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# Other Voices

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## The Auschwitz Memorial Museum and the Case of the Gypsy Portraits

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A unique dispute over ownership rights to artwork in the case of the Auschwitz Memorial Museum vs. former camp prisoner Dinah Gottliebova Babbitt illuminates underlying moral questions about the Holocaust and post-Holocaust culture. Dinah Gottliebova Babbitt, now living in southern California, is a university-trained Czechoslovak artist who has been fighting to reclaim her art from the Auschwitz Museum since 1973, when museum officials first contacted her and made her aware of their acquisition of her paintings produced in Auschwitz.<sup>1</sup> Gottliebova Babbitt was a Jewish prisoner there in 1944 when Josef Mengele learned of her artistic skills and forced her to make watercolor portraits of dying Gypsies in order to get the kind of documentation he wanted on exact skin color and ear shapes. Gottliebova Babbitt made a dozen such portraits, seven of which are now tucked away in Room No. 11 of the Auschwitz Museum. Although Gottliebova Babbitt left these works behind when she was ordered to join a forced march from Auschwitz, the paintings were not found there by the museum. The foster family of another inmate, Ewa Krcz-Sieczka, removed them in the days after liberation. Twenty-three years later, six of the paintings were sold to the museum by Ewa Krcz-Sieczka and one by another person (the whereabouts of the other five works are unknown).

In a 1997 interview with the *Washington Post* Gottliebova Babbitt asserted her belief that she is the rightful owner of the works: "Mengele ordered me to do it as

slave labor. But it was my work, my paintings."<sup>2</sup> Museum officials, however, say that the paintings are legally the museum's property. Museum director Krystyna Oleksy, asserted that there are no plans "to pull them off the wall and give them back.... Our duty is to keep everything about the camp, because we think it is so important."<sup>3</sup> The museum, moreover, says it has no record of Gottliebova Babbitt's claim on file, while Gottliebova Babbitt says she has written numerous times. The *Washington Post*, however, notes that in a letter dated 12 October 1980, art supervisor Tadeusz Szymanski declared that Gottliebova Babbitt has no legal claim to the paintings and that her desire to recover them was "something shameful." Szymanski further suggested that only Mengele, who died in 1979, had a right.<sup>4</sup> The 1980 letter makes clear that the museum was indeed aware of Gottliebova Babbitt's claim, but rejected it, apparently on grounds that the paintings could only be claimed legally by Mengele, who "commissioned" them. Director Oleksy has called this statement "outrageous," but also notes, "I was always told, over the years, that she was never interested in the museum ... that she just wanted to use us."<sup>5</sup> This would seem to constitute another form of admission that the museum was aware of Gottliebova Babbitt's claim.

One can only wonder what Szymanski had in mind when he charged Gottliebova Babbitt with "something shameful," or what Oleksy meant by the assertion that "she [Gottliebova Babbitt] just wanted to use us." Oleksy insists on the museum's right to the paintings in a May 1996 letter in which she says it would make "no sense" to release the portraits, and contends: "People from all over the world come here to see only the originals. We have 100,000 shoes. Should we give some to the Holocaust Museum [in Washington] and Yad Vashem [in Jerusalem]? The Japanese are always interested. Should we give some to them? If we start this way, people would line up outside for the goods of their families.... You don't divide a museum. Either it's ours or it's not."<sup>6</sup> (In fact, the Auschwitz Museum has sent shoes on permanent loan to the U.S. Holocaust Memorial Museum and other museums as well.) The argument that a return of the paintings would catalyze people into demanding shoes and other such "goods of their families" may be seen as a *reductio ad absurdum* that evades the central issue: who is the owner of these paintings? "Who's the owner? It's so hard to say," says Stanislaw Krajewski, co-chairman of the Polish Council of Christians and Jews and a member of the International Council of the Auschwitz Camp Museum. "I think the museum feels it has a moral right, and I'm sure she feels the same. It's sad ... but it really raises a larger issue for all museums. If every museum has to give back everything that original owners want—even what some countries now demand—museums everywhere could become empty very soon."<sup>7</sup> Krajewski raises the fear of loss felt by many museums that might possess objects of shadowy provenance, alluding to the Nazi-looted art turning up in museum inventories everywhere. But at any museum where an individual can establish ownership rights, the museum's claim is quickly compromised.

Krajewski raises the issue above legality to one of "moral rights." Whose moral rights in this case, then, may be judged the greater? The rights of an artist whose

work was produced as slave labor, abandoned under duress, appropriated and sold without her knowledge decades later to a museum that quickly located her? Or the right of the museum to artwork it feels is important to its collection and part of a unique historical legacy? Is this stolen art? Since the paintings were assigned by the Nazis rather than freely chosen by the artist, are they legitimately part of the historical record that may be claimed by a memorial museum? Or is the claim by Gottliebova Babbitt analogous to efforts by other slave laborers in the Third Reich who seek compensation for their work?<sup>8</sup> For Gottliebova Babbitt, it is not the monetary exchange value for, say, bricks or plane parts to which she lays claim, but the product of her labor itself.

The 1980 letter of Tadeusz Szymanski suggesting that Gottliebova Babbitt's desire to remove her paintings was "something shameful" hints at other dimensions in the "moral rights" arena. While the current director has rejected Szymanski's conclusion that "only Mengele had a right", the questioning of Gottliebova Babbitt's motives continues. The *Washington Post* cites "Auschwitz officials" who say "they believe Gottliebova Babbitt wants the art for private use."<sup>9</sup> This line of reasoning establishes a moral hierarchy that implicitly counterposes the rights of the individual against that of the state as a case of "civil good" over "individual rights." Legality is set aside in the service of a higher morality. But does it serve the "civil good" to trample the rights of an individual who has already been victimized once through incarceration in a concentration camp? The argument for a higher "civil good" has not been advanced in relation to claims on Nazi-looted art currently held by museums, and understandably so. Would anyone dare suggest, for example, that the greater social good of having Egon Schiele's *Portrait of Wally* or *Dead City* in a public museum in Vienna outweighs the claims of the last owner's heirs after the Jewish owner was victimized by the Nazis and her property confiscated? On the contrary, the Association of American Art Museum Directors in June 1998 pledged that its member museums would begin a review of their collections in search of artworks illegally seized during the Nazi era, and more broadly, to question donors or art dealers about gaps in provenance records, and to conduct more scrupulous ownership research before acquiring pieces. The Auschwitz Museum might argue that this was not a case of "looted art" but "slave labor," in which case some form of compensation might reasonably be offered; no such offer has been proffered.

Oleksy's insinuation that Gottliebova Babbitt's desire for "private use" of her paintings echoes Szymanski's earlier accusation of "shameful" purpose. Whether derived from Stalinist stereotypes of "bourgeois individualism" or "Jewish greed," it hints darkly at Gottliebova Babbitt's wish to "profit" from the acquisition of her own Gypsy portraits. Where the principles of private property are upheld as part and parcel of the capitalist system and civil law, ownership may not be determined by the "intentions" of rival parties for the subsequent display of property. Poland, whether for good or ill, has now entered this system.

Sybil Milton, a senior historian formerly at the Research Institute for the U.S.

Holocaust Memorial in Washington, D.C. and now a member of the *Unabhängige Expertenkommission Schweiz—Zweiter Weltkrieg* (Swiss Independent Commission of Experts on the Second World War), presents a variation of the "state vs. individual" argument: "I sympathize with her, but you're choosing between two moral choices. One is the original artist's desire to have her own work back. On the other hand, one of the countervailing factors is that the Poles preserved the works and used them appropriately. And the work is part of a very important story at Auschwitz that would otherwise remain untold—that of the Gypsies."<sup>10</sup> Without for a moment questioning the museum's preservation of the work, or the importance of the story of the Gypsies at Auschwitz, the question must still be raised: Are these relevant arguments in the dispute over ownership? Milton agrees they may not be.<sup>11</sup> The Poles preservation of the works is to be commended but hardly confers ownership rights, while the important story of the Gypsies is too great a burden to be carried by seven watercolors alone—works which, in any case, are not on view to the general public but are only available to scholars by request.

Milton's landmark study, *Art of the Holocaust*, co-authored with Janet Blatter, includes "Portrait of a Gypsy" by Dinah Gottliebova and the following biographical blurb:

Dinah Gottliebova was born to a Jewish family in Brno, Czechoslovakia, in 1923. She studied art and was deported to Auschwitz-Birkenau after the German occupation of Czechoslovakia. She arrived in Auschwitz with her mother and stepbrother, Peter Gottlieb, in February of 1943, as part of a transport from Theresienstadt. In Auschwitz she worked in the camp hospital, where Dr. Mengele ordered her to make colored portraits of gypsy prisoners. Seven of these portraits survive today in the Auschwitz Museum, where Gottliebova is recorded as having been prisoner 61016. After the war, she emigrated to the United States.<sup>12</sup>

The blurb gives no further information on the portraits of Gypsy prisoners. Other blurbs, however, include information on how the artwork of other prisoners was saved, as in the following examples:

France Audoul . . . In 1943 she was arrested by the Gestapo and deported to Ravensbrück. There she recorded everything she saw--scenes, faces, every phase of camp life. Luck was with her and she was able to take her works with her after the liberation.

Irene Awret . . . After 1941, she was interned in the transit camp at Malines, where she produced many drawings. Many of these survive, as do the works of her fellow artists at Malines, which she was able to hide and thus save.

Xawery Dunikowski . . . A large number of his drawings were smuggled out of Auschwitz by other prisoners . . . The drawings were later sent back to Cracow [where] in 1946 he resumed his professorship at the Cracow Art Academy.<sup>13</sup>

Milton's justified satisfaction with the hiding, smuggling out, and postwar return of artwork to their owners is complicated in the case of Gottliebova Babbitt by the fact that it was forced labor. Milton points out that the legal issue is "very murky" in Gottliebova Babbitt's case and suggests that perhaps it should become part of

the German records of the war, which can be claimed by any country in which they are found. Milton cites as a precedent German documents which continue to be held by the U.S. since the end of the war.<sup>14</sup> She also suggests that Gottliebova's work stands as a record of "resistance" and implies that for this reason, too, they should remain at the Auschwitz Museum: "These are portraits of people considered degenerate by Mengele. But these people are not degenerate—the artist has taken Mengele's mandate and turned it into something else as resistance. These are beautiful people. The role of the artist here is almost as chronicler and archivist."<sup>15</sup>

These are high-minded sentiments for the public display of significant artwork. Yet they may obscure more objective estimations of the legal and moral issues. Certainly the merits of Gottliebova Babbitt's work should be discussed and published. But should this result in the denial of her claim to her paintings? Should the very skill of her work, with its cultural and political implications, be the cause of her loss? Should her inability to smuggle the paintings out or arrange to have them sent to her after the war constitute *de facto* forfeiture? Understandably, there has been no public demand that those artists who managed to save their artworks turn them over to the Auschwitz Museum, or any other museum, though many artists may wish to do so.

Polish law now recognizes Gottliebova Babbitt's copyright to the works and her right to compensation for certain uses, such as public display. She has never received any retroactive compensation, although her paintings have been shown in several museums around the world, including Yad Vashem in Jerusalem. The Auschwitz Museum previously justified touring her disputed works by denying that Gottliebova Babbitt had claimed the paintings.<sup>17</sup>

The dispute between Gottliebova Babbitt and the Auschwitz Museum has been carried on in recent years by Dr. Hanus J. Grosz, an Indiana physician who has power of attorney for Gottliebova Babbitt, and attorney Joel Friedman, who works on a *pro bono* basis. Grosz and Friedman pursue her claim on moral grounds, using public pressure and diplomacy as their primary strategy. "It is not a question of legally fighting it out in court on the issue of possession," says Grosz. "It would be very lengthy and costly. It is a question of putting pressure on the Polish government and authorities. If they want to join NATO, they should respect the rights of American citizens."<sup>18</sup> Grosz and Friedman gained the bipartisan aid of four U.S. Senators, including Republicans Arlen Specter and Dan Coats, and Democrats Barbara Boxer and Alphonse D'Amato, all of whom wrote letters of support on behalf of Gottliebova Babbitt to the Polish ambassador in Washington, D.C. Grosz and Friedman also mustered support from Bill Richardson, U.S. representative to the United Nations, who wrote a letter to his Polish counterpart at the U.N., and Ian F. Hancock, a scholar and head of the U.N. Presidium for the International Romani Union, who made the following official public statement: "The International Romani Union supports the effort of Miss Dinah Babbitt nee Gottlieb to retrieve her paintings currently in the possession of the museum of

Auschwitz. These were undertaken by her and taken from her under duress. The artist's own work remains her property and has not been given by her willingly to any other party."<sup>19</sup>

Under increasing pressure, the Auschwitz Museum has declared that the only authority that could decide the fate of the paintings was the Polish Minister of Arts and Culture. The minister, in turn, asserted that the museum had to decide first. If the museum agreed to release the paintings, then the matter would go back to the Minister of Arts and Culture, who would decide whether the paintings could leave the country. Representatives from the Polish Ministry of Arts and Culture have told the U.S. Consul General in Cracow that the matter would then have to go through Polish courts and could take years. "It appears," Grosz laments, "that they are waiting for her to die."<sup>20</sup> Grosz, however, is not willing to give up and continues to organize protests to Polish authorities.

The quarter-century of rebuff by the Auschwitz Museum may be seen as a form of re-victimization that is akin to the treatment encountered by Jews seeking access to dormant accounts, insurance claims, or Nazi-looted art, who have been stonewalled, dismissed, or ignored for decades by Swiss banks, German and Italian insurance companies, French, Dutch and Austrian museums, among others. Though the legacy of Auschwitz must be preserved, it is likely that the heritage of brutality and murder will be little diminished by restoring to Gottliebova Babbitt the seven Gypsy watercolors to which she has a legitimate claim. On the contrary, a small measure of belated justice could be achieved by returning them.

In historical perspective, the controversy between the Auschwitz Museum and Gottliebova Babbitt is a small part of a larger, ongoing battle for the meaning and memory of the Holocaust at Auschwitz. When Auschwitz was transformed into a museum at the end of the war, the decision was made to concentrate the history of the whole complex into one of its component parts, Auschwitz I. The notorious crematoria of Birkenau, where the majority of Jews were murdered, are two miles away from the Auschwitz Museum but were not made part of the official tour. Instead, as Debórah Dwork and Robert Jan van Pelt have pointed out, a crematorium was reconstructed at Auschwitz I "to speak for the history of the incinerators at Birkenau." Yet there are no signs to explain these revisions, and the guides do not inform visitors when they are taken through this building, so that it is "presumed by the tourist to be the place where *it happened*," in what Dwork and van Pelt have called a "program of usurpation."<sup>21</sup>

It is not only the actual site that has been usurped. The fate of the Jews in Auschwitz had only secondary importance for postwar Poland and the designers of the Auschwitz-Birkenau State Museum. Auschwitz I had been established to subjugate the *Poles*, and it was this aspect of suffering and death that was uppermost on the Polish national agenda. The result is that the mass murder of the Jews in Birkenau is related in a few exhibits in blocks 4 and 5 of Auschwitz I, which include, in block 4, two rooms dedicated to a description of the process of



extermination to which the Jews—and not the Poles—were subjected in the death camp. One room contains a large model of crematorium II. Block 5 contains hair, eyeglasses, crutches, suitcases, and so on, to indicate the fate of the Jews. Overall, the effect is to subordinate the history of the Jews to the history of the Poles, or, as Iwona Irwin-Zarecka describes it, "Auschwitz . . . is *not*, for Poles, a symbol of Jewish suffering. Rather, it is a general symbol of 'man's inhumanity to man' and a symbol of the Polish tragedy at the hands of the Nazis. It is a powerful reminder of the evil of *racism*, and not a singular reminder of the deadliness of anti-Semitism. In the most literal sense of the memories evoked on site, it is an 'Auschwitz without Jews.'" Even the figure of six million has been usurped in a stunning revision of history. On the occasion of his visit to Auschwitz on June 7, 1979, Pope John Paul II stood in front of a memorial that remembered the "Six Million," which he interpreted as meaning that "six million Poles lost their lives during the Second World War: a fifth of the nation." The figure includes the three million Polish Jews who were killed. Iwona Irwin-Zarecka points out that the figure of "six million Poles" not only appropriates the Jewish dead as one's own, but achieves new heights of historical falsification:

It also grants the dead Jew the status of a Pole, in a postmortem acceptance of the Jews' membership in the Polish family. And this renders a reading of the past which makes that past unrecognizable. The Jew not only appears to be mourned on a par with others—which he was not—he also appears to have always belonged, which he did not. The destruction of the Jewish community, when reclaimed as the loss of Polish lives, acquires a sense of trauma which it did not have, at least for the majority. And the sharing in suffering, together with assigning all the blame to the Nazis, helps eliminate questions about the Poles' action and inaction toward the Jews.<sup>23</sup>

As Dwork and van Pelt have observed, "while the Germans have disowned Auschwitz, Poles and Jews contend for spiritual ownership of the camp" because "Auschwitz is the most significant memorial site of the Shoah, and it is also the most significant memorial site of Polish suffering under German rule. Every aspect of the camp is an object of contention and conflicting interpretation, even its shape and location."<sup>24</sup> Gottliebova Babbitt's paintings are thus objects of contention in a cauldron of controversy and dissension.

Gottliebova Babbitt's portraits also raise questions about the fate of the Roma (Gypsies). In medieval Europe they were thought to be a race formed by the intermarriage of Jews and non-Jewish vagabonds, shunned as homeless wanderers, thieves, and fortune-tellers. They never achieved the success that made the Jews seem such a threat because they were mostly poor metal workers, blacksmiths, or producers of costume jewelry. The Nazis believed that the blood of the Gypsies, like that of the Jews, would contaminate Aryan racial stock. Accordingly, the Nuremberg Laws stated: "In Europe only Jews and Gypsies are of foreign blood."<sup>25</sup> In December 1942, all German Roma were deported to Auschwitz. In Auschwitz they were often singled out for use in medical experiments. Hundreds of Roma were killed alongside Jews at Babi Yar and Roma communities were destroyed all over Europe. Several Romani revolts are recorded as well. Determining the total number of Roma murdered during the Holocaust is difficult,

however. According to Ian Hancock:

Much of the Nazi documentation still remains to be analyzed, and many murders were not recorded, since they took place in the fields and forests where Roma were apprehended. There are no accurate figures either for the prewar Romani population in Europe, though the Nazi Party's official census of 1939 estimated it to be about two million, certainly an under representation. The latest (1997) figure from the U.S. Holocaust Memorial Research Institute in Washington puts the number of Romani lives lost by 1945 at 'between a half and one and a half million.' Since the end of the Second World War, Germany's record regarding the Romani people has been less than exemplary. Nobody was called to testify in behalf of the Romani victims at the Nuremberg Trials, and no war crimes reparations have ever been paid to Roma as a people.<sup>26</sup>

In June 1998, Hungary became the first country in Europe to offer blanket compensation to the Roma, though the exact amount to individuals has yet to be determined.

Historian John Weiss points out that in the postwar trials of 1944, "physicians who helped deport and kill Gypsies or homosexuals were not considered criminals by the German courts."<sup>27</sup> In 1949 a committee of professors at the Kaiser Wilhelm Institute in Berlin cleared doctors who had worked for the extermination of Jews and Gypsies. They included Josef Mengele. The professors declared: "We cannot tell, from the evidence available to us, to what extent Dr. Mengele himself was aware of the abominations and murders perpetrated in Auschwitz during the period under discussion." Weiss notes: "By clearing Mengele the scientists were clearing themselves, and testifying that even one of the worst of them was innocent in their eyes."<sup>28</sup>

Even if we discount the bizarre deference to the rights of Mengele as late as 1980 by Auschwitz Museum art supervisor Szymanski as a wild attempt to justify the museum's desire to hang onto Gottliebova Babbitt's paintings, given the extraordinary circumstances of her case, Mengele's assertion of his right to appropriate at will the labor and, ultimately, the life of others gains a posthumous victory.



#### **Endnotes:**

1. See Christine Spolar, "Auschwitz Artist Fights Museum for her Portraits: Survivor Painted Prisoners As Ordered by Nazi Mengele," *The Washington Post*, 3 July 1997; also Robin Cembalest, "An Artist Seeks to Recover Works from Auschwitz: Her Paintings of Gypsies Were Commissioned by Mengele," *Forward*, 23 May 1997.

2. Spolar, "Auschwitz Artist Fights Museum."

3. Ibid.



4. Ibid.

5. Ibid.

6. Ibid.

7. Ibid.

8. An amended class-action lawsuit filed in September 1998 names as defendants: Siemens AG, Fried. Krupp AG Hoesch-Krupp, Henkel KGaA, Diehl GmbH & Co., Bayerische Motoren Werke AG, Daimler-Benz AG, Volkswagen AG, Audi AG, Leica Camera AG, Wurttembergische Metallwarenfabrik AG, MAN AG, and corporate Does 1-100. Plaintiffs claim that the German industrial defendants conspired with the Nazis and each other to carry out the Holocaust, violate international law, commit civil assault and battery, convert the value of Holocaust victims' labor, its products and its profits, and that defendants were unjustly enriched by the profits of forced labor. It is estimated that more than seven million people were forced to work in Germany during the Third Reich, and that approximately 12,000 German firms used slave labor during the Third Reich. Further claims arose against the German subsidiaries of Ford and General Motors, as well as Volkswagen of America. In May 1999, fifteen large German corporations pledged to set up a fund to pay reparations to former slave laborers.

9. Spolar, "Auschwitz Artist Fights Museum."

10. Cembalest, "An Artist Seeks to Recover Works From Auschwitz."

11. Sybil Milton, telephone conversation with author, 22 June 1998.

12. Janet Blatter and Sybil Milton, *Art of the Holocaust* (New York, 1981), 249.

13. Ibid., 240-246.

14. Sybil Milton, telephone conversation with author, 22 June 1998.

15. Cembalest, "An Artist Seeks to Recover Works From Auschwitz."

16. Milton and Blatter, *Art of the Holocaust*, 190.

17. Hanus J. Grosz, telephone conversation with author, 16 March 1998.

18. Cembalest, "An Artist Seeks to Recover Works From Auschwitz."

19. Quoted by Hanus J. Grosz, telephone conversation with author, 3 June 1998.

20. Hanus J. Grosz, telephone conversation with author, 16 March 1998.
21. Debórah Dwork & Robert Jan van Pelt, *Auschwitz: 1270 to the Present* (New York, 1996), 364.
22. Quoted in *ibid.*, 365.
23. Quoted in *ibid.*, 369.
24. *Ibid.*, 359.
25. John Weiss, *Ideology of Death: Why the Holocaust Happened in Germany* (Chicago, 1996), 328.
26. Ian Hancock, "Roma: Genocide of, in the Holocaust," *Encyclopedia of Genocide*, Israel W. Charny, ed. (1997), Available [Online]: <http://www.geocities.com/Paris/5121/genocide.htm> [8 October 1998].
27. Weiss, *Ideology of Death*, 392.
28. *Ibid.*, 393.