

Bridging Past and Present: the Holocaust Claims Processing Office and the Function of Provenance Research in a Restitution Claim

More than 25 years ago the Holocaust Claims Processing Office (HCPO) of the New York State Department of Financial Services (DFS) was established to assist Holocaust victims with the recovery of assets lost as a result of Nazi persecution. The office's initial focus was on assets deposited in Swiss banks, but the mission rapidly expanded, and within six months the HCPO began working to recover assets held in other banks, proceeds from insurance policies as well as lost, looted or stolen art. The decision to delve into the complex arena of looted art was not done only to simplify the claims process for claimants, but to address banking and insurance claims in their entirety. Significantly, some claims referenced art stored in safe deposit boxes or put up as collateral, and insurance claims noted insured art objects or collection. Thus, the HCPO developed an expertise in art restitution from the theoretical to the practical, and undertakes the full breadth of research – genealogical, archival, historical, and art historical – necessary to corroborate a claim.

Identifying, locating and recovering an artwork is not a simple task. The process frequently transcends the application of a rigid methodology as it relies on resourcefulness, meticulous and dogged research, and a bit of luck. One of the primary tools utilized to achieve this goal is provenance research. Whereas provenance research in academic art history is predominantly used to verify authenticity and attribution and to establish a work's pedigree, its function in the context of restitution is distinct

and manifold. From the HCPO's perspective, a provenance is not a litany of seemingly unconnected owners devoid of meaning, but rather it represents an often complicated, interwoven and varied series of transactions that resulted in a change of an artwork's ownership through time. Ascertaining, understanding and contextualizing the exact nature and substance of these transactions is paramount to the HCPO's process.

Concentrating on the specifics of each transaction can not only tell us who owned a given object at a specific time but can provide insight into who that person was as a collector and establish the collector's connections to previous and subsequent owners of the artwork. It can also help us uncover details and information about what was lost. Through tracing the various transactions in which the artwork was involved, we can glean more specific details about where and when a work was acquired and then lost. As restitution practitioners, we take these details and synthesize them with information about the persecuted owner and the events of the Nazi period to understand why the transaction occurred and when feasible, ascribe that loss to a specific type of spoliation which conveys how possession was lost.

WHO WERE THE COLLECTORS?

As an agency that assists Holocaust victims and their heirs with the recovery of artwork, our focus is primarily on a specific, identifiable owner who lost possession of the work during the Nazi era (1933–1945) and transactions that transpired during a distinct period of time within a work's ownership history that generally commences with when that owner acquired the work. While restitution claims necessitate that we devote our attention to the Nazi period, the artwork's pre-loss/prewar and post-loss/postwar provenance play an integral role in

composing a comprehensive narrative about who the persecuted owner was as a collector and elucidating the nature of the artwork's ownership.

The sequence of parties listed in a provenance illuminate relationships between the owners of a work of art providing important insight into an individual owner's collecting practices. One question we ask in the course of research is whether a collector had an established rapport with the dealer/individual from whom the artwork was acquired, or if an owner tended to purchase multiple works from a single collection. In the case of Dr. Michael Berolzheimer, whose collection of works on paper was sold under duress at the March 9/10, 1939 Münchner Kunstauktionshaus Adolf Weinmüller auction, the 1939 sales catalogue's frequent references to "Sz. Bog. Jolles" in the lots consigned by Dr. Berolzheimer indicated that he acquired the bulk of his extensive collection from the October 31, 1895 Hugo Helbing sale of the collector Boguslaw Jolles (Lugt 381). The

1895 auction catalogue has proven to be an invaluable resource as it not only contains provenance information and images that were omitted from the 1939 Weinmüller catalogue, but in many cases, it provides detailed descriptions of individual artworks that are largely unillustrated in both catalogues. Additionally, works from the Jolles collec-

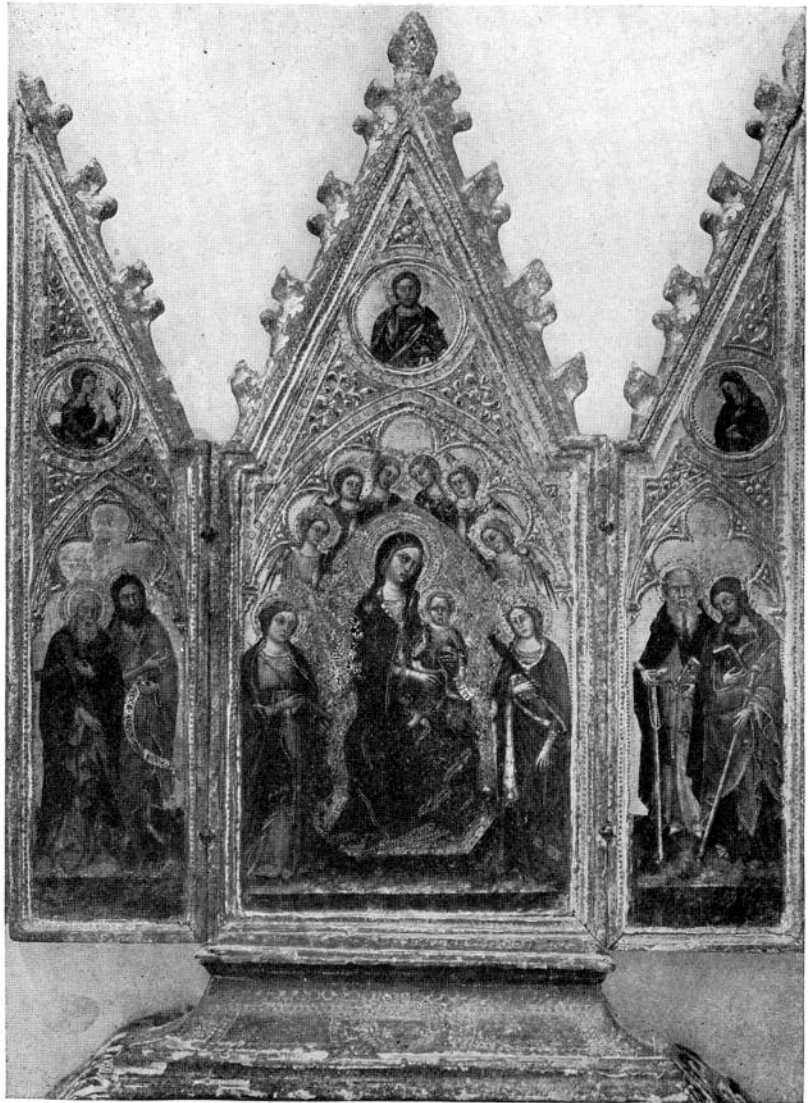


Fig. 1 Cola di Petruccioli, Triptych, Collection of Mr. Charles Loeser, Florence [Bernard Berenson, *A Sieneese Little Master in New York and Elsewhere: Cola di Petrucciolo*, in: id., *Essays in the Study of Sieneese Painting*, New York 1918, Fig. 21]

FIG. 21. COLA DI PETRUCCIOLI: TRIPTYCH
Collection of Mr. Charles Loeser, Florence

tion that resurfaced on the art market after the war and continue to appear on the market cite Jolles in their provenance, which has been key in locating and identifying them. Dr. Berolzheimer rarely appears in the provenance of these works, the details of his ownership of these works having largely been lost over time. Therefore, without having the information about Jolles' previous ownership, it would be extremely difficult if not impossible to identify and recover works from the Berolzheimer collection.

The listing of an individual's name in a provenance does not always on its face reveal the precise nature of that person's relationship to the artwork. The individual may have been the sole owner of the object or merely in temporary possession of it as in the case of a consignment. Determining and understanding who those people are in relationship to the artwork is integral to a restitution claim as we must substantiate to the best of our ability that the persecuted individual owned the artwork at the time of loss. The reference to certain types of parties like an art dealer in an ownership history can complicate the interpretation of that party's relationship to the artwork and necessitate further scrutiny. In such situations, we strive to clarify if the dealer owned the artwork personally in a private capacity, the artwork was part of gallery stock at the time of its sale, or it was being sold on consignment by another party. Further issues arise in the context of a restitution claim when the art dealer was also subject to Nazi persecution as exemplified by the case of Dr. Max Stern (cf. the Stern Cooperation Project [SCP] in Munich, Jerusalem, and Montreal; <https://www.zikg.eu/forschung/projekte/projekte-zi/stern-cooperation-project>).

In 1934 Stern became the sole owner of the Galerie Julius Stern, a gallery and auction house established by his father in 1913, in Düsseldorf. Stern received a final irrevocable order on September 13, 1937 that he was forbidden to deal in cultural property and had to sell the gallery's entire inventory immediately through a Nazi-approved dealer. Unfortunately, due to the passage of time and the ravages of war, the stock books of

Galerie Stern, the most important documentation for an art dealership, are no longer available. However, some records did survive including catalogues, customer cards, photographs, and limited correspondence. These documents in addition to notations on the verso of some works that went through Galerie Stern, while incomplete, may aid in determining when a piece was sold by the gallery and its relationship to the artwork.

WHAT WAS IN THE COLLECTION?

Looted art claims fluctuate from the extremely well documented which can include personal inventories, photographs, appraisals from art dealers, insurance records, auction catalogues and postwar lists of lost items, to the scantily documented, which only cite vague descriptions and recollections of artwork. In cases where documentation is lacking or incomplete, the HCPO utilizes provenance research to establish what comprised an individual's art collection at the time of its loss as well to verify and obtain heretofore unknown details about the lost objects.

When we began researching a missing work by Cola di Petruccioli from the collection of Charles Loeser, an American expatriate of German Jewish descent residing in Italy and a well-known collector and expert on Italian art, the only detail we had about the painting is that it was a triptych. During the course of our investigation, we discovered a 1918 essay on Sieneese art in which an image of the triptych was reproduced along with a reference to its being in Loeser's collection at the time of publication **Fig. 1** (Bernard Berenson, *A Sieneese Little Master in New York and Elsewhere: Cola di Petrucciolo*, in: id., *Essays in the Study of Sieneese Painting*, New York 1918, 43–51). This image gave us a clearer understanding of what was lost and was added to the HCPO's posting of the Loeser collection on the Lost Art database, which led to its eventual discovery and restitution.

In contrast to the Loeser case, the claim for Julius Priester's *Portrait of Jean d'Albon* by Corneille de Lyon included an image of the painting, which was published in a 1954 Viennese police circular as part of the family's postwar effort to recover their

Fig. 2 Corneille de Lyon (attrib.), Portrait of Jean d'Albon, seigneur de Saint-André, around 1540. Oil on wood (Virginia Museum of Fine Arts, formerly belonging to Julius Priester)



stolen property; however, it was complicated by the fact that the artist executed eight almost identical versions of the portrait. It was therefore necessary to identify which version belonged to Priester

Fig. 2. After careful evaluation of the provenance of the various versions of the painting, the executor of the Priester estate and the HCPO determined which version belonged

to Priester and the work was promptly restituted to the estate by the Virginia Museum of Fine Arts (VMFA).

WHEN AND WHERE WAS THE COLLECTION ACQUIRED AND LOST? AND WHERE IS THE ARTWORK NOW?

Even when we know precisely what was lost, we attempt to determine when and where the persecuted owner acquired an artwork in order to present as comprehensive a narrative as possible of the object's relationship to the persecuted collector. This is aptly illustrated by the claim of the Fürth collector Heinrich Morgenstern. Though Morgenstern was a prodigious art collector and prominent businessman, there was scant information available when we began researching the claim as to when and how he amassed his collection. Initial research indicated that several works from his collection were sold through the Galerie Hugo Helbing during

the first decades of the 20th century. We then undertook an exhaustive review of the annotated Helbing auction catalogues at the Zentralinstitut für Kunstgeschichte (ZIKG), which revealed that Morgenstern acquired the bulk of his collection at numerous auctions at Helbing over a 20-year period. This information not only enabled us to establish exactly when specific artworks entered Morgenstern's collection, but the Helbing catalogues provided us with additional details regarding the artworks' prior provenance, the subjects they depicted, further information about mediums and dimensions and previously unknown images of the artworks, all of which helped us identify and locate several works Morgenstern sold under duress at the November 22, 1938 auction at Rudolph Lepke's Kunst-Auctions-Haus and others that were sold separately by Wolfgang Gurlitt.

Art restitution claims are laden with a myriad of challenges. While we may sometimes know who



Fig. 3 Imitator of Pieter Neefs the Elder, *Interior of a Church*. The work currently remains with the Feldmann heirs. Photograph (Frick photo file, the image was provided to the Frick by the Metropolitan Museum of Art)

lost the artwork and have a sense of what they lost, we do not always necessarily know when and where those objects were lost. An heir to a persecuted owner may approach us with information that clearly indicates that the owner possessed an art collection, was unquestionably persecuted and lost possession of the collection due to that persecution, but the details of precisely when and where have to be clarified. This information is generally obtained from archival research and postwar compensation files rather than through provenance research.

However, provenance research plays a key role in determining where the object is currently located and how it came to be there. While conducting research at the Frick Art Reference Library, the HCPO located a photograph of a drawing entitled *Interior of a Church* that was attributed to an imitator of Pieter Neefs the Elder **Fig. 3** and matched it to an image of a Neefs drawing that was seized from Dr. Arthur Feldmann, a prominent Jewish lawyer and renowned collector of Old

Master drawings from Brno. The photo came from the Metropolitan Museum of Art which received the work by bequest in 1975 from Harry G. Sperling, who acquired it from Colnaghi, London in 1954. The museum quickly recognized that Dr. Feldmann lost possession of the Neefs due to Nazi persecution and returned it to the Feldmann heirs.

WHY AND HOW THE ARTWORK CHANGED OWNERSHIP?

Typically, a provenance is a succinct chronology that contains minimal information about changes of ownership; due to their brevity, they generally employ a punctuation-based shorthand to separate the sequence of ownership and signify a relationship between former owners and the methods of transactions by which an artwork changed hands. This method, while practical, often fails to contextualize and capture the minutiae and nuances of the transactions referenced. As the HCPO analyzes the provenance of an object, we endeavor to

clarify and elaborate how an object was transferred from one named party to the next, especially with regard to the persecuted collector. The methods of transfer can be distilled to some of the following types of transactions: sale, donation, bequest, gift, nationalization, confiscation and theft. From the restitution practitioner's perspective, a few of these methods of transfer come with a qualifier; the two qualifiers employed in restitution parlance are "forced" and "duress."

Unfortunately, there are no universally accepted definitions for the mechanics of dispossession employed during the Nazi period, and the method of transfer that remains the most equivocal is a "sale under duress." At the heart of this ambiguity is the subjective nature of interpreting why the transfer occurred, which is critical to characterizing a transaction as voluntary or involuntary. In some instances, like seizures and confiscations, the why is self-evident from the external forces that are

brought to bear against the persecuted owner as in the case of Viennese collectors Otto and Julie Klein, whose personal property was sold pursuant to a court ordered auction at the Dorotheum on April 17–19, 1939.

In other instances, this determination requires deducing the persecuted owner's rationale for entering into a particular transaction. This is gleaned by an assessment of the personal circumstances of the owner within the greater historical context of the time period, understanding that a fundamental tenant of Nazi ideology was to eliminate Jews from German economic and social life. Steps taken by the NSDAP government to achieve this goal led to economic hardships and



Fig. 4 Fritz von Uhde, *Damenbildnis (Porträt Therese Karl)*, 1890. Städels Museum, Frankfurt a. M. ([https://commons.wikimedia.org/wiki/File:Fritz_von_Uhde_-_Porträt_Therese_Karl_\(1890\).jpg](https://commons.wikimedia.org/wiki/File:Fritz_von_Uhde_-_Porträt_Therese_Karl_(1890).jpg))



Fig. 5 Antonín Mánes, *A Landscape with a Tree*, 1817. Oil on panel. National Gallery, Prague. The Manes was one of the four paintings Bloch “donated,” it was restituted to the Bloch family in February 2023 along with the other three works. (<https://www.dorotheum.com/en/l/8502277/>)

imposed insurmountable hurdles that necessitated making previously inconceivable, drastic decisions for survival, like the ones Hanover collector Gustav Rüdenberg was compelled to make. In conjunction with the Nazi rise to power, Rüdenberg’s business suffered, forcing him to downsize and ultimately sell one of the key works from his collection, *Portrait of a Lady* (1890) by Fritz von Uhde **Fig. 4**, to the city of Frankfurt in April 1937. It was restituted by the City of Frankfurt from the stocks of the Städtische Galerie to the heirs of Gustav Rüdenberg in 2022 and reacquired by the Städel Museum for the collection in 2023.

The complexity of interpreting and classifying a transaction as voluntary or involuntary is exacerbated by the fact that many transactions during the Nazi period were cloaked in legality and had the veneer of being entered into voluntarily. This scenario frequently presents itself in the case of donations made to museums by persecuted collectors like the Brno entrepreneur Johann Bloch who “donated” four paintings to the National Gallery Prague in 1940 **Fig. 5**. Upon further review of the documentation surrounding the donation, we learned that Bloch was forced to transfer the pictures to the museum in order to obtain permission to export the rest of his extensive collection to the United Kingdom.

While the function of provenance research in the context of a restitution claim differs significantly from its use in academic art history in its intense focus on the transactions underlying changes in ownership, it is still vital to our work. Given the palpable impact a published provenance can have outside of the field of art history, we encourage art historians to adopt a more expansive and detailed approach to provenance research that encompasses greater contextualization; for a provenance is the history of an artwork’s owner as much as the history of the object itself.

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