

A Goddess of the Night, a Roman Gem, and the Bachstitz Gallery

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Abstract

Two Roman objects in the J. Paul Getty Museum, a bronze statuette of the moon goddess Luna and a cornelian gem were among the handful of classical antiquities purchased for Adolf Hitler's unrealized "Führermuseum" in Linz. This study presents new provenance research that tracks their itineraries from European private collections to the gallery of Kurt Walter Bachstitz, a prominent Jewish art dealer active in The Hague between the 1920s and the 1940s. His precarious personal and business relationships with German art agents expose how ordinary commerce was

entangled with coerced sales in the Nazi-occupied Netherlands. Informed by debates over the status of works that had changed hands on wartime art markets, in 2015 the Dutch Restitution Committee recommended that the gem be returned to Bachstitz's heirs but rejected their claim for the statuette. Having passed through various collections following their restitution after World War II, the two objects were reunited at the Getty in 2017.

Introduction

[1] J. Paul Getty began collecting Greek and Roman antiquities in 1939 during visits to museums and showrooms in London and Rome. The atmosphere was tense due to impending war, yet Getty was determined to purchase fine works that had become available at reasonable prices from European collectors who were forced to “relax their grip” after the Depression. In his memoirs, he reminisced about a portrait of Agrippina fresh from excavations for a new subway line in Rome. Workers had unearthed a statue of the Roman empress and brought its head to a local antiquarian, who entrusted it to the art dealer Alfredo Barsanti. A representative of Adolf Hitler made him an offer, but preferring dollars to *Reichsmark*, Barsanti instead sold the portrait to the American oil magnate¹.

[2] Art agents and officials of the Third Reich were more successful—though only for a short time—in their pursuit of two other Roman objects now in the J. Paul Getty Museum (the Getty), a bronze statuette and a cornelian gem that were once with Kunsthandel K.W. Bachstitz in The Hague. Between 1933 and 1945, many thousands of paintings, sculptures, manuscripts, and furnishings were purchased or confiscated from Jewish collectors on behalf of German clients and particularly to create the ambitious display of Western art envisioned for Hitler’s “Führermuseum” in Linz. New provenance research on the statuette and the gem reveals the agents’ tactics, from ordinary business transactions to forced sales, and sheds light on the gray area surrounding objects that changed hands on wartime art markets.

A celestial divinity

[3] In 1996, the Getty acquired over 300 works of ancient art from the collection of Barbara and Lawrence Fleischman, among them a Roman bronze statuette (Fig. 1)². Originally identified as Nyx, a personification of night, she holds the end of a lowered torch in her right hand. The goddess nods downward as she alights, her garments fluttering in a breeze that wafts a mantle above her head. Her sober expression, the stylized curls over the forehead, and the linear folds of the peplos adhering to her body look back to the early 5th-century BCE Severe style in Greek sculpture, a traditional aesthetic favored in the Augustan period. Although no trace of an attachment under the feet remains, the statuette once stood on tiptoe on an orb above a cylindrical socle. Statuettes of this sort often come from domestic contexts, serving as votives in household shrines or as decorative fittings on bronze lamps and furnishings.

¹ J. Paul Getty, *The Joys of Collecting*, Los Angeles 2011 [original edition New York 1965], 5, 12; Ethel Le Vane and J. Paul Getty, *Collector’s Choice: The Chronicle of an Artistic Odyssey through Europe*, New York 1955, 234-238. “Portrait Head of Agrippina the Younger”, J. Paul Getty Museum 70.AA.101, <http://www.getty.edu/art/collection/objects/6541/> (accessed 22 February 2022).

² *Luna*, J. Paul Getty Museum 96.AB.38, <http://www.getty.edu/art/collection/objects/29495/> (accessed 22 February 2022).



Fig. 1. *Luna*, 1st century BCE – 1st century CE, bronze, 25.4 × 10 × 8 cm. J. Paul Getty Museum 96.AB.38, Villa Collection, Malibu (photograph: courtesy of Getty's Open Content Program)

[4] Celestial deities are typically shown in an encircling mantle, the *velificans* motif that signifies the vault of the heavens and the advent of a divine epiphany. In posture and drapery, she resembles images of the moon goddess Selene, the Greek equivalent of Roman Luna. A similar aureole of fabric billows on a bronze statuette of Luna in Berlin, but the lunar crescent that crowns her head—invariably an attribute of Selene/Luna—is absent on the Getty figure³. Roman intaglios and votives regularly depict Selene/Luna, as well as the winged goddess Nike/Victoria, alighting mid-flight on an orb. In Hellenistic and Roman art, personifications of the sky and air display an eclectic mix of attributes: a torch, a vessel containing dew, an orb, and lofting drapery. For ancient viewers, these subtle iconographic distinctions fused in the apparition of a heavenly divinity bearing light in the darkness.

[5] In its initial 1921 publication, our statuette was titled “Nyx” and “die Nacht”⁴. During the Second World War, she came to be called Nike, the Greek goddess of victory. After the war, the statuette was catalogued as a small female figure on a ball of good fortune (“kleine weibl. Gestalt auf der Glückskugel”). Subsequent researchers returned to the original designation of “Standing Woman—‘the Night’”. Curiously, she was assigned an entirely new identity as Fortuna (“La

³ “Römische Lunastatue”, Antikensammlung, Staatliche Museen zu Berlin, inv. Fr. 1845, <https://smb.museum-digital.de/object/10568> (accessed 22 February 2022). See also the silver statuette of Luna in the British Museum, London, inv. 1824,0426.5, https://www.britishmuseum.org/collection/object/G_1824-0426-5 (accessed 22 February 2022). François Gury, “Selene/Luna”, in: *Lexicon Iconographicum Mythologiae Classicae*, vol. 7, Zurich 1994, 706-715.

⁴ Robert Zahn, *Sammlungen der Galerie Bachstitz*, vol. II: *Antike, byzantinische, islamische Arbeiten der Kleinkunst und des Kunstgewerbes. Antike Skulpturen. Die Sammlung Friedrich L. von Gans*, Berlin 1921, 42-43, pl. 36.

Fortune avec voile flottant”) in a 1950 Amsterdam auction catalogue⁵. Modern scholars vacillate between identifying her either as Selene/Luna or as Nyx, mainly based on her striking correspondence to a classicizing illumination of a goddess inscribed as Nyx in the mid-10th-century Paris Psalter⁶. In Roman art, however, the personification of night is uncommon and is not widely attested in inscriptions and cult worship⁷. For a long time, the Getty cautiously titled the bronze “Statuette of a Draped Female Figure, perhaps Nyx”. Since 2014, the preference is to see the figure as Luna, a divine manifestation of the moon gently sinking in the night sky.

[6] During research on its complicated ownership history, the Getty *Luna*’s peripatetic itinerary and altered titles impeded the documentation of its full biography. Prior to its arrival in Malibu in 1996, the bronze made an 80-year journey, traveling back and forth twice from Germany to the Netherlands and visiting Washington DC, Basel, Lucerne, Beverly Hills, and New York. Before 1920, the statuette belonged to Friedrich Ludwig (Fritz) von Gans (1833–1920), a Frankfurt industrialist who built a renowned art collection. Von Gans had acquired exceptional works of Greco-Roman gold jewelry and glass from the archaeologist Peter (Pierre) Mavrogordato (1870–1948), who excavated rich tombs at the ancient Greek city of Olbia on the Black Sea and spent seven years working at Pompeii⁸. Following von Gans’s death, his second collection of paintings and antiquities was acquired en bloc by a Jewish German-Austrian dealer, Kurt Walter Bachstitz (1882–1949), founder of Kunsthandel K.W. Bachstitz, with show rooms and galleries in Munich, Berlin, and The Hague (Fig. 2). In 1921, Robert Zahn published choice pieces from the gallery’s stock in a deluxe folio volume⁹. Bachstitz established a thriving New York branch of the gallery in 1922, which specialized in Old Master paintings, Renaissance bronzes, and classical antiquities.

⁵ Name changes occur in correspondence and property cards in the so-called Ardelia Hall Collection, the collection of administrative documents from the Central Collecting Points for looted art in the American occupation zone, kept in the National Archives at College Park, Maryland; see “Records Concerning the Central Collecting Points (‘Ardelia Hall Collection’): Munich Central Collecting Point, 1945–1951”, compiled by M’Lisa Whitney, 2009, <https://www.archives.gov/files/research/microfilm/m1946.pdf> (accessed 22 February 2022), Roll 140, “Linz Museum: Correspondence of Hans Bormann and Martin Posse [sic] (July–Dec. 1940)”, sheets 22-23, and “Inventory by Artist (A–K)”, sheet 31, and Roll 76 (part of “Activity Reports and Related Records”), “Status of Collecting Point Munich: Transport Lists – Netherlands II”, sheet 21. See n. 27 for the Amsterdam auction.

⁶ In the Paris Psalter, a full-page illumination portrays Nyx (Night) *velificans* holding a lowered torch with Orthros (Day) and the prophet Isaiah: Bibliothèque nationale de France, Paris, ms. grec 139, fol. 435v.

⁷ Vinciane Pirenne-Delforge, “Nyx est, elle aussi, une divinité”, in: Angelos Chaniotis, ed., *La Nuit: imaginaire et réalités nocturnes dans le monde gréco-romain. Entretiens sur l’antiquité classique*, Geneva 2018, 131-165. For the iconography, see Helen Papastavrou, “Nyx”, in: *Lexicon Iconographicum Mythologiae Classicae*, vol. 6, Zurich 1992, 939-942.

⁸ On Mavrogordato, see Günther Schörner, “Von Odessa nach Römhild. Pierre Mavrogordato und seine Antikensammlung”, in: Angelika Geyer, ed., *1864–2006, 160 Jahre Archäologisches Museum der Universität Jena: Thüringer Sammlungen im Kontext internationaler Netzwerke*, Berlin 2008, 118-130.

⁹ Zahn (1921). Bachstitz opened a short-lived branch of the gallery in Berlin in 1921, which was in business again from 1928 to 1932. On his purchase of the von Gans collection, see Angela von Gans and Monika Groening, *Die Familie Gans 1350–1963. Ursprung und Schicksal einer wiederentdeckten Gelehrten- und Wirtschaftsdynastie*, Heidelberg 2006, 183-194.

Archival records at the Metropolitan Museum of Art chronicle his business affairs as he cultivated a well-to-do American clientele in showrooms at the Ritz-Carlton and Sherry Netherland hotels¹⁰. According to a press review, the bronze *Nyx* was the highlight of his inventory, which was displayed in January 1923 at the National Gallery of Art in Washington, DC¹¹.



Fig. 2. *Mr. Walter Bachstiz*, portrait photograph taken by Arnold Genthe (1869–1942) in 1924. The Greek marble torso of Aphrodite in the background is now in the Cleveland Museum of Art, acc. 1988.9. (Photograph provided by Library of Congress, Washington, DC, Prints and Photographs Division, Genthe photograph collection)

[7] Our initial investigation into the ownership history of the *Luna* statuette after Bachstiz acquired it exposed a gap of four decades during which its location was untraced. Missing documentation from the crucial period between 1933 and 1945 is often a red flag that an object was confiscated or obtained under duress during World War II. In this instance, substantial information about the bronze's whereabouts was held in the database of the Central Collecting Point in Munich and in archives in Berlin and the Netherlands¹². In 2013, an inquiry on the part of Bachstiz's heirs alerted the Getty to the existence of records and correspondence, enabling us to

¹⁰ "Bachstiz, Inc. records, 1923–1937", Metropolitan Museum of Art Archives; see the finding aid dated September 18, 2013, https://www.libmma.org/digital_files/archives/Bachstiz_records_b18041048.pdf (accessed 22 February 2022).

¹¹ *Special Exhibitions: Report on the National Gallery of Art Including the Freer Gallery of Art for the Year Ending June 30, 1923*, Washington, DC 1923, 56.

¹² Database for the "Central Collecting Point Munich", Deutsches Historisches Museum, Berlin, https://www.dhm.de/datenbank/ccp/dhm_ccp_add.php?seite=6&fld_3=1365&fld_3_exakt=exakt&suchen=Suchen (accessed 22 February 2022). On the Allied repatriation of Nazi-looted art, see Iris Lauterbach, *The Central Collecting Point in Munich: A New Beginning for the Restitution and Protection of Art*, Los Angeles 2019.

reconstruct the lost history of both the statuette and a Roman cornelian gem that had followed a similar route from the von Gans collection to Bachstitz and eventually to the museum¹³.

Kunsthandel K.W. Bachstitz under German Occupation

[8] Kurt Walter Bachstitz's reputation as a well-connected art dealer was built on the quality of his inventory, which he successfully placed in international collections and museums. Although best known as a purveyor of pictures and objets d'art during the turbulent decades of the Depression and the rise of the National Socialist party, Kunsthandel K.W. Bachstitz also sold ancient art, which formed the core of von Gans's splendid collection. Reports issued by the Dutch Advisory Committee on the Assessment of Restitution Applications (Restitutions Committee) summarize the business's history and activities¹⁴. After directing successful branches of his gallery in Europe and the United States, Bachstitz faced hurdles during the 1940–1945 German occupation of the Netherlands. Two decades earlier, he had converted to evangelical Christianity upon his marriage to Elisa (Lili) Emma Hofer, a German Protestant. Lili's brother, Walter Andreas Hofer, managed the gallery in The Hague during the 1920s and later served as the principal art consultant to Hermann Göring, a top official of the Nazi party and Hitler's designated successor. As the casual anti-Semitism of the era hardened into policy, Bachstitz renounced his Austrian citizenship in 1937, a year before German annexation of Austria, and took up residence as a stateless Jew in The Hague. Bachstitz presciently transferred the directorship of the gallery to Lili nine months after the German invasion of the Netherlands in May 1940. Under investigation in 1942 for failing to register the business as a non-Aryan property, he was declared to be a full Jew in 1943 and imprisoned at Scheveningen. Thanks to Hofer's and Göring's intervention, he was soon released. Although he was exempted from wearing the mandated Star of David, Bachstitz and his wife dissolved their marriage to avoid the confiscation of the art business¹⁵.

[9] During the occupation, Bachstitz regularly sold works to Nazi buyers, as did his fellow Jewish art dealer in The Hague, Gustav Cramer, and other non-Jewish vendors¹⁶. They often dealt with Hans Posse, who led the "Sonderauftrag Linz", the committee charged with obtaining art for the "Führermuseum" in Linz. In a letter dated 27 July 1940 to Hitler's private secretary, Martin

¹³ Legal representatives of the heirs contacted the Getty in May 2013 seeking additional information on the provenance of the statuette. They provided selected archival documents, which were consulted for this article.

¹⁴ "Recommendation Regarding Bachstitz", 14 September 2009, Restitutions Committee, https://www.restitutiecommissie.nl/en/recommendations/recommendation_178.html; "Revised Recommendation Regarding Bachstitz", 1 December 2015, Restitutions Committee, https://restitutiecommissie.nl/en/recommendations/recommendation_rc_4138.html (both accessed 22 February 2022).

¹⁵ Hofer, who had fallen out with Bachstitz, financed his sister Lili's divorce to save the business, in which he may have held a financial interest. Detailed Interrogation Report, "Otto Wittman Papers Relating to the Art Looting Investigation Unit of the United States Office of Strategic Services, 1933–2000, bulk 1945–1946", acc. 910130, series 1.A., box 3, folder 8, p. 8, Getty Research Institute, <http://archives2.getty.edu:8082/xtf/view?docId=ead/910130/910130.xml> (accessed 22 February 2022).

¹⁶ Isabella Zuralski-Yeager, "Updating Records of Nazi-Art Looting from an Art Dealer's Archive: A Case Study from Gustav Cramer's Archive at the Getty", in: *Getty Research Journal* 11 (2019), 197-212.

Bormann, Posse recommended a reduced price for the bronze *Luna* (which he called Nike) and a third-century BCE terracotta Tanagra statuette of a woman holding a mirror¹⁷. Bachstitz sold the pair for 6,000 guilders, a reduction of 31 percent on the original price of 8,750. Whether their agreement was concluded under pressure or was a demonstration of good will in the normal give-and-take of negotiation is hard to discern, especially in the early months of the occupation. Non-Jewish dealers were doubtless able to decline steeply discounted offers more easily than Jews. Both objects are illustrated in one of the photographic albums that were annually presented to Hitler as catalogues of the art treasures destined for the future Linz collection (Fig. 3)¹⁸.

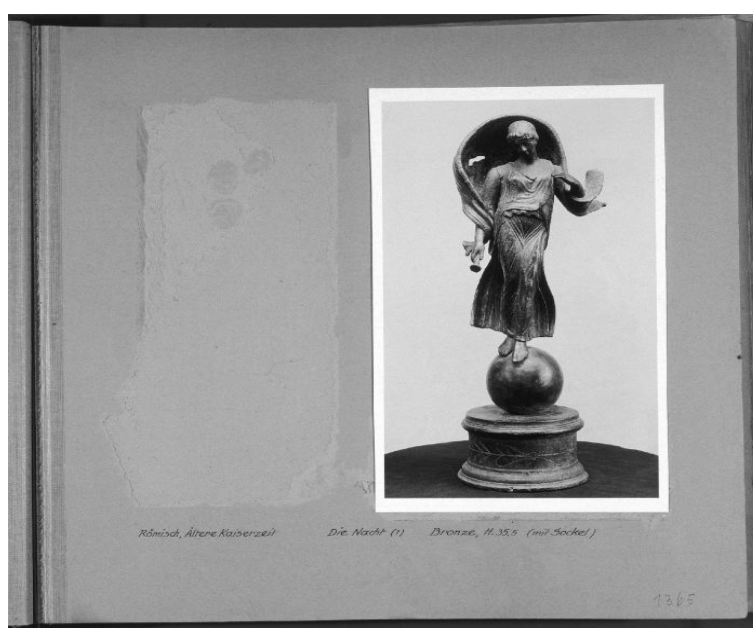


Fig. 3. “Die Nacht (?)”. Photograph of *Nyx (Luna)* on its original orb and socle, in Linz Album XX (published in Birgit Schwarz, *Hitlers Museum: Die Fotoalben Gemäldegalerie Linz. Dokumente zum “Führermuseum”*, Vienna 2004, 328, XX/6; © Birgit Schwarz, Vienna; photographer: Angelika Weidling, Berlin, with permission of Schwarz)

[10] In the 27 July letter to Bormann, Posse promoted Bachstitz’s bronze as an image of Nike, the Greek goddess of victory¹⁹. In the classical period, Nike is nearly always shown with wings. Similarities in the flying pose suggested this new identity, one that would have better pleased the “Führer”. Standing on an orb above an altar-shaped base inlaid with silver laurel leaves symbolizing victory, the so-called Nike evoked well-known precedents in ancient Greek and Roman art. German art historians would have been familiar with a monumental figure of this type

¹⁷ Correspondence of Martin Bormann and Hans Posse, in archival data collection Fold3, <https://www.fold3.com/image/273699595> (accessed 22 February 2022, by subscription).

¹⁸ Birgit Schwarz, *Hitlers Museum: Die Fotoalben Gemäldegalerie Linz. Dokumente zum “Führermuseum”*, Vienna 2004, 138, 328, XX/4 (“Tanagrafigur”) and XX/6 (“Die Nacht?”). For the Tanagra figurine, see Irene Bald Romano’s introduction to this special issue, “Antiquities in the Nazi Era: Contexts and Broader View”, *RIHA Journal* 0282 (15 September 2023), DOI: <https://doi.org/10.11588/riha.2022.2.92735>, Figs. 12a, 12b.

¹⁹ Correspondence of Martin Bormann and Hans Posse, in archival data collection Fold3, <https://www.fold3.com/image/283755921> (accessed 22 February 2022, by subscription).

in Berlin, the Calvatone Victory, a second-century CE gilt bronze statue of a goddess restored as a winged Nike, standing on an inscribed sphere²⁰.

[11] With pressure intensifying on Jewish art dealers, their position became increasingly perilous. Just prior to the German invasion, Bachstitz deposited his most valuable works for safekeeping in the storerooms of the Gemeentemuseum in The Hague²¹. When German authorities later ordered the museum to be emptied due to the construction of fortifications, he was compelled to move many objects to the Rijksmuseum van Oudheden in Leiden in May 1942. Included were numerous works of art from the von Gans collection, some of which had been kept for decades and were considered part of his personal collection rather than gallery inventory. Two months later, Bachstitz removed several items from the Leiden depot. Through the intervention of Hitler's emissary Hofer, Bachstitz presented Reichsmarschall Göring with three works of art: Jan Steen's *Samson and Delilah*, a gold chain necklace with an emerald pendant, and a gold and carnelian necklace from Olbia, which may have been given to Göring's wife, the actress Emma Sonnemann. In exchange for the gifts, Bachstitz obtained an exit visa and emigrated to Switzerland in 1944, residing in Basel while Lili remained in The Hague to oversee their home and the gallery. Restituted to the family after the war, the painting was eventually acquired by the Los Angeles County Museum of Art²². Still at large are the gold necklaces, if indeed they survived the war.

A Roman gem: recovery and restitution

[12] An early imperial intaglio, which was acquired by Bachstitz from von Gans in 1920 (Fig. 4), followed much the same path from Frankfurt to Linz. Meticulously engraved on an oval cornelian gemstone is the goddess Venus and her Trojan lover Anchises²³. The gem's provenance is documented in a succession of sales that stretches back to the circle of 17th-century antiquarian collectors in Provence. For much of the 19th century, the gem was in the distinguished cabinet of the Dukes of Marlborough. Bachstitz held on to the celebrated gem, then known as Bacchus and Ariadne, for two decades before relinquishing it to Hans Posse, who purchased it for the "Sonderauftrag Linz" for 6,000 guilders in 1941. After its recovery from the salt mine at Altaussee

²⁰ Looted from the Berlin Antikensammlung, the *Victory* was sent to the Hermitage in St. Petersburg, languishing in the catalogue as a French 17th-century sculpture until its ancient date was confirmed in 2016. Anna V. Vilenskaya and Anna N. Aponasenko, "The Calvatone Victory: The Fate of One Artefact" [in Russian], in: *Transactions of the State Hermitage* 74 (2016), 106-113.

²¹ See the art historical research of Ruth Kaloena Krul, "Bachstitz's Exchange", May 2017, <http://www.artprovenance.nl/varia/> (accessed 22 February 2022).

²² "Samson and Delilah", Los Angeles County Museum of Art inv. M.87.64, <https://collections.lacma.org/node/254990>. On Göring's antiquities collection, see the contributions by Romano and Puritani in this special issue: Irene Bald Romano, "Collecting Classical Antiquities among the Nazi Elite", *RIHA Journal* 0283 (15 September 2023), paragraphs 17-20, DOI: <https://doi.org/10.11588/riha.2022.2.92736>; Laura Puritani, "Göring's Collection of Antiquities at Carinhall", *RIHA Journal* 0285 (15 September 2023), DOI: <https://doi.org/10.11588/riha.2022.2.92769>.

²³ "Gem with Venus and Anchises", J. Paul Getty Museum 2017.2, <http://www.getty.edu/art/collection/objects/297397/> (accessed 22 February 2022). Over the years, the mythological couple has been variously identified as Phaon and Sappho, Paris and Oenone, Adonis and Aphrodite, and Bacchus and Ariadne.

by members of the Allies' Monuments, Fine Arts, and Archives program (MFAA), the gem was held in the Central Collecting Points in Munich and Wiesbaden between 1945 and 1951. It was transferred to the Netherlands Art Property Collection (SNK, Stichting van Nederlands Kunstbezit) and placed on deposit in the Koninklijke Verzamelingen in The Hague, in the Geldmuseum in Utrecht, and finally in the Koninklijk Kabinet voor Munten en Penningen in Leiden.



Fig. 4. Gem with Venus and Anchises, about 25 BCE, cornelian (gem), gold and enamel (modern mount), 3.3 cm, J. Paul Getty Museum 2017.2, Villa Collection, Malibu (photograph: courtesy of Getty's Open Content Program)

[13] In their 2007 application to the Dutch Restitution Committee, the heirs of Walter Bachstiz sought the return of the gem and 24 other objects. With a single exception, their claim was rejected on the grounds that the sales were finalized early in the German occupation, when the operations of Kunsthandel K.W. Bachstiz were relatively unimpeded. The claimants submitted revised applications for the restitution of 15 objects in 2012 and 2013, including the gem (Nederlands Kunstbezit-collectie, NK 2904, "carnelian cameo")²⁴. They argued that as Hitler's representative, Posse extracted greater discounts from Bachstiz than he obtained from non-Jewish vendors. Significantly, in a 26 May 1941 letter to Posse, Bachstiz identified the gem as part of his personal collection. The proceeds of the sale had been used for the hospitalization of the couple's gravely ill son in Switzerland, safely outside of occupied countries. Although Bachstiz acquired and sold the gem and the bronze statuette under similar circumstances, his declaration that the gem was a personal possession was reconsidered under the standards of the third recommendation of the Ekkart Committee (2001), which established that sales of privately owned art were presumptively involuntary. Consequently, in 2015 the Restitution Committee

²⁴ For a summary of the history of the claims and the Restitution Committee's finding, see "Revised Recommendation Regarding Bachstiz" (2015). On the gem NK 2904, see sections 17-21.

recommended that the gem be returned to the heirs but rejected their claim for 12 other objects. In 2016, the Marlborough gem was acquired by the Getty at Sotheby's in London (6 December 2016, lot 88).

Postwar resolutions

[14] Details of the Luna statuette's movements are documented in the Netherlands Art Property Foundation (SNK) archives, but several gaps remain in its postwar chain of ownership. The bronze was among the works recovered from Altaussee and transferred to the Munich Central Collecting Point in 1945. Titled "Standing Woman 'the Night'", it appeared on a transport list of Dutch property dated June 1947²⁵. Any recuperated objects that were not returned to owners, purchased back from the state by the original dealers or auctioned, remained in the SNK for distribution to Dutch museums. Through that process the terracotta Tanagra statuette that had been sold to Bormann (NK 620) entered the collection of the National Museum of Antiquities in Leiden several years later²⁶. Art dealers found it advantageous to buy back their restituted objects at auction rather than pay the state. There is no evidence that Bachstitz, who returned to The Hague in 1946 and died there in 1949, attempted to acquire the bronze. Renamed as the Roman goddess Fortuna (lot 603, "La Fortune avec voile flottant"), the statuette was auctioned by the Dutch state in a single lot with two bronze figures of Cupid and a divinity at Frederik Muller & Cie in Amsterdam on 11 July 1950, realizing a mere 140 guilders²⁷.

[15] Like that of many objects in the antiquities trade, the recent history of the Luna statuette is incomplete. The circumstances under which it left Amsterdam are uncertain, but it surfaced again as "Nyx" in the collection of Basel pharmaceutical executive Robert Käppeli. After being on loan for an exhibition in Lucerne in 1963, its whereabouts for the next 25 years are so far undocumented. The former trophy-like base was detached at some point between its restitution in the late 1940s and 1963, when it reappeared as a freestanding figure in the Lucerne exhibition catalogue²⁸. Whether the removal of the socle and orb was done deliberately to alter its appearance or in the belief that the base was a modern appurtenance is open to conjecture. Evidently still in Basel in 1965, the Luna statuette was purchased by Numismatic Fine Arts (NFA)

²⁵ For the records in the Ardelia Hall Collection, see n5.

²⁶ "Tanagra-figurine met meloenkapsel, himation en spiegel", Rijksmuseum van Oudheden, Leiden, inv. 1953/3.1, <https://www.rmo.nl/en/collection/search-collection/collection-piece/?object=59953> (accessed 22 February 2022).

²⁷ Frederik Muller & Cie, *Catalogue des tableaux – antiquités – objets d'art [...] provenant de diverses collections et successions, e.a. la succession de M. Adolf Krijn*, Amsterdam 1950, 40, lot 603.

²⁸ Ernst Berger, Herbert A. Cahn and Margot Schmidt, eds., *Kunstwerke der Antike aus der Sammlung Käppeli*, exh. cat., Lucerne 1963, no. B25. For more on Robert Käppeli, see Romano, introduction to this special issue (as n18), paragraph 34.

in Beverly Hills and sold in 1987 to Barbara and Lawrence Fleischman in New York²⁹. The statuette returned to Los Angeles with the Getty Museum's acquisition of the Fleischman collection in 1996.

[16] According to the recommendation of the Restitution Committee, the bronze *Luna* and the terracotta Tanagra statuette were deemed objects of ordinary commerce, the sale of which was not coerced. The pair was sold for a single price during the early stages of the German occupation, before lives and livelihoods became untenable for Jewish business owners. Furthermore, the statuette had been part of the gallery's trading inventory before the war. An annotation on the stock card noted that in 1936, the statuette was sent on approval to Dr. Georg Alexich, the Austrian ambassador in The Hague, but was returned to the gallery³⁰. Lacking a written declaration of personal ownership, the Restitution Committee determined that most objects held by Kunsthandel K.W. Bachstitz changed hands in the normal conduct of business³¹.

[17] Various factors, not least the daily uncertainties of life in the occupied Netherlands, may have swayed Bachstitz's decisions to sell works of art during that difficult period. His precarious situation raises the question of whether agreements reached with representatives of the Nazi regime were entirely voluntarily. Although he was a dealer in the business of buying and selling works of art, during a hearing with a Dutch naturalization officer, Bachstitz asserted that certain transactions were involuntary.

*[...] he had sold various paintings to Germany. He said he was forced to sell. If he had not, everything would have been gone. Like everyone, he had to bend to pressure every once in a while. This was easier for him than for many others, because he knew almost all the buyers [...] all sales were made to museum directors, with whom he had done business long before the war*³².

Wartime antiquities: challenges and prospects

[18] Two works of art at the Getty illustrate some of the predicaments that Jewish dealers confronted during the occupation of the Netherlands and the hurdles involved in untangling the collecting histories of the works they handled. Quantities of scantily documented objects circulated on legitimate and clandestine markets, hindering the identification of individual works with any degree of certainty. The challenge is acute in the case of genres that replicate standard types, such as figured pottery, mold-made statuettes, jewelry, and coins. In addition to restorations and damage that altered their appearance, conflicting interpretations produced inconsistent descriptions. Fortunately, the *Luna* statuette and the cornelian gem were well-documented before and after the war, facilitating our reconstruction of the chain of ownership as they passed through Dutch, German, and American repositories.

²⁹ Istvan Racz and Karl Kerényi, *Antikes Erbe: Meisterwerke aus Schweizer Sammlungen*, Zurich 1965, no. 116. Numismatic Fine Arts Inc., *Art of Antiquity*, auction cat., Los Angeles 1987, 11.

³⁰ RKD–Nederlands Instituut voor Kunstgeschiedenis, Den Haag, Bachstitz Archive, stock card, inv. no. 17.

³¹ See n14.

³² "Recommendation Regarding Bachstitz" (2009), section 7.

[19] Unlike the avid acquisitions, confiscations, and thefts of Old Master paintings conducted by the “Third Reich”, antiquities were not squarely in the sights of Nazi officials. To be sure, Hermann Göring, one of the highest office-holders of the Nazi Party and a keen collector, also sought out ancient art, at least some of it plundered from Jewish collectors³³. However, despite the availability of ancient Greek and Roman art, only a small number of objects were selected for the planned “Führermuseum” in Linz. Nonetheless, a lively commerce continued throughout the war and many objects entered the market in its aftermath. The mechanisms of the antiquities trade during this period have not been investigated as thoroughly as collecting in earlier centuries nor as vigorously as recent cases of illicit trafficking. For research on an era in which art changed hands frequently, wartime archives remain an untapped—but not always easily accessible—resource.

[20] Tensions between public and private ownership have long surrounded the mechanisms of returning antiquities to countries of origin and restoring works of art lost during World War II to their rightful owners. In the latter case, the distinction between regular and forced sales has stirred thorny debate. In 2020, a committee of the Dutch Raad voor Cultuur (known as the Kohnstamm Committee after its chairman) issued a report, *Striving for Justice*, which assessed the Dutch Restitution Committee’s practice of considering the “balance of interests” between national museums and the heirs of Holocaust victims³⁴. Calling for greater empathy, the Dutch Ministry of Education, Culture, and Science implemented a revised policy, which aims to expand access to archives and invest in systematic provenance research. Beyond advancing the prospects for research, the new guidelines shift the balance toward the moral paradigm for recognizing and redressing the injustices suffered by victims of the Holocaust and their heirs.

³³ See Puritani, in this special issue (as n22).

³⁴ *Striving for Justice. Evaluation Report: Resume Structural Provenance Research into Artworks Looted by the Nazis*, 2020, Raad voor Cultuur, Den Haag, <https://www.raadvoorcultuur.nl/documenten/adviezen/2020/12/07/striving-for-justice> (accessed 22 February 2022).

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