section for this case labeled "2007 - Oskar Kokoschka, *Two Nudes (Lovers)* (1973.196)", the MFA states "Claudia Seger-Thomschit... asserted that the painting had been confiscated from Reichel by the Nazis. Upon receipt of the claim, the MFA conducted a comprehensive investigation of the painting's provenance and concluded that it has legal title to the work....In May 2009, U.S. District Judge Rya Zobel ruled that the MFA is entitled to retain ownership of *Two Nudes (Lovers)*".³⁴ As the museum won the legal battle for the piece, it is expected that they would report the case in the light that best serves them. The MFA does this, but unlike Norton Simon they still treat the heirs' plight respectfully.

Unlike the three previously discussed museums, the MFA also has a webpage which appears when you search for "Nazi Looted" that are focused Nazi-Era Provenance Research (figures 21-24). The webpage on Nazi-Era Provenance Research details the research they have conducted on works that are or could have been the result of looting by Nazis. On this page they include restitution claims that have been resolved as well such as the *Two Nudes*. The MFA states "The goal of the MFA's research on Nazi-era provenance is to identify objects in the collection that were lost or stolen and never returned to their rightful owners". To meet this goal the museum has divided this webpage into four sections. The first and second section list out works that may have been the result of Nazi looting as they are associated with individuals who were robbed by Nazis, but so far research has been inconclusive and needs further investigation. The third section

³³ "Ownership Resolutions". 2020. *mfa.org*. <https://www.mfa.org/collections/provenance/ownership-resolutions>.

³⁴ *Ibid*.

lists out all the pieces that have been a part of claims which have now been resolved. This list includes *Two Nudes* as well as seven other works. Out of the seven works, the museum owns five of them and has restituted two of them. Underneath each piece the museum provides information about the claim, the results of the claim, and links to statements and the pieces webpage. The fourth and final section includes links to other websites which are involved or assist in NLA claims. Overall, this webpage gives the appearance that the museum is committed to provenance research and the rightful repatriation of works in their collection.³⁵

Within the section under “Two Nudes (Lovers) by Oskar Kokoschka”, the museum details, in a lengthier statement than the previous page, how they obtained the painting, and the court case. It is written in a similar way to the previous statement, acknowledging the heirs claim that *Two Nudes* was sold under duress. This time because the page is more detailed the museum includes the research they found which they believe proves the sale was valid. At the end of the section the museum provides three links: 1) the link to the initial press release from 2009, 2) another press release from 2010, and 3) a link to the paintings webpage.³⁶ Although this information has not been made available on the paintings webpage, it is easily accessible through the owner resolution page, and nazi-era provenance page. This combined with the more detailed provenance on the *Two Nudes* webpage make the MFA’s website more successful than other museums and sets the bar for what other museums should be doing. While, the MFA also has room for improvement as of today they stand high above the Detroit Institute of Art, the Toledo Museum of Art, and the Norton Simon Museum of Art respective webpages.

What Needs to Be Done

³⁵ "Nazi-Era Provenance Research". 2020. *mfa.org*. <https://www.mfa.org/collections/provenance/nazi-era-provenance-research>.

³⁶ Ibid.

In conclusion, how art museums approach NLA is important today because much of the public relies on museums for their education. NLA cases are especially controversial because they are not only legal battles, but ethical ones so museums have to be extra careful approaching them. Even if the museum has won the legal battle the public may not see them as winning the ethical one therefore they might want to avoid displaying this information to the public. However, as we can see with the previous websites, it actually looks worse for museums not to be open and honest about their NLA pieces and cases because it looks like they're hiding information. Museums currently may be afraid to educate the public about their role in NLA because it could lead to lack of funding and less patrons visiting the museum. This is not a good enough reason to deny the public this information. Instead of being afraid of losing their reputation, museums need to be transparent with their viewers and educate them about the controversies surrounding NLA and its history. This is especially their responsibility because they fought in court to keep these pieces in order to educate the public about them, and it is a gross injustice to the victims of NLA to only share the aspects of the pieces' histories which keep the museum's reputations squeaky clean. Museums are also especially important educators' because they also are forms of entertainment so people are more likely to visit them. Now that we've seen the effects of a global pandemic, we have been shown how even more important the internet can be for education. Art museums as educators need to update their websites in order to inform the public about Nazi Looted art. Many of the victims of Nazi Looted art are gone so it is the art museum's responsibility to make sure their stories live on and the crimes that happened to them are not forgotten.

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"The Diggers". 2020. *Dia.Org*. <https://www.dia.org/art/collection/object/diggers-46067>.

"Two Nudes (Lovers)". 2020. *Mfa.Org*. <https://collections.mfa.org/objects/34173/two-nudes-lovers?ctx=eed3ac55-5d34-4eb6-9987-ec9c3101ef91&idx=4>.

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Figures

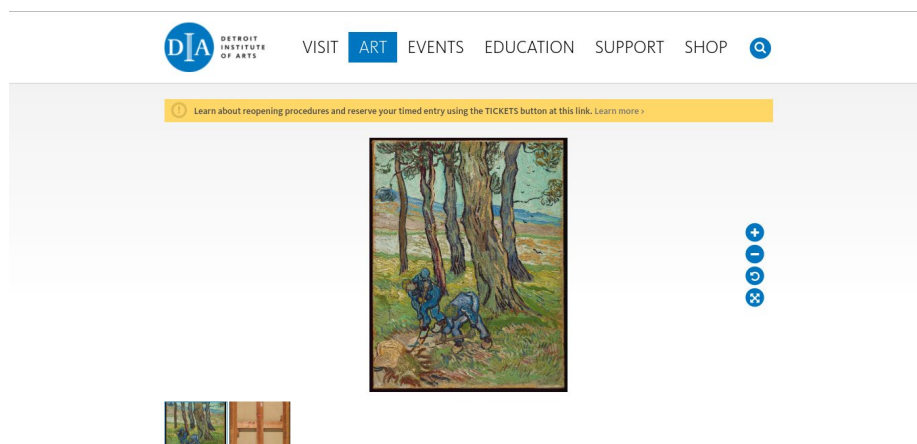


Figure 1: Detroit Institute of Art “The Diggers” webpage

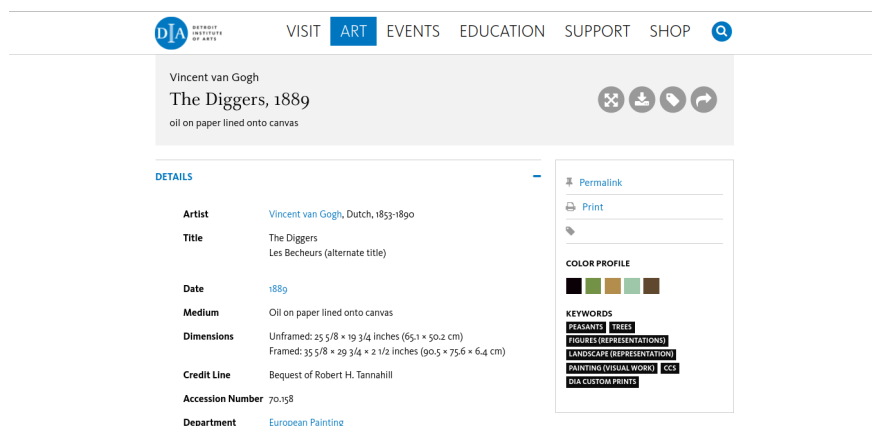




Figure 2: Detroit Institute of Art “The Diggers” Webpage cont.


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On View Modern C236, Level 2 (see map)

PROVENANCE

Johanna van Gogh-Bonger [1862-1925] (Amsterdam, Netherlands);
 April 1907, purchased by (Galerie Bernheim-Jeune, Paris, France);
 1907, Frankfurter Kunstverein (Frankfurt-am-Main, Germany);
 by 1912, Hugo Nathan (Frankfurt-am-Main, Germany);
 by 1938, Mrs. Hugo Nathan (Frankfurt-am-Main, Germany);
 (J.K. Thannhauser Gallery, New York, New York, USA);
 1941, (Wildenstein & Co., New York, New York, USA);
 1941-1969, Robert H. Tannahill [1893-1939] (Grosse Pointe Farms, Michigan, USA);
 1970-present, bequest to the Detroit Institute of Arts (Detroit, Michigan, USA)

PUBLISHED REFERENCES



Exh. cat., Stedelijk Museum, Amsterdam, 1905, cat. 438. [as Spitters in het bosch.]

Exh. cat., Paul Cassirer Gallery, Hamburg, 1905, no. 40. [as Feldarbeiter.]

Sales cat., Galerie Bernheim-Jeune, Paris, 1906, no. 88. [as Bêcheurs et arbres.]

Internationale Kunst-Ausstellung, Exh. cat., Städtische Ausstellungshalle, Cologne, 1912, cat. 51. [as Die beiden Grabenden, Collection Hugo Nathan.]

Figure 3: Detroit Institute of Art “The Diggers” webpage cont.


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Street in Tahiti

ARTIST
Paul Gauguin (French, 1848-1903)

DATE
1891

DIMENSIONS
45 1/2 x 34 7/8 in. (115.5 x 88.5 cm)

MEDIUM
oil on canvas

PLACE DEPICTED
Tahiti, French Polynesia, Oceania

CLASSIFICATION
Paintings

CREDIT LINE
Purchased with funds from the Libbey Endowment, Gift of Edward Drummond Libbey

OBJECT NUMBER
1939.82

LABEL TEXT
The vibrant colors of Paul Gauguin's painting express his intense reaction to the mysteries of the “new Eden” that he found in Tahiti. Dissatisfied with the values of modern European culture, Gauguin left France in search of a more primitive way of life lived in intimate association with nature. His main goal was to renew his art through contact with a non-European, pre-industrial culture. In 1891 he traveled to Tahiti in the South Pacific and found what he was seeking.






Figure 4: Toledo Museum of Art “Street in Tahiti” webpage


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Exhibition History

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Toronto, Art Gallery of Ontario, 1947.

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Edinburgh, Royal Scottish Academy, London, Tate Gallery, *Gauguin: an Exhibition of Paintings, Engravings, and Sculpture*, 1955, p. 28, no. 82.

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Pittsburgh, Carnegie Museum of Art, Minneapolis, Minneapolis Institute of Arts, Kansas City, Nelson-Atkins Museum of Art, Toledo, The Toledo Museum of Art, et al., *Impressionism: Selections from Five American Museums, 1899-1900*, no. 30, p. 82, repr. (col.).

Essen, Museum Folkwang, Berlin, Neue Nationalgalerie, *Paul Gauguin: das verworfene Paradies*, 1998, no. 16, p. 111, repr. (col.).

Publication Entry

“Eager to suggest a lauribus and disordered nature, a tropical sun that inflames everything around it, I had to give my characters a suitable environment. ... an immense palace decorated by nature itself with all the richness that Tahiti contains. Whence all these fabulous colors, the inflamed—but softened, silent—air. ‘But none of that exists!’ Yes it exists, as the equivalent of the grandeur, depth, and mystery of Tahiti when it must be expressed in one square meter of

Figure 5: Toledo Museum of Art “Street in Tahiti” webpage cont.

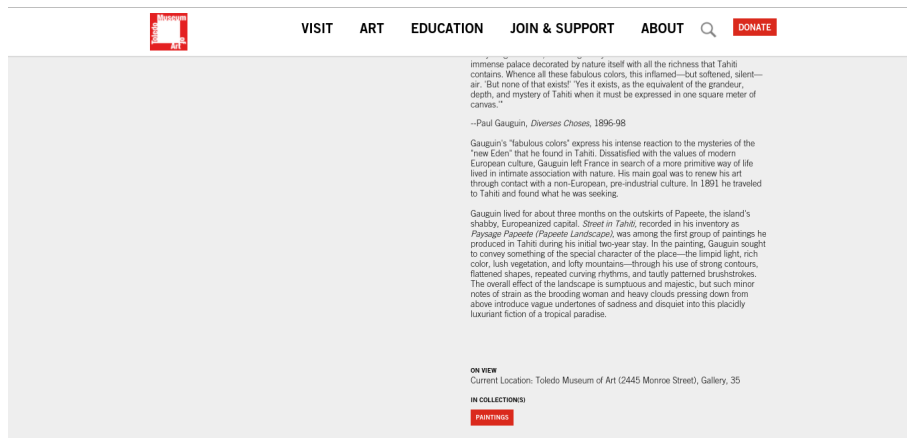


Figure 6: Toledo Museum of Art “Street in Tahiti” webpage cont.



Figure 7: Detroit Institute of Art “Provenance” webpage

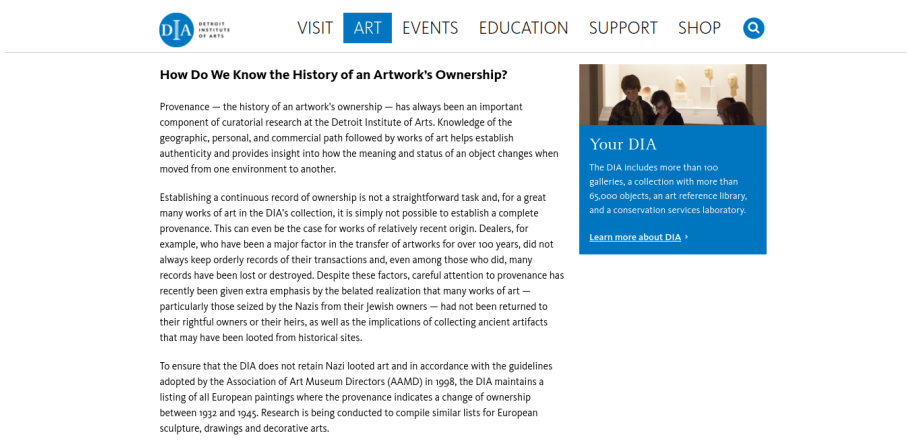




Figure 8: Detroit Institute of Art “Provenance” webpage cont.

 VISIT **ART** EVENTS EDUCATION SUPPORT SHOP 



The DIA also follows AAMD guidelines in the acquisition of Ancient Art. Because the remains of ancient civilizations are located in many different countries, the situation with regard to archaeological materials and ancient art is extremely complex and involves many different laws, regulations, and agreements. The DIA, which actively collects antiquities, endorses the [2013 Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art](#) and adheres to the procedures recommended when considering an acquisition with a suspicious or incomplete provenance. Such procedures include: rigorous research into likely origin, history of ownership, and publication and/or exhibition history; concerted efforts to obtain complete export and import documents; prominent publication, with illustration, on the museum's website; and establishment of a minimum number of years that the work can be demonstrated to have been out of its likely country (or countries) of origin. The DIA uses the 1970 UNESCO convention as a rule.

If you have provenance-related questions or information, please contact curators@dia.org.

Stay up-to-date on exhibitions, events, news and everything fun at the DIA.

Email address here

Figure 9: Detroit Institute of Art “Provenance” webpage cont.

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Eve

Artist: Lucas Cranach the Elder (German, 1472-1553)
Date: c. 1530
Medium: Oil on panel (one of a pair)
Dimensions: 75 x 27-1/2 in. (190.5 x 69.9 cm)
Credit Line: Norton Simon Art Foundation
Accession Number: M.1991.1.P
Copyright: © Norton Simon Art Foundation

[NOT ON VIEW](#)

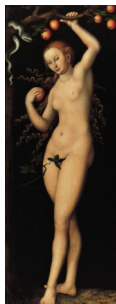


Figure 10: Norton Simon Museum “Eve” webpage

[Description](#) [Request an Image](#)

The son of a painter, Cranach was born in the town of Kronach in Franconia. His treatment of forms and space is rather abstract, even though our initial impression may focus on their apparent naturalism. The highly linear, ornamental manner, and corresponding emotional detachment, are consistent with the Mannerist aesthetic of the sixteenth century. The sensual body of *Eve*, for instance, is stylized and defined by unlikely anatomical proportions. The spiraling curves of her hair have a life of their own. Cranach envisioned her as a temptress, and her blushing cheeks and small breasts are clearly meant to allure. This secular treatment of an Old Testament subject was meant for pleasure rather than instruction. *Adam* and *Eve* were probably painted for a member of the court of the Elector and intended to hang in domestic surroundings.

Additional Artwork by Artist




Image not available

Figure 11: Norton Simon Museum “Eve” webpage cont.

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Art / Adam

Adam

Artist: Lucas Cranach the Elder (German, 1472-1553)
Date: c. 1530
Medium: Oil on panel (one of a pair)
Dimensions: 75 x 27-1/2 in. (190.5 x 69.9 cm)
Credit Line: Norton Simon Art Foundation
Accession Number: M.1971.1.P
Copyright: © Norton Simon Art Foundation

[NOT ON VIEW](#)




Figure 12: Norton Simon Museum “Adam” webpage

Description Related Resources Request an Image

The son of a painter, Cranach was born in the town of Kronach in Franconia. In 1504, Frederick the Wise of Saxony called him to Wittenberg, where he became Court Painter. Cranach received his noble patron's coat of arms in 1508. This emblem, a winged serpent bearing a ring in its mouth, can be seen on the trunk of the tree beside Adam.

Cranach's treatment of forms and space is rather abstract, even though our initial impression may focus on their apparent naturalism. The highly linear, ornamental manner, and corresponding emotional detachment, are consistent with the Mannerist aesthetic of the sixteenth century. This secular treatment of an Old Testament subject was meant for pleasure rather than instruction. *Adam and Eve* were probably painted for a member of the court of the Elector and intended to hang in domestic surroundings.

Additional Artwork by Artist


Image not available 

Figure 13: Norton Simon Museum “Adam” webpage cont.

Transcript of Audio Tour

NARRATOR:
 In a very human gesture of indecision, the first human being scratches his head. But there's no doubt that the fall of man is at hand.

As envisioned by the 16th-century German master Lucas Cranach, this Adam is a fresh-faced innocent—no match for this wily and seductive Eve. His expression is open; his eyes are trusting. The springy stem and leaves of the strategically placed apple he holds suggest health and vigor.

Eve's gaze seems more knowing. Her hair spirals out like the coils of the serpent hissing in her ear... and she touches the branch above her head suggestively.... Below her waist, the leaves of some thorny plant seem to caress rather than cover her sex...

Both figures are defined in a linear, ornamental manner. Concentrate on the left hand painting for a moment. Starting at the lower left, let your eyes follow the graceful line that defines Adam's body—up around his raised elbow... along his curving fingers... and down his muscular shoulder to the fateful apple. Eve's three-quarter pose is even more complex and sinuous. A line undulates up her ample hip to the curve of her breast, sweeps down around her arm... up over the apple, and along her sloping shoulder, to the arm above her head.

Cranach was famous for his paintings of Adam and Eve—this is one of about thirty—but their purpose remains a mystery. Did they hang in a church as a reminder of original sin? Cranach was a close friend of the Protestant reformer Martin Luther, who often preached about the fall of man and its consequences. Or was the subject simply an excuse for Cranach to paint madras for the private pleasure of aristocratic patrons? In any event, the exquisitely refined technique and glowing color of these panels make them objects of visual delight in any setting.

Additional Artwork by Artist

Figure 14: Norton Simon Museum of Art “Adam” webpage cont.

Art / Provenance Research

Provenance Research

Documentation with regard to the provenance—or the history of ownership—of works of art in the Norton Simon Museum collection has been an important concern throughout the Museum's history. In the past 25 years, there have been accelerated efforts on the part of most American museums to investigate the history of ownership of their collections, especially between the years 1933–1945. In the late 1990s the Norton Simon Museum took on an even more intensive research agenda to learn about the wartime provenance of its objects. Museum staff and skilled scholars have scoured American and European archives and libraries to fill gaps in ownership during the war years, and that work continues today.

Provenance information for the Simon collections has traditionally been disseminated by existing monographs and scholarly collection catalogues, and beginning in 1995 the Museum's website was expanded to include images, and later provenance, for its large collection of European paintings and sculpture created before 1945. The Norton Simon Museum is committed to updating and expanding upon this information regularly. The Curatorial Department of the Norton Simon Museum encourages inquiries, and can be contacted at any of the addresses listed below.

For those interested in learning more about the lawsuit about the history of Lucas Cranach the Elder's *Adam and Eve* paintings, the Norton Simon Art Foundation, which owns the paintings, has issued [this statement](#).

E-mail: [Contact Us](#)
 Telephone: (626) 449-6840 x 3500
 Postal address: Chief Curator
 The Norton Simon Museum
 411 W. Colorado Blvd.
 Pasadena, CA 91105

Figure 15: Norton Simon Museum “Provenance” webpage

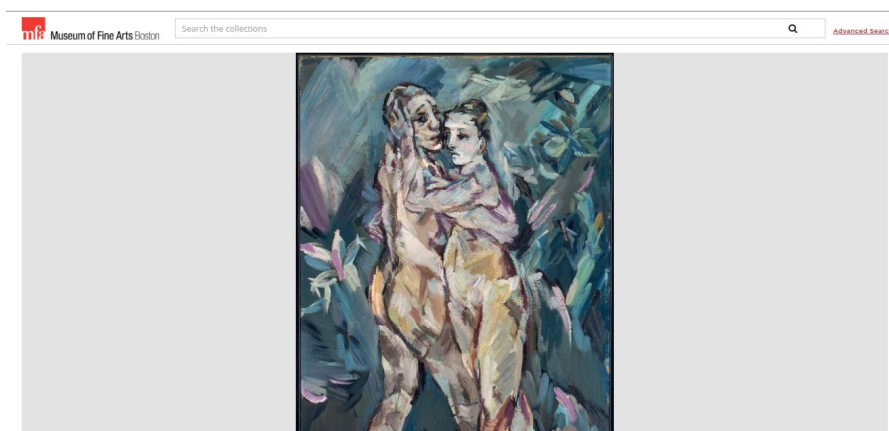


Figure 16: Museum of Fine Arts, Boston “Two Nudes (Lovers)” webpage

Two Nudes (Lovers)
 Oskar Kokoschka (Austrian, 1886–1980)
 1913

MEDIUM/TECHNIQUE
 Oil on canvas

DIMENSIONS
 163.2 x 97.5 cm (64 1/4 x 38 3/8 in.)

CREDIT LINE
 Bequest of Sarah Reed Platt

ACCESSION NUMBER
 1973.196

ON VIEW
 Mary Stamas Gallery (Gallery 153)

COLLECTIONS
 Europe

CLASSIFICATIONS
 Paintings

Painted in Vienna in the years just prior to World War I, *Two Nudes* is a self-portrait of Kokoschka with Alma Mahler, a symbolic testimonial to the artist's tumultuous affair with the widow of the great composer Gustav Mahler. Kokoschka's haunted expression and the ambiguous poses of the two lovers—who seem both to embrace and to move past each other—reflect a complex and tormented relationship. Kokoschka's bold brushwork and Expressionist style were influenced not only by van Gogh but by the sixteenth-century Spanish painter El Greco, whose work Kokoschka greatly admired.

INSCRIPTIONS
 Lower center: OK

PROVENANCE
 July, 1913, sold by the artist to Franz Hauer (b. 1867 – d. 1914), Vienna [see note 1]. Probably about 1914/1915, acquired Oskar Reichel (b. 1869 - d. 1943), Vienna [see note 2]; February, 1939, transferred by Reichel to Otto Kallir (b. 1894 - d. 1978), Galerie St. Etienne, Paris and New York [see note 3]; 1945, sold by Galerie St. Etienne, New York, to the Nierendorf Gallery, New York; 1945, sold by Nierendorf to Silberman Galleries, New York; 1947/1948, probably sold by Silberman to Sarah Reed (Mrs. John) Blodgett, later Sarah Reed Platt (d. by 1972), Grand Rapids, Portland, Oregon and Santa Barbara; 1973, bequest of Sarah Reed Platt to the MFA. (Accession Date: April 11, 1973)

NOTES:
 [1] Kokoschka wrote to Franz Hauer on July 21, 1913 outlining the terms of Hauer's acquisition of the painting *Lovers* ("Liebespaar") the following day. After Hauer's death in 1914, the painting was listed in an inventory of his estate as the *Dancing Nude Couple* ("Akt Tanzender Paar"). Many thanks to Christian

Figure 17: Museum of Fine Arts, Boston “Two Nudes (Lovers)” webpage cont.

1973.196

ON VIEW

Mary Stamas Gallery (Gallery 153)

COLLECTIONS

Europe

CLASSIFICATIONS

Paintings

Search the collections

Galerie St. Etienne, New York; to the Nierendorf Gallery, New York; 1945, sold by Nierendorf to Silberman Galleries, New York; 1947/1948, probably sold by Silberman to Sarah Reed (Mrs. John) Bloodgett, later Sarah Reed Platt (d. by 1972), Grand Rapids, Portland, Oregon and Santa Barbara; 1973, bequest of Sarah Reed Platt to the MFA. (Accession Date: April 11, 1973)

NOTES:

[1] Kokoschka wrote to Franz Hauer on July 21, 1913 outlining the terms of Hauer's acquisition of the painting *Lovers* ("Liebespaar") the following day. After Hauer's death in 1914, the painting was listed in an inventory of his estate as the Dancing Nude Couple ("Akt Tanzender Paar"). Many thanks to Christian Bauer of the State Gallery of Lower Austria and Katharina Erling of the Kokoschka catalogue raisonné project for supplying this information. Also see Bernadette Reinhold, "Art Enthusiast and Enfant Most Terrible," in *Franz Hauer: Self-Made Man and Art Collector* (exh. cat., Landesgalerie Niederösterreich, 2019), pp. 94-95.

[2] Dr. Oskar Reichel was an admirer, collector, and patron of Kokoschka's work. Tobias G. Natter, *Die Welt von Klimt, Schiele und Kokoschka: Sammler und Mäzene* (Cologne, 2003), 254, suggests he acquired the painting around 1914/1915. It was first published as being in Dr. Reichel's collection by Paul Westheim in *Das Kunstblatt* 1 (1917), p. 319.

[3] On February 1, 1939, Reichel transferred the painting—along with four other Kokoschka paintings—to the dealer Otto Kallir, who at that time ran the Galerie St. Etienne in Paris. Kallir exhibited it in Paris that spring and brought it to the United States later that year. After his arrival in the United States, he paid Reichel's two sons, who had already immigrated to North and South America, for the paintings. Kallir opened a branch of his Galerie St. Etienne in New York and exhibited this work often between 1940 and 1945.

For further information, please see "Resolved Claims" at <http://www.mfa.org/collections/provenance/nazi-era-provenance-research>

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Figure 18: Museum of Fine Arts, Boston “Two Nudes (Lovers)” webpage cont.

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The Museum of Fine Arts, Boston (MFA) is a leader in the field of research on provenance, or the history of ownership, of works of art in its encyclopedic collection. The Curator for Provenance works with curators throughout the Museum to research and document the MFA's collection on an ongoing basis. Findings are included in the Museum's online collections database.

The MFA follows the highest standards of professional practice in regards to issues of ownership and in its response to claims for works in the collection. If research demonstrates that a work of art has been stolen, confiscated, or unlawfully appropriated without subsequent restitution, then the Museum will notify potential claimants, and seek to resolve the matter in an equitable, appropriate, and mutually agreeable manner. The following is a list of ownership resolutions at the Museum since the late 1900s.

2017—Seven pieces of porcelain (2017.76–2017.82)

In March, 2017 the MFA reached an agreement with the Estate of Emma Budge, allowing the Museum to retain seven pieces of 18th century German porcelain that were sold in Berlin in 1907.

Figure 19: Museum of Fine Arts, Boston “Ownership Resolution” webpage

CONTACTED THE MUSEO DIOCESANO TO INITIATE DISCUSSIONS ABOUT ITS RETURN, WHICH CONCLUDED IN APRIL 2010 WITH THE SIGNING OF AN AGREEMENT BY THE MFA, THE ARCHDIOCESE OF TRENTO, AND THE MUSEO DIOCESANO.

2007—Oskar Kokoschka, *Two Nudes (Lovers)* (1973.196)

In March 2007, the MFA received a restitution claim for Oskar Kokoschka's *Two Nudes (Lovers)*. Claudia Seger-Thomschitz, represented as the sole and unrelated heir of the last surviving son of Oskar Reichel, the painting's former owner, asserted that Reichel was forced to sell *Two Nudes (Lovers)* under duress in Nazi-occupied Austria in 1939; later, her counsel asserted that the painting had been confiscated from Reichel by the Nazis. Upon receipt of the claim, the MFA conducted a comprehensive investigation of the painting's provenance and concluded that it has legal title to the work. The MFA shared with the claimant's counsel the results of its research. When the claim was not withdrawn, the Museum filed suit in January 2008 to confirm its ownership of the painting. In May 2009, U.S. District Judge Ryan Zobel ruled that the MFA is entitled to retain ownership of *Two Nudes (Lovers)*. The First Circuit Court of Appeals upheld this decision in October 2010.

2006—Italian Antiquities

In September 2006, the MFA transferred 13 antiquities to Italy and signed an agreement with the Italian Ministry of Culture marking the beginning of a new era of cultural exchange:

1. Two-handled vessel (nestoris), about 420–410 BC (1971.49)
2. Lekythos, about 500–490 BC (1977.713)
3. Wooden (beech) bust(s) depicting Apollo, wearing a khiton

Figure 20: Museum of Fine Arts, Boston “Ownership Resolution” webpage cont.

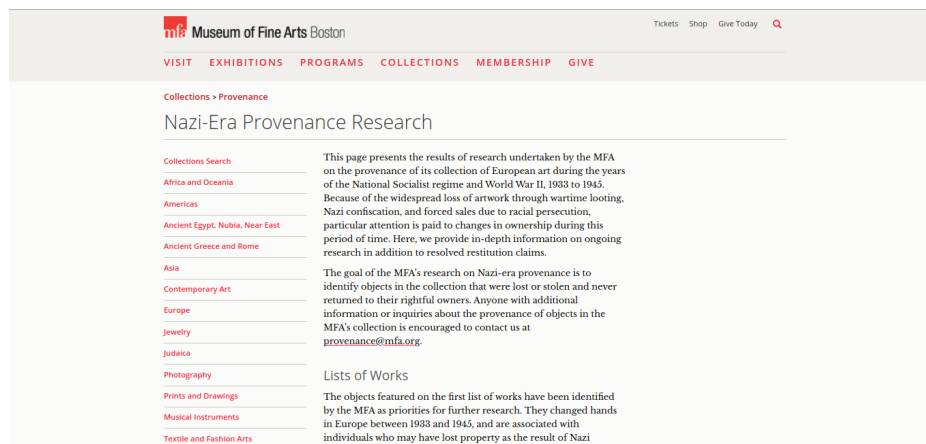


Figure 21: Museum of Fine Arts, Boston “Nazi-Era Provenance Research” webpage

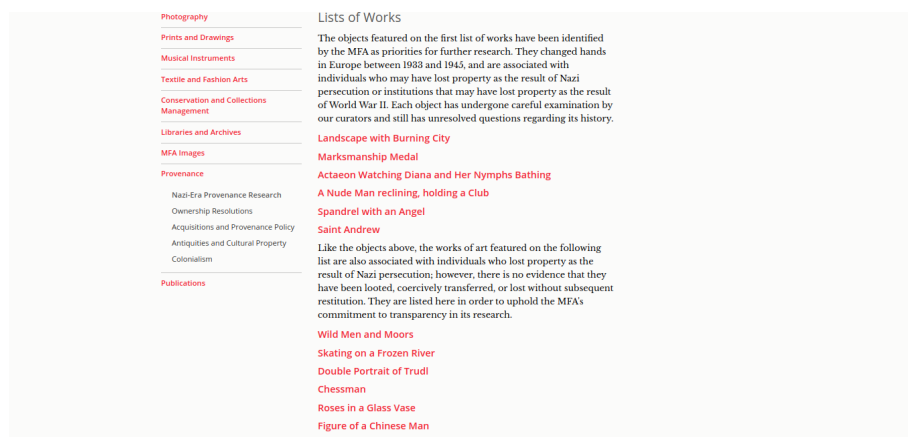


Figure 22: Museum of Fine Arts, Boston “Nazi-Era Provenance Research” webpage cont.

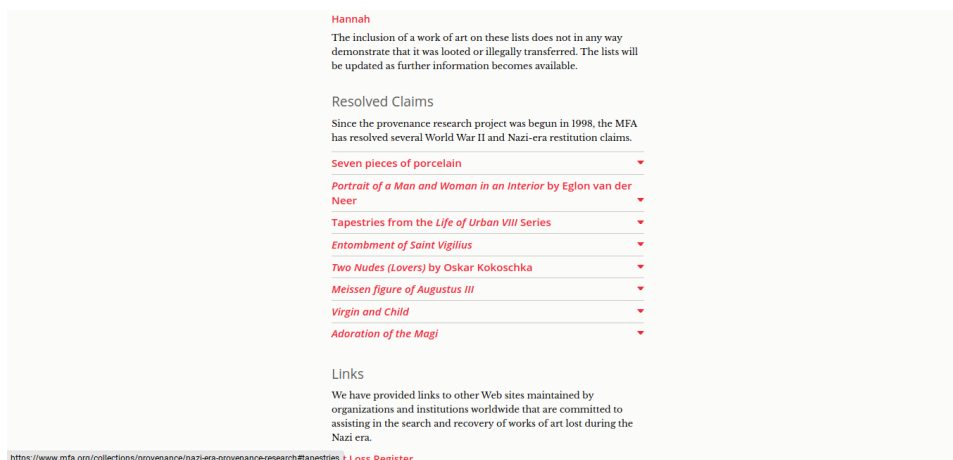


Figure 23: Museum of Fine Arts, Boston “Nazi-Era Provenance Research” webpage cont.

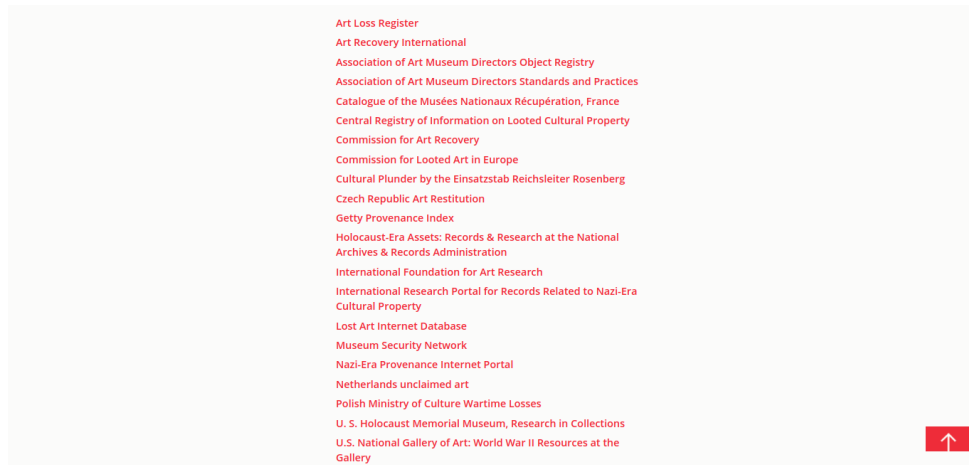


Figure 24: Museum of Fine Arts, Boston “Nazi-Era Provenance Research” webpage cont.