RIHA JOURNAL
coord. by Zentralinstitut für Kunstgeschichte

Export Regulations and the Role of Ancient Objects in the German List of Nationally Important Artworks

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Abstract

The paper provides a brief overview of art export regulations in the Mediterranean region from the 19th century to the laws adopted in the 1920s and 1930s. It then focuses on the German law of 1919 requiring works of art that were predominantly privately owned and of outstanding value to be entered in a register, the so-called List of Nationally Important Artworks. Once the works were listed in this index, they were subject to authorization for export. Despite the high importance the National Socialists attributed to Greek and Roman art as an eternal art, only one percent of the artworks that were classified as nationally valuable were from ancient periods. The instrumentalization of the export regulation through the National Socialist regime is illustrated by the example of Albert Lévy's collection of antiquities in Hamburg. For provenance research, it is essential to determine how laws were extended, applied, bypassed, or overruled during National Socialism and, thus, instrumentalized as a means of state power.

 DOI: https://doi.org/10.11588/riha.2022.2.92771

The beginnings of art export regulations in Europe

[1] When dealing with the provenance of objects and their transfer, the crossing of national borders plays a decisive role. With the increasing internationalization of the art market, the interest in preserving and protecting historically significant artworks for one's own "nation" grew in the 19th century. Countries with a rich heritage of antiquities—such as Greece, Italy, and Egypt—saw archaeological finds migrating abroad due to the enthusiasm for ancient objects throughout Europe, so they passed laws to protect the export from their territories[1].

[2] In May 1834, shortly after gaining independence, the kingdom of Greece passed a law, rather extensive with 114 articles, for the preservation of monuments and art[2]. Therefore "all antiquities found in Greece are considered as coming from the ancestors of the Hellenic people, as a common national property of all Hellenes", and were placed under a general export ban[3]. There was an exception for antiquities that were deemed insignificant "duplicates"[4]. Although this restriction was removed with the amendment of the law in 1899, a government committee was formed to pass judgment on the antiquities' value[5]. In 1932, this law was replaced by the regulation that antiquities might be taken out of the country with the permission of the Ministry of Education and after the decision of the Archaeological Council[6]. Mainly in the last quarter of the 19th century, a number of states such as Egypt, Bulgaria, and Montenegro enshrined the preservation of national

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[1] The research project "Nationales Kulturgut Transnational. Gesetzliche Regelungen zum Kulturgüterschutz in historischer Perspektive" conducted by Luca Frepoli offers an overview of important historical art protection laws until 1920; see the blog site "Translocations. Legislation" at https://transllegisl.hypotheses.org. See Irene Bald Romano's introduction to this special issue, "Antiquities in the Nazi Era: Contexts and Broader View", *RIHA Journal* 0282, DOI: https://doi.org/10.11588/riha.2022.2.92735, for references to the antiquities laws in Egypt (accessed 14 January 2020).

[2] For more information on the history of the Greek laws, see Daphne Voudouri, "Law and the Politics of the Past: Legal Protection of Cultural Heritage in Greece", in: *International Journal of Cultural Property* 17 (2010), no. 3, 547-568, DOI: https://doi.org/10.1017/S094073911000024X.

[3] "Gesetz betreffend die wissenschaftlichen und artistischen Sammlungen des Staats, ferner die Auffindung und Erhaltung der Alterthümer sowie deren Benutzung", German version printed in: Alexander von Wussow, *Die Erhaltung der Denkmäler in den Kulturstaaten der Gegenwart*, vol. 2, Berlin 1885, 252-276, §61. The law was issued in 1834, two years after the foundation of the Kingdom of Greece, by King Otto I, a son of King Ludwig I of Bavaria. It is reproduced online on the blog site "*Translocations. Legislation*", https://transllegisl.hypotheses.org/uebersicht/koenigreich-griechenland-1892-05-10u22 (accessed 14 January 2020).

[4] See von Wussow (1885), §77.

[5] See Yannis Galanakis, "'Insignificant', 'Superfluous' and 'Useless': Legal Antiquities for Export?", in: *CHS Research Bulletin. A Publication of the Center for Hellenic Studies* (2012), https://research-bulletin.chs.harvard.edu/2012/12/31/insignificant-superfluous-and-useless-legal-antiquities-for-export/ (accessed 1 September 2022).

[6] See "Act regarding Antiquities and Ancient Objects", 1932, art. 19, https://en.unesco.org/sites/default/files/gre_law5351_1932_entof (accessed 14 January 2020). The website of the UNESCO Database of National Cultural Heritage Laws, http://www.unesco.org/culture/natlaws, offers a collection of historic laws, but not all of them; for example, German laws are missing.

cultural assets in law. Malta followed with a law in November 1932 without specifying export regulation[7].

[3] The Vatican had the longest experience in Europe with the protection of important works of art. It can be traced back to Pope Pius II, who in 1462 restricted the export of artworks. This led to the 61 articles of the Lex Pacca, which was passed in the Vatican in 1820 and was the model for the legislation of the newly constituted Kingdom of Italy in 1861[8]. Italy opted for a combined system that, on the one hand, compiled an inventory and, on the other hand, individually refused to export further works of art not previously listed[9]. The inventory system was applied to Italian as well as non-Italian art in private ownership. In case of sale, an agreement was to be reached with the state, which granted itself a right of first purchase. A law of 1902 confirmed: "The official listing in the catalogue of privately owned objects of art or antiquities will be limited to those of the highest value, whose export from the Kingdom constitutes a serious damage to the artistic heritage and history"[10].

[4] In June 1939, Italy tightened the law again and restricted the export of artworks "when they are of such interest that their export constitutes a significant damage to the national heritage protected by this law"[11]. Thus, any person wishing to export artworks from Italy had to obtain a license. To this end, one declared the goods to be exported, presenting them to the Office of Export and indicating the market value. Disputes were decided by the Minister of Education after consultation with the Higher Council of Antiquities and Fine Arts. Ministries and offices once responsible for controlling export regulations now provide important sources for research into art transfers across national borders.

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[7] "Subsidiary Legislation 445.01: Protection of Antiquities Regulations", 21 November 1932, Malta Legislation, www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11070&l=1 (accessed 14 January 2020).

[8] See von Wussow (1885), 169-191, 277-291.

[9] See Joachim Berndt, *Internationaler Kulturgüterschutz. Abwanderungsschutz, Regelungen im innerstaatlichen Recht, im Europa- und Völkerrecht*, Cologne 1998, 57.

[10] "Legge no. 185", art. 23, in: *Gazzetta Ufficiale del Regno d'Italia*, no. 149, 27 June 1902, p. 2909-2913: 2912, available under the headline "Königreich Italien, 12.06.1902", on the blog site "*Translocations. Legislation*", https://transllegisl.hypotheses.org/uebersicht/koenigreich-italien-12-06-1902 (accessed 14 January 2020).

[11] "Legge 1 Giugno 1939, N. 1089. Tutela delle cose d'interesse Artistico o Storico", art. 35, in: *Gazzetta Ufficiale*, no. 184, 8 August 1939, https://en.unesco.org/sites/default/files/it_law1089_39_itorof.pdf (accessed 14 January 2020). See Romano, in this special issue (as n1) for the Italian Antiquities Law 364/1909, and Daria Brasca, "The Role of Antiquities between Fascist Italy and Nazi Germany. Diplomatic Gifting, Legal and Illegal Trades", *RIHA Journal* 0284, DOI: https://doi.org/10.11588/riha.2022.2.92761.

The German List of Nationally Important Artworks

[5] Inspired by the intensifying monument protection movements in various countries, the governments and state conservators of most other European countries also took a stand for the preservation of movable cultural property. With the outbreak of World War I, Central and Western European governments joined in enacting cultural property protection laws. Austria, France, Great Britain, and Poland passed laws during the war years or immediately afterward that prohibited or at least regulated the export of works of art. Germany opted for a comparatively moderate, albeit not entirely unproblematic, approach. The borders were blocked not for artworks in general but only for a selection of objects that were registered. From December 1919, works of art that were predominantly privately owned and considered of outstanding value were entered in a register—the so-called List of Nationally Important Artworks (Verzeichnis der national wertvollen Kunstwerke)[12]. Once the works were listed in this index, they required permission for export.

[6] The list was compiled by the federal states of the German Reich and published for the first time in July 1922, for official use rather, and then again in 1927 and 1938. The Reich Ministry of the Interior coordinated and was responsible for the entries and removals. The Ministries of Culture of each federal state selected the artworks that were located in their part of the Reich. In making this selection, the ministries relied on the directors of the museums who were well acquainted with the private collections.

[7] Despite the high importance the National Socialists attributed to antiquities as an eternal art, only one percent of the more than 960 artworks that were classified as nationally valuable in 1938 were ancient objects in private collections. Among these, ancient coins were of special importance, such as the collection of Roman coins of Ernst Justus Haeberlin in Frankfurt[13]. Right from the beginning of the 1919 regulation, the Roman bronze statuette of Herakles Epitrapezios from the Freiherr of Berlichingen collection in Jagsthausen was included in the list (Fig. 1)[14].

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[12] On the German List of Nationally Important Artworks, see Maria Obenaus, *Für die Nation gesichert? Das "Verzeichnis der national wertvollen Kunstwerke". Entstehung, Etablierung und Instrumentalisierung 1919–1945*, Berlin 2016. (The preview image for this essay shows the List's title page, reproduced from: Staatliche Museen zu Berlin, Zentralarchiv, I/NG 847, Bl. 2.)

[13] See Bernhard Weisser, "National wertvolles Kulturgut. Die Sammlung römischen Schwergeldes von Ernst Justus Haeberlin", in: Robert Lehmann, Anne Viola Siebert and Simone Vogt, eds., *Nub Nefer, Gutes Gold: Gedenkschrift für Manfred Gutgesell*, Hannover 2014, 279-305.

[14] See Elizabeth Bartman, *Ancient Sculptural Copies in Miniature*, Leiden 1992, 185; today, the statuette is in the Landesmuseum Württemberg in Stuttgart, inv. R 89.61.

Fig. 1. Roman bronze statuette of Herakles from the Freiherr of Berlichingen collection in Jagsthausen (reprod. from: Ferdinand Haug and Gustav Sixt, *Die Römischen Inschriften und Bildwerke Württembergs*, Stuttgart 1914, 667-669)

Also listed were two marble heads considered at that time as Greek heads from the 4th and 5th centuries BC and today known to be Roman copies of Greek works: one is the head (mounted as a herm) of an athlete wearing a fillet[15], and the other a bust of Alexander the Great, a second-century AD copy after a work from circa 340 BC; both come from the family collection of Count Franz I of Erbach-Erbach and are kept in Erbach Castle in the Odenwald (Fig. 2).

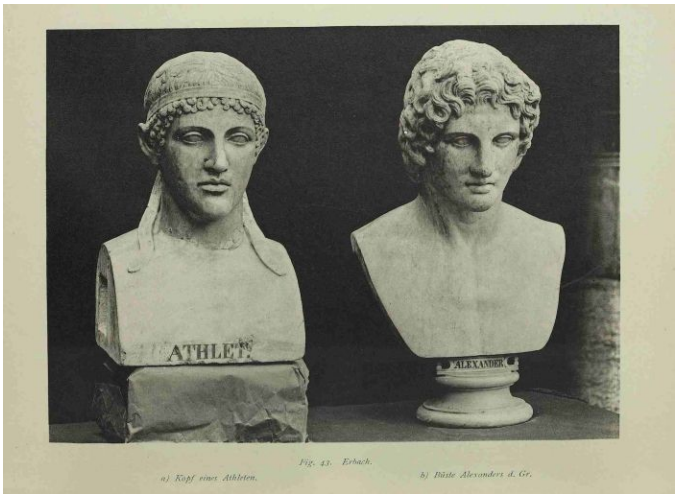

Fig. 2. *Head of an Athlete* and *Head of Alexander the Great* in the collection of Count Erbach-Erbach at Erbach Castle in 1891 (reprod. from: Georg Schaefer, *Kunstdenkmäler im Großherzogtum Hessen, Kreis Erbach*, Darmstadt 1891, Figs. 43a, 43b)

[15] Klaus Fittschen, *Katalog der antiken Skulpturen in Schloss Erbach*, Berlin 1977, p. 9 ff., no. 1, pl. 1: Augustan copy of a work from the mid-fifth century BC with some modern reworking.

The information in the list describes the identification and importance of the latter piece as follows: "The bust of *Alexander the Great* was excavated in Tivoli in 1791 and is a highly significant work of fine-grained marble and in excellent condition"[16].

[8] The reason for the small number of ancient objects in the national register lay certainly not in the nationality of the artists or in the objects' origins. Between 40 and 50 percent of the listed objects were by non-German artists. Thus, an explanation for the lack of antiquities in this list can only be assumed. The museum specialists involved were not particularly well versed in the field of antiquity—their interests lay in later time periods—nor were antiquities, with the possible exception of coins[17], the focus in the national economic calculations of foreign currency gain.

[9] For provenance research, it is essential to determine how those laws were instrumentalized in Germany as well as in other countries, since there was, on the one hand, most likely a way to get around them—legally and illegally, and they were, on the other hand, a tool of state power. How those laws were extended, applied, bypassed, or overruled during World War II is subject to further research[18].

A case study: Two Roman sarcophagi and the Albert Lévy Collection in Hamburg

[10] As an example of the partial instrumentalization of the law, let us present the case of the Albert Lévy Collection in Hamburg. Jewish collector Albert Lévy (1879–1952) was confronted with registering the works in his collection in early 1937, and he tried during the registration procedure to free five works from the export ban because he planned to move his household from Hamburg to Switzerland. In November 1936 he had applied for the transfer of his objects to Geneva. During the clearance of his goods on 14 January 1937 at the Main Customs Office St. Annen, parts of his art and jewelry collection were confiscated[19]. Lévy, born in German Thaleischweiler (Pfalz) in 1879, was married to Jeanne Therese, née Bruck, who was born in Paris. The family was already resident abroad before 1931, so the *Reichsfluchtsteuer* (*Reich* Flight Tax, implemented in 1931) did not apply in his case; there was no legal basis to stop the removal of everyday items. After Lévy's house in Tesdorpfstr. 8 had been inspected two weeks later, the Foreign Exchange Office sent a list of Lévy's artworks to the Museum für Kunst und Gewerbe and to Hamburger Kunsthalle and asked

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[16] Georg Schaefer, *Kunstdenkmäler im Großherzogtum Hessen, Kreis Erbach*, Darmstadt 1891, 77, figs. 43a, 43b. The bust entered the Erbach collection in the year of its discovery in 1791. For a discussion of the Erbach *Alexander*, see Andrew Stewart, *Faces of Power: Alexander's Image and Hellenistic Politics*, Berkeley 1993, 106-112.

[17] See Emanuele Sbardella in this special issue, "The Annihilation of the German Numismatic Market during the Nazi Era, with some Observations on the Countermeasures Adopted by Jewish Ancient Coin Dealers", *RIHA Journal* 0288, DOI: https://doi.org/10.11588/riha.2022.2.92804.

[18] See, for example, the international research project "Transfer of Cultural Objects in the Alpe Adria Region in the 20th Century" (TransCultAA, www.transcultaa.eu) and the project "Translocations. Historical Enquiries into the Displacement of Cultural Assets" at the TU Berlin (www.translocations.net).

[19] Communication of Zollfahndungsstelle Hamburg to Devisenstelle Hamburg, 18 January 1937, Staatsarchiv Hamburg, R1937/317, fol. 1.

the experts to check whether there were nationally important objects among them[20]. The director of the Museum für Kunst und Gewerbe, Konrad Hüseler, accused Lévy of having gathered his collection not for the love of art but for the purpose of sending it abroad to make a fortune[21]. After visiting the house of Lévy together with museum archaeologist Eugen von Mercklin, Hüseler initiated the registration of five pieces to be banned from export, including two Roman sarcophagi (Fig. 3), a Roman relief from a sarcophagus with riders and wagons, and a bronze Hermes head[22].

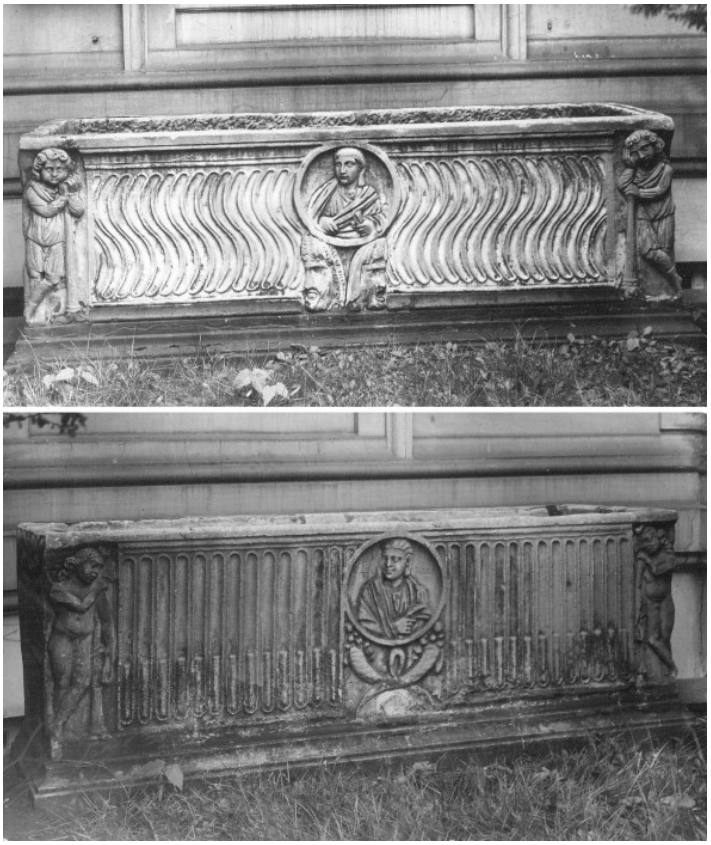

Fig. 3. Two Roman sarcophagi from the Albert Lévy collection, Hamburg (photos © Staatsarchiv Hamburg, Oberfinanzpräsident 314-15, R 1937/317)

Lévy was told by the Hamburg Cultural Authority in May 1937 that the export was illegal and subject to punishment. Hamburger Kunsthalle, in opposition to the Museum für Kunst und Gewerbe, reported that the Lévy collection was "without significance for the national heritage" and "has no material value"[23]. Nevertheless, the registration was carried out.

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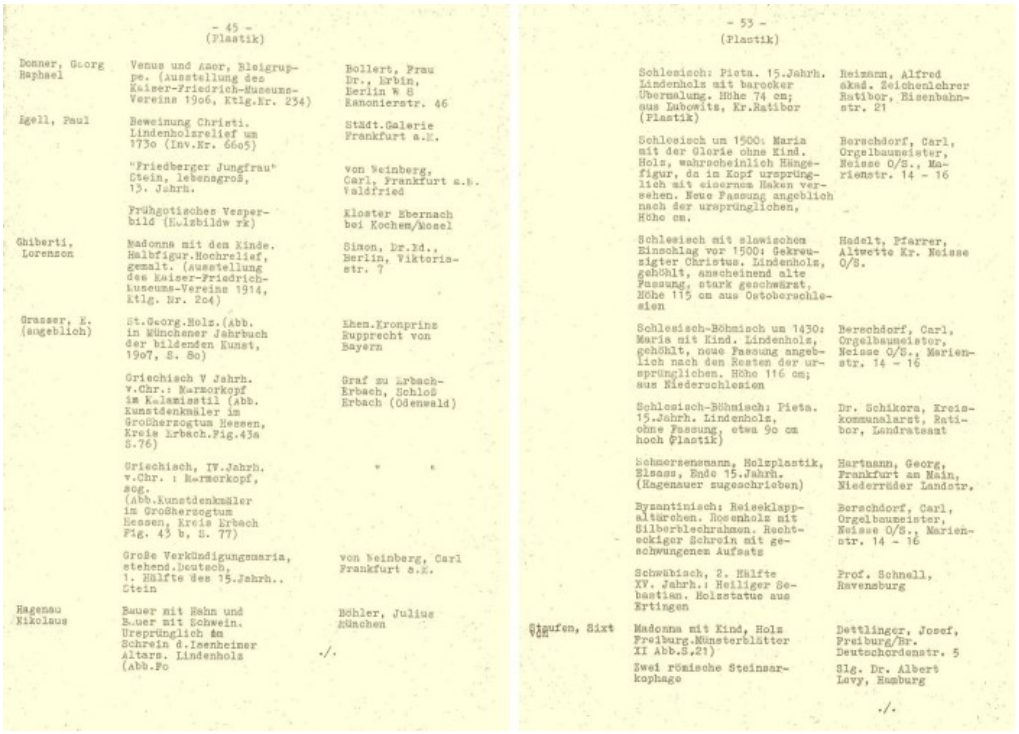
[20] See the letter from Landesfinanzamt Hamburg (Devisenstelle) to the following three addressees: Museum für Kunst und Gewerbe Hamburg, Hamburger Kunsthalle, and Reichskammer der bildenden Künste Hamburg, 16 February 1937, Staatsarchiv Hamburg, R1937/317, fol. 16.

[21] See the letter from Museum für Kunst und Gewerbe Hamburg (Hüseler) to Landesfinanzamt Hamburg (Devisenstelle), 19 March 1937, Staatsarchiv Hamburg, R1937/317, fol. 30.

[22] The current whereabouts of the objects are unknown.

[23] Letter from Hamburger Kunsthalle to Landesfinanzamt Hamburg (Devisenstelle), 23 March 1937, Staatsarchiv Hamburg, R1937/317, fol. 31.

[11] The rudimentary information in the sources and the brief entries in the lists often make it difficult and even impossible to identify the objects mentioned (Fig. 4). The Lévy collection is no exception.



- 45 -
(Plastik)

Donner, Georg Raphael	Venus und Amor, Bleigruppe. (Ausstellung des Kaiser-Friedrich-Museums-Vereins 1906, Ktlg.Nr. 234)	Bollert, Frau Dr., Erbin, Berlin W 8 Kanonierstr. 46
Egell, Paul	Beweinung Christi. Lindenholzrelief um 1730 (Inv.Nr. 6605)	Städt.Galerie Frankfurt a.M.
	"Friedberger Jungfrau" Stein, lebensgroß, 13. Jahrh.	von Heinberg, Carl, Frankfurt a.M. Waldfried
	Frühgotisches Vesperbild (Kalksbildw rk)	Kloster Ebernach bei Kochem/Mosel
Ghiberti, Lorenzon	Madonna mit dem Kinde. Halbfigur.Hochrelief, gemalt. (Ausstellung des Kaiser-Friedrich-Museums-Vereins 1914, Ktlg. Nr. 204)	Simon, Dr.Ed., Berlin, Viktoriastr. 7
Grasser, K. (angeblich)	St.Georg.Holz.(Abb. in Münchener Jahrbuch der bildenden Kunst, 1907, S. 80)	Ehem.Kronprinz Rupprecht von Bayern
	Griechisch V Jahrh. v.Chr.: Marmorkopf im Kalamistil (Abb. Kunstdenkmäler im Großherzogtum Hessen, Kreis Erbach.Fig.43a S.76)	Graf zu Erbach-Erbach, Schloß Erbach (Odenwald)
	Griechisch, IV.Jahrh. v.Chr. : Marmorkopf, sog. (Abb.Kunstdenkmäler im Großherzogtum Hessen, Kreis Erbach Fig. 43 b, S. 77)	" "
	Große Verkündigungsmaria, stehend.Deutsch, 1. Hälfte des 15.Jahrh.. Stein	von Heinberg, Carl Frankfurt a.M.
Hagenau Nikolaus	Bauer mit Hahn und Bauer mit Schwein. Ursprünglich am Schrein d.Isenheimer Altars. Lindenholz (Abb.Fo	Böhler, Julius München

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- 53 -
(Plastik)

	Schlesisch: Pieta. 15.Jahrh. Lindenholz mit barocker Übermalung. Höhe 74 cm; aus Lubowitz, Kr.Ratibor (Plastik)	Reimann, Alfred akad. Zeichenlehrer Ratibor, Eisenbahnstr. 21
	Schlesisch um 1500: Maria mit der Glorie ohne Kind. Holz, wahrscheinlich Hängefigur, da im Kopf ursprünglich mit eisernem Haken versehen. Neue Fassung angeblich nach der ursprünglichen, Höhe cm.	Berschdorf, Carl, Orgelbaumeister, Neisse O/S., Marienstr. 14 - 16
	Schlesisch mit slawischem Einschlag vor 1500: Gekreuzigter Christus. Lindenholz, gehöhlt, anscheinend alte Fassung, stark geschwärzt, Höhe 115 cm aus Ostoberschlesien	Hadelt, Pfarrer, Altwette Kr. Neisse O/S.
	Schlesisch-Böhmisch um 1430: Maria mit Kind. Lindenholz, gehöhlt, neue Fassung angeblich nach den Resten der ursprünglichen. Höhe 116 cm; aus Niederschlesien	Berschdorf, Carl, Orgelbaumeister, Neisse O/S., Marienstr. 14 - 16
	Schlesisch-Böhmisch: Pieta. 15.Jahrh. Lindenholz, ohne Fassung, etwa 90 cm hoch (Plastik)	Dr. Schikora, Kreiskommunalarzt, Ratibor, Landratsamt
	Schmerzensmann, Holzplastik, Elsass, Ende 15.Jahrh. (Hagenauer zugeschrieben)	Hartmann, Georg, Frankfurt am Main, Niederräder Landstr.
	Byzantinisch: Reiseklappaltärchen. Rosenholz mit Silberbeschrahmen. Rechteckiger Schrein mit geschwungenem Aufsatz	Berschdorf, Carl, Orgelbaumeister, Neisse O/S., Marienstr. 14 - 16
	Schwäbisch, 2. Hälfte XV. Jahrh.: Heiliger Sebastian. Holzstatue aus Ertingen	Prof. Schnell, Ravensburg
Staufen, Sixt von	Madonna mit Kind, Holz Freiburg.Münsterblätter XI Abb.S.21)	Dettlinger, Josef, Freiburg/Br. Deutschordenstr. 5
	Zwei römische Steinsarkophage	Slg. Dr. Albert Levy, Hamburg

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Fig. 4. Draft of the *German List of Nationally Important Artworks*, 1938, postwar print. Bundesarchiv Berlin, R1501/400, p. 45 (*left*) with antique objects from the Erbach-Erbach collection, and p. 53 (*right*) with antique objects from the Lévy collection (photos © Bundesarchiv Berlin)

[12] During the 1930s, the registration of artworks being prepared for export or sale increased, as confirmed by a statement of the Foreign Exchange Office in Hamburg in July 1937:

> *What is also important about the Minister's decision is that works of art that have not yet been registered can be included in the List of Nationally Important Artworks even if their export has already been prepared and, as in the present case [Albert Lévy], they have been stopped by the Customs Investigation Office on suspicion of capital transfer. They can therefore still obtain export protection under the regulation on the export of works of art of 11.12.19*[24].

And the number of cases controlled increased rapidly. The National Socialist regime's devastating regulations against minorities and the Jewish population led to emigration flows from the German Reich. The government intensified the *Reichsfluchtsteuer* (*Reich* Flight Tax), which had been

[24] Devisenstelle to Landesfinanzamt Hamburg, 28 July 1937, Staatsarchiv Hamburg, R1937/317, fol. 66, quoted in Irmgard Mummenthey, "Gesetz zum Schutze deutschen Kulturgutes gegen Abwanderung: Die hamburgischen Eintragungen in der sogenannten 'Reichsliste von 1938'", in: *Kunst und Recht. Journal für Kunstrecht, Urheberrecht und Kulturpolitik* 14 (2012), no. 5, 174-177: 175, DOI: https://doi.org/10.15542/KUR/2012/5/5.

introduced in 1931, to target Jewish assets. The Reich Migration Office was responsible for collecting the tax, which, like the administration of art export restrictions, was under the jurisdiction of the Reich Ministry of the Interior. In order to finance emigration and survival, Jewish art collectors were often forced to liquidate their art holdings or leave material assets behind. When emigrating, precise details had to be provided about the items to be transferred. From 1938, when the last List of Nationally Important Artworks of the Nazi era was recorded, the state increasingly created laws that made the looting of Jewish property a permanent possibility. The first step was to register and value the domestic and foreign property of all Jews; the second was to prohibit the purchase and sale of art objects[25].

[13] The relocation of works of art from Jewish possession prompted the Reich Minister of Popular Enlightenment and Propaganda, Joseph Goebbels, to draft a law in December 1938 that extended the control of art exports to a fundamental ban on exports[26]. The Reich Ministry of the Interior, headed by Wilhelm Frick, sharply criticized the proposal, as Goebbels tried to interfere in its area of responsibility. Frick strongly emphasized that the listing of highly valuable works of art was a sufficient protective measure. However, he acknowledged that the existing export protection "would be adapted to a certain extent to the circumstances"—that is, if Jewish flight increased[27]. Frick added that extensions of the list appeared legitimate "where there are moments of danger, e.g. in the case of forthcoming auctions, emigration, etc."[28]. Extensive controls were also to be carried out at the foreign exchange offices that targeted the "removal of goods during the emigration of Jews"[29].

[14] While the emigration of Jewish collectors was forced, the National Socialists wanted to prevent their works of art from being taken abroad. It can be noted, however, that the determination of the national value of a work of art was increasingly diluted and undefined under National Socialist ideology and in the course of anti-Jewish legislation. On the one hand, there was the ideological demand to draw the new national self-image from art, while, on the other hand, the selection criterion of *valuable* was increasingly interpreted in the original financial sense.

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[25] See "Verordnung über die Anmeldung des Vermögens von Juden", 26 April 1938, in: RGBl. (Reichsgesetzblatt), Jg. 1938, I, 414-415; "Verordnung über den Einsatz des jüdischen Vermögens", 3 December 1938, in: RGBl., Jg. 1938, I, 1709-1712, §14.

[26] See Reich Ministry of Public Enlightenment and Propaganda (Goebbels) to Reich Ministry of the Interior and others, 21 December 1938, in: Bundesarchiv (hereafter: BArch), Berlin, R 43II/1236, fol. 114. See "Gesetzentwurf über die Ausfuhr von kulturellen Werken", in: BArch, Berlin, R2/58980, fol. 57.

[27] See Reich Ministry of the Interior (Frick) to Reich Ministry of Public Enlightenment and Propaganda (Goebbels), 7 January 1939, BArch, Berlin, R 43II/1238a, fol. 83.

[28] "Niederschrift über die Besprechung am 21. Februar 1939 im Reichsministerium des Innern", in: Geheimes Staatsarchiv, Preußischer Kulturbesitz (GStA PK), Berlin, I. Ha Rep. 151 Finanzministerium, no. 1060, fols. 113-114.

[29] Reich Ministry of Science, Education and Culture (Kunisch) to Hamburger Kunsthalle (Kloos), 15 May 1939, in: Hamburger Kunsthalle, archive, 32-260.4, fol. 8.

[15] In 1936, Albert Lévy still believed in "an imminent change in the overall European situation"[30]. A year later he had to negotiate for the encroachment on his property: Lévy offered two Roman bronze pieces to the Museum für Kunst und Gewerbe as a gift so that, in return, the other objects might be removed from the List of Nationally Important Artworks[31]. The cultural authority in Hamburg refused the offer. Lévy had to leave the works behind, and the entire domestic assets of Lévy and his wife were seized by the state police in September 1939[32]. After some back and forth, the museum acquired the two Roman sarcophagi in 1943 for 4,000 *Reichsmark*[33]. Six years earlier, Hüseler had valued each sarcophagus at 10,000 *Reichsmark*[34]. According to Lévy's statements, he had bought them for 400 *Reichsmark* "several years ago from the Dr. Behrens collection". Lévy further stated, "The 2 old Roman stone tombs are almost unusable and of little value because of their great weight of about 2500 kg. [...] I had the intention to use these heavy pieces as a fountain in the garden"[35]. Because of their weight, the "nationally important" sarcophagi remained in the war-torn garage on Lévy's Hamburg estate[36].

[16] The sarcophagi were never integrated into the museum's collection or put on display. When Lévy asked about his objects after World War II, he found that the sarcophagi had suffered damage from the bombings and the other objects had disappeared[37]. A restitution of the two Roman sarcophagi to Lévy took place in 1950[38].

[17] The case of Albert Lévy illustrates the practices of handling the List of Nationally Important Artworks during the Nazi era: collectors tried to free works from the export ban by offering individual works as gifts to museums; the cultural authorities tried to keep the objects in the country for as long as possible; the works were then seized by the state police and transferred to public collections or sold. That we talk of a case concerning ancient objects is not exceptional; it is merely one example.

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[30] Lévy to his son Roland, 26 May 1936, in: Staatsarchiv Hamburg, R1937/317, fol. 80 verso.

[31] See Lévy to Landesfinanzamt Hamburg, 14 April 1937, in: Staatsarchiv Hamburg, R1937/317, fol. 41. See also Maike Bruhns, *Kunst in der Krise. Hamburger Kunst im "Dritten Reich"*, Hamburg 2001, 435-436.

[32] See Geheime Staatspolizei to Finanzamt Hamburg-Nord, 13 September 1939, and Geheime Staatspolizei to Finanzamt Moabit-West, Berlin, 6 February 1940, in: Staatsarchiv Hamburg, R1937/317, fols. 121 and 127.

[33] See Bruhns (2001), 435.

[34] See the letter from Museum für Kunst und Gewerbe Hamburg (Hüseler) to Landesfinanzamt Hamburg (Devisenstelle), 19 March 1937, in: Staatsarchiv Hamburg, R1937/317, fol. 30.

[35] Communication from Albert Lévy to Foreign Exchange Office, 20 February 1937, in: Staatsarchiv Hamburg, R1937/317, fol. 23.

[36] See Devisenstelle to Verwaltung für Kunst- und Kulturangelegenheiten Hamburg, 9 June 1944, in: Staatsarchiv Hamburg, R1937/317, fol. 134.

[37] See Bruhns (2001), 435.

[38] See BArch, Koblenz, B323/580, fol. 211.

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Special Issue

Irene Bald Romano, ed., *The Fate of Antiquities in the Nazi Era*, in: *RIHA Journal* 0282-0294 (15 September 2023), DOI: https://doi.org/10.11588/riha.2022.2.

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