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# GURLITT

Status Report Part 2: Nazi Art  
Theft and its Consequences

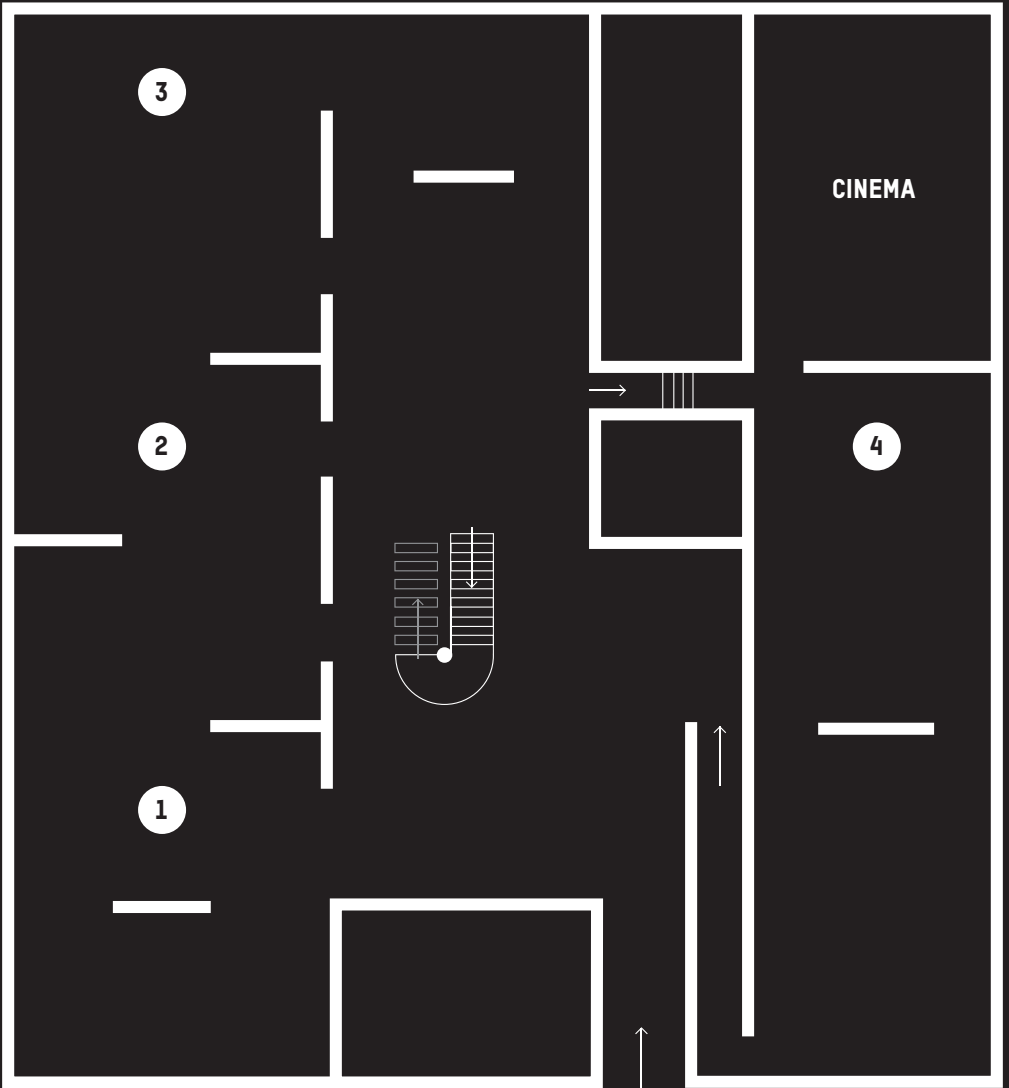
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KUNST  
MUSEUM  
BERN

EXHIBITION GUIDE

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# Introduction

Under National Socialism countless art works were taken from their owners. More than 70 years after the end of World War II they have still not all been returned to their rightful owners. That was made clear once again by the 'Gurlitt art trove', discovered in 2012. The finding of some 1,500 art works from the estate of the German art dealer Hildebrand Gurlitt also drew attention to the role of the art trade in the systematic plunder of European Jews. The anti-Semitic legislation of the National Socialists had momentous consequences on the art market. From 1933 on it forced Jewish art dealers out of the trade and led private individuals who had ended up in financial straits because they were forbidden to work, or who wanted to fund their own emigration, to sell valuable objects. Many art works ended upon the art market at low prices, from which those involved in the deal drew advantage. A Europe-wide plundering raid followed the radicalisation of the persecution policy and the expanse of the Nazi sphere of control. The second part of 'Gurlitt: Status Report' shows selected art works from the estate of Hildebrand Gurlitt. The works on display are around 120 paintings, sculptures, prints and drawings whose origins have so far not been conclusively proven, and some of which are therefore suspected of being looted art. In terms of an inventory, we take the trove as an opportunity to place Gurlitt's art deals in the historical connection of the National Socialist ostracism and the genocide of the Jewish population in Europe. Particular attention is focused on the circumstances of the acquisition of individual art works and the fates of their former owners. One chapter is devoted specifically to the restoration policy after the end of World War II. In the 'provenance research workshop', with reference to case studies you can understand the challenges and methods of research.

## Who was Hildebrand Gurlitt?

The art historian Hildebrand Gurlitt (1895–1956) made a name for himself as a patron of modern art in the world of German museums in the 1920s. This made him a target for the National Socialists. As early as 1930 he lost his position as director of Zwickau Museum because of Nazi persecution.

In 1933, the year of the Nazi seizure of power, he was placed under political pressure as director of the Hamburger Kunstverein, and avoided dismissal by resigning the post. Gurlitt moved into the art trade, and in 1935 opened his own gallery, the *Kunstkabinett Dr. H. Gurlitt*. His area of business expanded decisively in 1938 after the 'Degenerate Art' campaign. The Reich Ministry of Public Enlightenment and Propaganda commissioned him to take charge of the modern art works confiscated from German museums and sell them abroad.

As the Nazi sphere of influence expanded, Gurlitt was able to expand his area of business. After the occupation of Western Europe in 1940 he traded successfully on art markets in the Netherlands, Belgium and above all France. From 1943, with special authorisation, he bought art works for the planned 'Führermuseum' in Linz.

Gurlitt's rise occurred in parallel with the radicalisation of the Nazi policy of persecution, and documents in exemplary fashion the connections between the art trade and the looting of the European Jews. The Allies were aware of Gurlitt's activities, but they were not penalised after the end of the war. After his denazification as a 'Mitläufer' (fellow traveller), Gurlitt was quickly able to find his feet in the art trade again in the young Federal Republic. As director of the Kunstverein for Rhineland and Westphalia in Düsseldorf, he committed himself to the rehabilitation of modern art until his death in 1956.

## What is the 'Gurlitt art trove'?

The 'Gurlitt art trove' comprises artworks that were in the possession of Cornelius Gurlitt (1932–2014), son of the German art dealer Hildebrand Gurlitt (1895–1956). Most of the artworks were seized in 2012 in Cornelius Gurlitt's Munich apartment after tax investigations. The public learned about the 'art trove' through a report in the November 3, 2013 issue of 'Focus' magazine. The news received an unbelievable worldwide resonance among the press. With the further discovery of additional pieces in Cornelius Gurlitt's house in Salzburg, the total number of artworks in his possession amounted to over 1,500 objects.

Six years after the discovery of the 'Gurlitt art trove', the origin of most of the works has not been fully clarified in spite of several years of research. Until their origins have been explained, the works suspected of having been stolen remain in the charge of the Federal Republic of Germany, and in the exhibition they are shown as loans. The captions of the works provide information on their ownership status and reflect the current state of knowledge concerning their provenance.

## Why Bern?

We can not say for certain why Cornelius Gurlitt named the Kunstmuseum Bern his sole heir and only speculate as to the real reason. Even though Cornelius Gurlitt did visit the Kunstmuseum, he had no special personal connection to it. However, he had links to Bern through business contacts to the art trade, as well as the memories of visits to his uncle, Wilibald Gurlitt, who taught musicology from 1946 to 1948 at the University of Bern.

## Credit Lines

The so-called credit line provides information regarding the ownership of an artwork. With regard to the works of the 'Gurlitt art trove' the ownership depends on the result and accordingly the current status of provenance research.

### **Kunstmuseum Bern, Bequest of Cornelius Gurlitt 2014**

refers to works which can either be proved not to be Nazi looted art, or in all probability are not. This designation as a rule presupposes that changes of possession and circumstances of acquisition have been ascertained. These works have/will become part of the collection of the Kunstmuseum Bern.

### **Kunstmuseum Bern, Bequest of Cornelius Gurlitt, Provenance undergoing clarification / Currently no indications of being looted art**

refers to works whose provenance has not been definitively ascertained, but are not currently suspected of having been looted. If there are no changes, in the case of these works the Kunstmuseum Bern will, on completion of the research, have a choice between accepting the works in its collection, or passing them over to the Federal Republic of Germany.

### **Bequest of Cornelius Gurlitt 2014, Provenance undergoing clarification**

refers to works whose provenance has not been definitively ascertained but where their status as looted art cannot be ruled out. If there are no changes, in the case of these works, the Kunstmuseum Bern will have a choice upon completion of the research, as to accept these works in its collection.

### **Held in trust by the Federal Republic of Germany for the unknown owner, Bequest of Cornelius Gurlitt 2014**

refers to works which have been identified demonstrably or in all probability as Nazi looted art, but which cannot yet be assigned to any former owner.

## 'Gurlitt Art Trove' Chronology

### **September 2010**

The Bavarian Public Prosecutor's Office started an investigation against Cornelius Gurlitt on suspicion of tax evasion following a customs inspection on the train from Zurich to Munich.

### **February/March 2012**

Cornelius Gurlitt's Munich apartment was searched and the artworks discovered in it confiscated.

### **November 3, 2013**

A report in the news magazine 'Focus' made the 'Schwabing Art Trove' public. Many of the works were believed to be Nazi plunder. It turned out that the information on the size and value of the cache of artworks was greatly exaggerated.

### **November 2013**

The Federal Republic of Germany and the Free State of Bavaria set up the 'Schwabing Art Trove Taskforce.' This international team of specialists began with the research on the provenances of the artworks. In the following weeks the works confiscated from Gurlitt were published in the database [www.lostart.de](http://www.lostart.de).

### **February 2014**

Cornelius Gurlitt was represented by a court-appointed custodian and a team of lawyers. His legal representatives announced that further artworks had been found in Gurlitt's house in Salzburg.

#### **April 2014**

Cornelius Gurlitt signed an agreement with the Free State of Bavaria and the Federal Republic of Germany on the further procedures to be taken in regard to the art trove. In it he agreed to have the provenance of the artworks investigated by the 'Schwabing Art Trove Taskforce' and gave his consent to returning the works that proved to be Nazi-looted art to the descendants of the rightful owners.

#### **May 6, 2014**

Cornelius Gurlitt died aged 81 years in Munich. On the following day, on May 7, 2014, the Kunstmuseum Bern Foundation was informed that Hildebrandt Gurlitt had appointed it as his sole beneficiary in his last will and testament.

#### **November 21, 2014**

Ms. Ute Werner, Cornelius Gurlitt's cousin, contested the will.

#### **November 24, 2014**

The Kunstmuseum Bern decided to accept the legacy after seven months of consideration.

#### **March/April 2015**

The Probate Court in Munich decided that Cornelius Gurlitt's last will and testament was valid. Ute Werner filed a complaint on behalf of part of the family.

#### **May 2015**

Two works in the legacy could be restituted to their rightful owners: Max Liebermann's painting 'Two Riders on the Beach' was returned to the descendants of David Friedmann. Henri Matisse's painting 'Femme assise' was restituted to the descendants of Paul Rosenberg.

#### **January 14, 2016**

The 'Schwabing Art Trove Taskforce' submitted its final report. Subsequently the investigation of ownership and origins of the artworks was taken over by the project 'Gurlitt Provenance Research' of the German Center for Lost Cultural Property.

#### **December 15, 2016**

The Higher Regional Court in Munich rejected Ute Werner's appeal against the decision of the Probate Court in Munich and acknowledged the Kunstmuseum Bern as the legal beneficiary. With this decision the Kunstmuseum Bern and the Bundeskunsthalle in Bonn could intensify their preparations for the planned exhibitions.

#### **February 20, 2017**

Adolph Menzel's drawing 'Interior of a Gothic Church' was returned to the descendants of Elsa Helene Cohen.

#### **May 2017**

Camille Pissarro's painting 'La Seine, vue du Pont-Neuf, au fond le Louvre' was restituted to the heirs of Max Heilbronn.

#### **Since November 2017**

The Kunstmuseum Bern and the Bundeskunsthalle in Bonn are showcasing the works from the Cornelius Gurlitt legacy for the very first time to enable the public to have access to the works and learn about the history of the people involved.

# 1 Art dealer under National Socialism

Hildebrand Gurlitt quickly established himself as an art dealer. He built on existing relationships with collectors, gallery-owners, artists and museums and continued his commitment to modern art.

Until the beginning of the Second World War, Gurlitt presented a varied programme of exhibitions in the spaces of his gallery in Hamburg-Rotherbaum. Some of the artists represented were well known, such as Max Beckmann, Franz Radziwill and Christian Rohlf, while others were names less current today, such as the Hamburg artists Hans Ruwoldt and Fritz Flinte. These exhibitions alternated with shows of 'Old Masters' and art of the 19th century. Gurlitt specialised in works on paper and dealt in paintings that appealed to the tastes of a circle of customers trained in the conventions of the 19th century. In 1942 he moved his business base to Dresden.

When artists, art dealers and collectors in his immediate environment were ostracised as 'Jewish' and increasingly stripped of their rights by Nazi legislation, Gurlitt managed to expand his field of business. He bought art from persecuted collectors who were forced by the loss of their livelihood and by compulsory payments to the regime to put their possessions on sale, often below their market value.





## 1.1 Heinrich Louis Theodor Gurlitt

Some 30 paintings and 60 drawings by Heinrich Louis Theodor Gurlitt (1812–1897), Hildebrand’s grandfather, have been preserved in the ‘Gurlitt art trove’. During his training at Copenhagen Academy of Art the Hamburg painter specialised in harmonically composed landscape paintings. Particularly in the panoramic landscapes typical of his work, Gurlitt worked on the impressions of nature from his many travels, which brought him to Scandinavia, Italy, the Iberian peninsula and Greece, among other places. German art of the 19th century was highly valued in National Socialism. Paintings of Romanticism and Historicism appealed to the artistic taste of large parts of the German population, and were highly regarded among political leaders. Hildebrand Gurlitt supplied this demand, and offered works by his grandfather for sale in the *Kunstkabinett*. Exchanges for works of German modern art from the ‘Degenerate Art’ portfolio have been confirmed. The large number of photographs in the posthumous papers show that he carefully documented the works of his grandfather Louis Gurlitt.



## 1.2 Helene Gurlitt, business manager of the gallery

Hildebrand’s wife Helene Gurlitt also played an important part in the ‘*Kunstkabinett* Dr. H. Gurlitt’. In 1933 she encouraged him to conduct his art deals in their own apartment, and she herself offered crafts for sale there. After the *Kunstkabinett* opened in Hamburg-Rotherbaum in 1935, that retiring approach was maintained. Anyone wishing to visit the exhibitions had to ring the doorbell. Discretion made

it possible for them to give clients personal treatment, and was a precautionary measure in terms of the increasing Nazi control of the art trade. After the legal foundation for a persecution of the Jewish population in Germany was established with the passing of the ‘Nuremberg Laws’ in September 1935, Gurlitt was identified as a ‘Mischling zweiten Grades’ (half-caste of the second degree) because of his Jewish grandmother. Since he feared coming into the sights of the regime because of this, Helene Gurlitt officially became business manager of the gallery. Gurlitt escaped the complete ‘Aryanisation’ of the art trade, which was made compulsory at every level in 1938, through a loophole.



## 1.3 Changing concepts of collection – an exchange of artworks

After the National Socialists came into power in January 1933, museums in Germany changed their permanent exhibition and revised their collections. Artists who were considered ‘Jewish’ or ‘un-German’ according to the Nazi ideology, disappeared one by one from exhibitions, and some of them were sold. Art dealers like Hildebrand Gurlitt offered to take over works of modern art from museum collections and offered substitutes in return. One complex exchange of artworks bears out these practices in exemplary fashion: Düsseldorf City Art Collections wanted to offload the painting ‘Der Heimweg’ (The Way Home) by the artist Edvard Munch – considered ‘degenerate’ – at a value of 6,000 Reichsmark. They swapped it for the ‘Portrait eines siebenjährigen Jungen’ (Portrait of a Seven-Year-Old Boy) by Samuel Hofmann from the Rheinisches Landesmuseum in Bonn. From Bonn, ‘Der Heimweg’ reached Hildebrand Gurlitt in exchange for a landscape painting by Anton Mirou at a value

of 5,500 Reichsmark. Gurlitt made up the difference of 500 Reichsmark with the addition of two paintings by the contemporary painter Robert Pudlich. At last he sold 'Der Heimweg' along with five more works by Edvard Munch via the Norske Kreditbank to the collector Johan(n)-essen in Oslo.

1.4

## Max Liebermann

Works by the German Impressionist Max Liebermann (1847–1935) were represented in almost all top-class museum collections in Germany. Because Liebermann was Jewish, however, the National Socialists rejected him, so that his works vanished from the permanent collections of German museums after 1933. The Hamburger Kunsthalle tried to get rid of their works by Liebermann. After initial attempts in the late 1920s, from 1934 the collection director Werner Kloos intensified his efforts to sell works by Liebermann. Like other art dealers, Hildebrand Gurlitt declared his interest. After two unsuccessful attempts, in March 1941 an exchange took place. The Kunsthalle got rid of four works by Liebermann, among them 'Wagen in den Dünen' (Carriage in the Dunes'), as well as a painting by Oskar Kokoschka. In return they received a landscape painting by Hans Thoma and one by Leopold von Kalckreuth. Gurlitt passed on three paintings by Liebermann to the private collectors Georg Glaubitz, Otto Hübener and Hermann F. Reetsma. 'Wagen in den Dünen' remained in Gurlitt's possession, was confiscated by the Allies and dispatched to the Central Collecting Point in Wiesbaden. When Gurlitt was challenged by the newly appointed director of the Kunsthalle in Hamburg, Carl George Heise, to give him the names of the buyers, he offered to give the Kunsthalle the 'Wagen in den Dünen' 'as a voluntary expression of goodwill'.

1.5

## Max Beckmann

Max Beckmann (1884–1950) is now considered as one of the most internationally significant German painters of classical modern art. His portraits and allegories were acknowledged as early as the 1920s. From 1933 he was one of the artists attacked and proscribed by the National Socialists. In the course of 1937, 685 works by Beckmann were removed from German museums. On 17 July 1937, two days before the opening of the 'Degenerate Art' exhibition, Max Beckmann left Berlin and emigrated to Amsterdam with his wife. His last exhibition in Germany was held in 1936 in Gurlitt's Kunstkabinett in Hamburg.

Gurlitt bought several paintings directly from Beckmann in his Dutch exile and supported him by using his own art transports to bring other works secretly to Germany. Beckmann's wife Mathilde 'Quappi' Beckmann recorded a visit on 13 September 1944 in her diary: 'today Göpi [the art historian Erhard Göpel] came unexpectedly. Tiger with him and Gurlitt at Lütjens, bought French Bar, Fish, South[ern] Landscape – the Journey'. Beckmann's character witness statement exonerated the art dealer in his denazification trial (1945–1947).

1.6

## Case Study: The Wolffson – Cohen Family

In 1938 Hildebrand Gurlitt bought the pencil drawing 'Inneres einer gotischen Kirche' (Interior of a Gothic Church, 1847) by the history painter Adolph Menzel. It was among the 23 drawings that Gurlitt had acquired from the descendants of the Hamburg lawyer and patron Albert Martin Wolffson (1847–1913). Menzel's drawings formed the core of the art collection

that passed to his widow Helene Marie Wolffson after his death; she sold parts of it and left the rest to her children Elsa Helene Cohen, née Wolffson (1874–1947) and Ernst Julius Wolffson (1881–1955).

From 1933 the Protestant Wolffson family, stigmatised as ‘Jewish’ by the so-called ‘Nuremberg racial laws’, was exposed to the repressions of the Nazi regime. While Ernst Julius Wolffson survived the Nazi period in Hamburg, in August 1941 his sister managed to escape to the USA. She followed her son’s family, who had already left Germany in 1939. A few months before they emigrated, on 31 December 1938 the family had sold 14 Menzel drawings to Hildebrand Gurlitt.

Gurlitt showed the drawings in 1939 in his gallery and offered them for purchase to museums and private collectors. According to the entry in his accounts book Gurlitt paid 150 Reichsmark for ‘Inneres einer gotischen Kirche’. This portfolio included the pencil drawing ‘Blick über die Dächer von Schandau’ (View over the Roofs of Schandau, 1886), which is also shown here. This work appeared in a Menzel exhibition at the Gerstenberger Gallery in Chemnitz in 1939, where the Wallraf-Richartz-Museum in Cologne bought the drawing.

After the war Gurlitt denied knowing anything about the whereabouts of the works from the Wolffson collection. It was only thanks to the ‘Gurlitt art trove’ that the drawing ‘Inneres einer gotischen Kirche’ reappeared and it could be restored to the representatives of the heirs of Elsa Helene Cohen, née Wolffson. In 2016 the Wallraf-Richartz-Museum returned the drawing ‘Blick über die Dächer von Schandau’.



### Case Study: Fritz Salo Glaser

Private collectors played an important part where modern artists were concerned. The

lawyer Fritz Salo Glaser (1876–1956) was one of the most important supporters of the Dresden ‘Secession Gruppe 1919’ around Otto Dix and Conrad Felixmüller. One of his regular visitors, alongside artists and writers, was Hildebrand Gurlitt, twenty years his junior, who could admire works by Otto Dix, Max Beckmann, Lyonel Feininger and many others at the lawyer’s house. As director of the Zwickau Museum, Gurlitt showed works from the Fritz Salo Glaser collection as loans in an exhibition in 1929. Because of his Jewish origins, Glaser was excluded from the bar association as early as 1933, and in 1936 he was entirely forbidden to pursue his profession. He was obliged to sell many works from his collection in order to ensure his livelihood. In 1945 Glaser only narrowly escaped deportation to Theresienstadt concentration camp in February 1945. After the end of the war he worked again as a lawyer in Dresden.

As the inscription on the reverse of each of these pictures reveals, the three works on display are from the collection of Fritz Salo Glaser. When and under what circumstances Gurlitt came into the possession of the watercolours has not yet been conclusively explained.



### Case Study: Ismar Littmann

Ismar Littmann (1878–1934) had an extensive collection of expressionist art – including works by Max Liebermann and Lovis Corinth, the Brücke artists Erich Heckel, Otto Mueller and Max Pechstein, as well as Emil Nolde and Otto Dix. The discrimination against the Jewish population that began after the seizure of power by the National Socialists in 1933 also influenced Littmann’s financial situation. After Littmann’s suicide in 1934, the family was forced to put part of the collection on sale with the Berlin Max Perl auction house.

A few days before the auction in February 1935, however, 64 works were confiscated by the Gestapo because of ‘typically Bolshevistic artistic depictions of a pornographic character’ and sent to the Nationalgalerie Berlin for appraisal, including 14 from the Littmann collection.

The director Eberhard Hanfstaengl chose four paintings and at least 14 prints to be stored in the Museum, while the others were destroyed. One of the paintings acquired from the Littmann collection, ‘Zwei weibliche Halbakte’ (Two Female Semi-Nudes, ca. 1919) by Otto Mueller, was confiscated two years later as part of the Nazi’s ‘Degenerate Art’ campaign. After the auction of the painting by Galerie Fischer in Lucerne in 1939 failed, Hildebrand Gurlitt acquired the painting and sold it in 1942 to the collector Josef Haubrich. In 1946 the work entered the collection of the Wallraf-Richartz-Museum in Cologne as a donation of the collector Josef Haubrich.

For part of the collection Littmann’s children received compensation payments after the end of the war. Only the discovery of two inventories allowed the heirs to trace the location of further works. Mueller’s painting ‘Zwei weibliche Halbakte’ was restored to the family in 1999, and later repurchased by the Wallraf-Richartz Museum.

With ‘Dame in der Loge’ (Lady in a Theater Box) and ‘Dompteuse’ (Animal Trainer) the ‘Gurlitt art trove’ includes two watercolours by Otto Dix, which may have belonged to Littmann collection. Their provenance has not as yet been conclusively clarified.



## The ‘Degenerate Art’ campaign

In 1937 and 1938 the Reich Chamber of Visual Art confiscated over 20,000 art works from German museums. They included works of

Expressionism and Abstraction, but also anti-war paintings, as well as works by socialist, communist and Jewish artists.

In the summer of 1937 the Nazi regime organised the exhibition of proscribed ‘Degenerate Art’ in Munich. The exhibition in the gallery building in the Hofgarten was merely intended to defame the works of modern artists. With condescending commentaries, paintings were publicly mocked as ‘sick’ and ‘un-German’. The expropriation of the museums was retrospectively legalised by the ‘Law on the Confiscation of Degenerate Art’ on 31 May 1938. Hermann Göring suggested that the works be sold abroad to bring in foreign currency. The auction of confiscated works by the Galerie Fischer in Lucerne received much attention. The ‘Kommission zur Verwertung der Produkte entarteter Kunst’ (Commission for the Sale of the Products of Degenerate Art), to which the art dealer Karl Haberstock belonged, commissioned four dealers to hold the sale: Bernhard A. Böhmer, Karl Buchholz, Ferdinand Möller and Hildebrand Gurlitt.



## The dealers of ‘degenerate’ art

### Hildebrand Gurlitt

Hildebrand Gurlitt got wind of the fact that the works of art seized by the Nazis were to be sold internationally for hard currency in the fall of 1938. He therefore offered his services as an art dealer to the Ministry of Propaganda. Gurlitt signed several contracts with the Ministry over a period of two-and-a-half years. According to information currently available, he received 3,879 works to trade from the confiscated objects, among them 78 paintings, 278 watercolors, 52 drawings, and 3,471 prints. He therefore traded a larger number of artworks than his colleagues Ferdinand Möller, Karl Buchholz, and Bernhard A. Böhmer.

## Bernhard A. Böhmer

Bernhard A. Böhmer (1892–1945) was an intimate and the assistant of the sculptor Ernst Barlach. Initially Böhmer was the only agent selling Barlach's works, which he still was able to sell to collectors despite the fact that such action was officially outlawed. In 1938, the Ministry of Propaganda authorized him and other art dealers to profitably turn the confiscated degenerate works into cash. When Böhmer committed suicide in 1945, large quantities of this art were still in storage in Güstrow.

## Karl Buchholz

Karl Buchholz (1901–1992) established a bookshop with a gallery in Berlin in 1925. With the help of his business partner Curt Valentin, who as a Jew was forced to emigrate and subsequently set up a branch in New York, Buchholz was able to sell countless artworks to museums in the United States. Thanks to Buchholz, 644 'degenerate' artworks found their way to New York. Still during the Second World War he was able to open further branches in Bucharest, Lisbon, and Madrid. After the war ended, having emigrated to Colombia, he continued dealing in art while there. It has remained impossible to trace the whereabouts of many of the artworks that Buchholz hid in Germany or sent to other parts of the world.

## Ferdinand Möller

Ferdinand Möller (1882–1956) opened a gallery in Berlin in 1918, where he promoted German contemporary art in preference to foreign and French art. His stance earned him popularity among right-wing politicians. From 1933 onwards he fostered close contacts with individual Nazi functionaries both as a supporter of the National Socialist artists group 'Der Norden' (The North) and as a member of the Militant League for German Culture. From 1938 to 1941, Möller received some 700 artworks from the 'degenerate art' holdings of the state. Violating

regulations, Möller sold the pieces to German collectors too. In 1943 he moved his gallery to Neuruppin and in 1951 he opened a new gallery in Cologne, which was closed down after his death in 1956.



## Material Study: Erich Heckel, 'Liegende' (Reclining Woman), 1913

Woodcut, coloured, 26,2 x 22,4 cm  
Kunstmuseum Bern, Bequest of Cornelius Gurlitt 2014, Provenance undergoing clarification/ Currently no indications of being looted art

Hildebrand Gurlitt bought the coloured woodcut by the Brücke artist Erich Heckel in 1941 from the Ministry of Propaganda. The work had previously been confiscated by the German state from the Museum of Fine Arts in Königsberg in the context of the 'Degenerate Art' campaign. The reverse shown here reveals traces of deletions and erasure. They lead to the conclusion that inscriptions which were previously present, and which might give clues to previous owners, have been deliberately removed.



## Trading with Switzerland

The story of the art dealer Hildebrand Gurlitt is also part of Swiss history – not just since the Kunstmuseum Bern was left the bequest of Cornelius Gurlitt in 2016.

Art dealing is an international business. Swiss art dealers bought and took part in auctions abroad, collectors auctioned art works from their property in Switzerland, German art dealers had branches in the country. Switzerland was also interesting as a market for the modern art works vilified as 'degenerate'. Hilde-

brand Gurlitt may have traded with Swiss colleagues even before 1939. But in 1938, when he received the commission from the Ministry of Propaganda to sell works of 'degenerate' art confiscated by the state for foreign currency abroad, Switzerland became an important market for Gurlitt.

Letters from Gurlitt can be found in the archives of the Kunstmuseum Basel and the Kunst Museum Winterthur. While the collector Oscar Reinhart did not react to Gurlitt's offers, in April 1939 he sold Franz Marc's painting 'Tierschicksale' (The Fates of Animals, 1913) to the Kunstmuseum Basel. A friend of Gurlitt's was also involved in this sale, the Swiss artist Karl Ballmer.

Research so far allows us to conclude that many of Gurlitt's deals are not documented. Accordingly it cannot be ruled out that he made a larger number of sales in Switzerland. What is documented is that in 1939 he sold confiscated works by Vassily Kandinsky that had been confiscated as 'degenerate' to the USA through the Bern art dealer August Klipstein. It is also documented that he was present at the well-known Lucerne auction on 30 June 1939, organised for the 'Third Reich' by Galerie Fischer.

From the works that went unsold on that occasion, in 1941 he received four in exchange for 19th-century paintings from the Ministry of Propaganda. All in all Gurlitt may well have undertaken a larger number of deals in Switzerland – we may conclude as much from the papers of the Swiss customs office that are kept in the Federal Archive in Bern.

A letter from Klipstein dating from 1947 refers to a depot in the customs-free storage unit in Basel: 'Are you still in possession of a number of prints? You will remember that we once looked through a small collection in Basel, in the customs-free storage unit.' So even in the years after the Second World War Switzerland remained important for Gurlitt.

We so far have the most information about Gurlitt's sales of art works from German museums. These sales are legally unimpeachable, because the confiscations from public collections were legalised in 1938 by a law that was also accepted by the Allies after the end of the Second World War and never repealed by the Federal Republic.

On the other hand no research whatsoever has hitherto been carried out into the question of whether Gurlitt maintained a storage unit in Switzerland and used the country as a market for stolen art works. References may be found to him taking art purchases made in Paris and selling them on to Switzerland. Thus for example he sold a painting by Giovanni Segantini of French provenance to the Lucerne dealer Theodor Fischer. Whether he worked for Swiss art dealers and collectors as an agent at the art markets in Paris cannot yet be confirmed in detail. Further research will examine these questions.



## 2 Art trade and the formation of taste

The trade in 'degenerate art' was the beginning of Gurlitt's collaboration with the Nazi regime. The prohibition of modern art determined the economics of the art trade, as well as the artistic taste of the Nazi leaders and the forced sales of private property.

Art was a central part of the Nazi reign. Adolf Hitler and Hermann Göring had already started to build up their private collections in the early 1930s. Other Nazi party leaders followed their example, thus symbolically demonstrating their rank and their increase in power. They took their bearings from an artistic canon that had formed towards the end of the 19th century. Apart from the Renaissance, favourites of the artistic canon of the late 19th century (the so-called Gründerzeit) included 17th-century Dutch painting and 19th-century history and genre painting. For Hitler, true art had a connection with nature and tradition. He was particularly partial to the historical painter Hans Makart and the genre painter Carl Spitzweg.

From 1939, the construction of an art gallery planned for Linz required a further supply of museum-ranking art works. As the Jewish population were stripped of their rights, the regime gained access to their property. After Austria was incorporated into the German Reich, the targeted confiscation of Jewish art collections began – a practice that was later extended to the occupied countries. As part of these policy measures, art dealers like Hildebrand Gurlitt expanded their businesses.

The works in the 'art trove' show the extent to which Gurlitt conformed with the market: his acquisitions include still lifes, landscapes and interiors from the Dutch Golden Age, 19th-century paintings, including a portrait of a lady by Ferdinand Georg Waldmüller, an artist that Hitler admired. The large number of drawings by Italian and French masters of the Baroque and Rococo shows Gurlitt's preference for works on paper – but the holdings also suggest the decline in high-quality paintings on the art market.





2.1

## 'Sonderauftrag Linz' (Special commission Linz)

With the so-called 'Anschluss' of Austria Adolf Hitler developed a plan to found a gallery of paintings in his home town of Linz. The 'Führer-vorbehalt' (Führer's Proviso), passed in June 1938, formed the basis for Hitler's personal seizure of confiscated art collections. In June 1939 Hitler commissioned the director of the Gemäldegalerie in Dresden, Hans Posse, to assemble a collection for the planned 'Führer-museum'. The surviving photograph albums give an impression of the range of the collection. The first person to hold the office of chief buyer was the art dealer Karl Haberstock. Alongside him, numerous art dealers scoured the European markets for works to be included in the collection of the future museum. Under Posse's successor Hermann Voss, in 1942 Hildebrand Gurlitt rose to become one of the chief buyers in the French art market. The high demand and apparently inexhaustible funds for acquisitions drove prices disproportionately high. According to the state of present research, in 1945 there were demonstrably more than 7,000 art works in the collection of 'Sonderauftrag Linz'. Of these, 3,071 works come from the confiscations of Jewish collections, while a further 4,100 were acquired on the art market or directly from private collections.



2.2

## Case Study: Henri Hinrichsen

In January 1940 Hildebrand Gurlitt bought two paintings and two drawings from Henri Hinrichsen (1868–1942). These included the drawing 'Das Klavierspiel' (Playing the Piano) by Carl Spitzweg.

Hinrichsen ran the renowned Leipzig music publisher C.F. Peters, and as patron he supported the museums and libraries of the city. As a Jew, he fell victim to the tightened anti-Semitic laws of the Nazi regime in 1938. In December 1938 the state confiscated the publishing company and imposed a so-called 'Sicherungsanordnung' on Henri and Martha Hinrichsen's private assets so that the couple no longer had free access to them. While preparing to emigrate Hinrichsen drew up a list of his possessions including works of art and a valuable collection of autographs. The finance office Leipzig ruled that the collection should be sold. In 1939 eight paintings moved from Hinrichsen's collection to Leipzig Museum of Visual Arts, and the other art works ended up on the art market. The Hans W. Lange auction house, the Combé gallery in Berlin and Hildebrand Gurlitt bought works from Hinrichsen. For the drawing by Carl Spitzweg, Gurlitt paid 300 Reichsmark, a price far below the value of the work at that time. With his wife Martha, Hinrichsen travelled to Brussels in 1940, where they waited for emigration visas to Great Britain or the USA. His wife died in Belgium in 1941, and he himself was arrested and deported to Auschwitz concentration camp, where he was murdered on 17 September 1942. After the Second World War Henri and Martha Hinrichsen's sons investigated their former property. Hildebrand Gurlitt and his wife Helene denied to the Hinrichsen family and the authorities that they were still in possession of the drawing. In 2012 Carl Spitzweg's pencil drawing showed up in the possession of Cornelius Gurlitt. The restitution process was initiated in 2014.

### 3 The Paris art market (1940–1944)

After the capitulation of France on 30 June 1940, Adolf Hitler issued an order for art works in the possession of the French state and in private collections to be seized. Museums, archives and libraries were placed under the auspices of the occupying power. Art works and whole collections of furniture from Jewish private ownership were confiscated. Precious collections from Jewish families such as the Rothschilds, the Bernheim-Jeunes, Alphonse Kann and Adolphe Schloss were plundered during the German occupation of France. French art dealers of Jewish extraction had to surrender the business management of their galleries to 'Aryan' administrators, and were thus effectively expropriated. German art dealers, like Hildebrand Gurlitt, were excepted from the ban on exports of cultural assets belonging to the French government. They bought works in France for German museums and international collectors or sold them to art dealers in third countries.

The 'Degenerate Art' campaign had left large gaps in museum collections, which were to be compensated for by new acquisitions, with a special focus on French art of the 18th and early 19th centuries. Gurlitt sold a particularly large number of works by French artists to the Wallraf-Richartz-Museum in Cologne.

Between May 1941 and October 1944 he sold to the 'Sonderauftrag Linz' at least 300 paintings, sculptures, drawings and tapestries from France. The art market reacted to the high demand for high-quality works and Paris underwent a boom. Documents confirm the high prices of the works, for the sale of which Gurlitt received a commission of 5%.

In the 'Gurlitt art trove' today there are many works of French provenance. In the case of the majority of these works the circumstances of their acquisition cannot yet be adequately reconstructed.

## Case study: Roger Delapalme

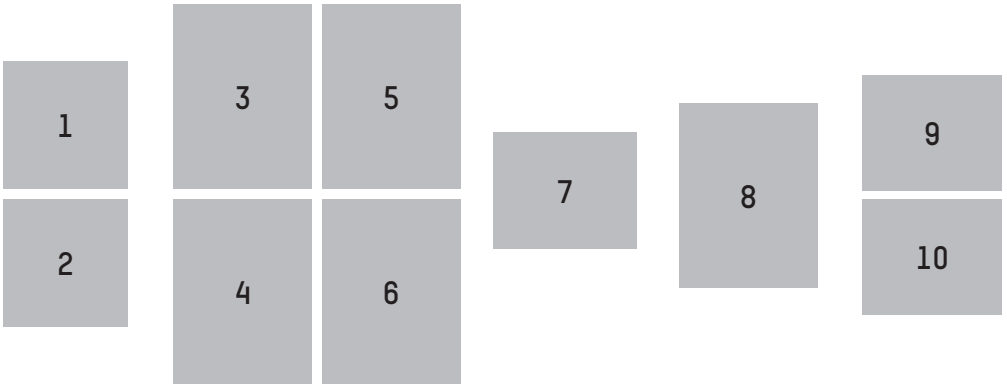
In the summer of 1942 Hildebrand Gurlitt acquired a portfolio of 38 works of art from Roger Delapalme (1892–1969). Delapalme came from a well-to-do Parisian family, and as an insurer of fine art exhibitions and shipping, he had good connections with art dealers and artists. Reconstructions have been able to demonstrate that Delapalme bought 58 paintings and drawings between 1920 and the mid-1930s, and furnished his apartment with them. He collected art of the French and Italian Rococo. The ‘Gurlitt art trove’ includes many drawings showing idyllic park landscapes and architectural views, as well as portraits from the French bourgeois and aristocratic milieu of France with a provenance from Delapalme. No one knows why Delapalme, who was neither Jewish nor an emigrant, should have sold his artistic possessions in 1942. But confiscation as the result of persecution or compulsory purchase may be ruled out. This group of works was legally acquired through the art trade.

## The encounter with French art

The ‘Gurlitt art trove’ can be considered as the legacy of an art dealer who did not so much follow a strict collection concept as take his bearings from the concrete situation of the market. For that reason we find in it groups of works that were in demand by collectors precisely because of the Nazi art diktat – such as the French Impressionists, for example. A series of works by significant 19th-century artists have been preserved in the ‘art trove’: paintings by Gustave Courbet, early works by Édouard Manet, paintings and drawings by the Impressionists Claude Monet, Auguste Renoir

and Edgar Degas. The sculptures of Auguste Rodin and the extensive groups of works by the Neo-Impressionist Paul Signac are particularly distinctive.

Impressionist painting was based on colour effects and moods, and placed the depiction of an impression over naturalistic representation. The Pointillistes constructed their paintings on scientifically based theories of vision. Signac’s painting ‘Quai de Clichy’ (Banks of Clichy, 1887) gives visual form to the principle that the individual colour particles assemble themselves into an overall impression in the viewer’s eye according to the law of complementary contrast. In 1956 Gurlitt described his encounter with the art of Impressionism as one of genuine fascination: ‘You see, Ladies and Gentlemen, two major events have occurred to me in my life: Expressionism, which I grew up with when I was living in Dresden as a young person, and the great French painting that I met later on. The result of this encounter is: a collection of modern watercolours, let us say from Barlach to Klee and Kandinsky. [...] There also came about a collection of French Impressionists and drawings that adorn my apartment. [...] However, many chance occurrences had to take place for everything to go so well. For example the Third Reich, which released me from my office and made me an art dealer ‘for a thousand years’, and a little intellectual disaster that completely devalued what I loved about art on the market; and also a small general disaster that led me to transform the entire fortune of my family into movable objects. But without a doubt – a thousand others could have done it as well’.



**1**  
**Jean-Baptiste Oudry**  
Hunting Piece with Dog and Roe Deer, 1740s

**2**  
**Jean-Baptiste Oudry**  
Hunting Scene with Two Dogs and a Boar's Head, 1740s

**3**  
**Giovanni Battista Tiepolo**  
David and Goliath, ca. 1725

**4**  
**Giovanni Battista Tiepolo**  
Adoration of the Child, n. d.

**5**  
**Giovanni Battista Tiepolo**  
Preparatory Study for: Saint Thecla Frees  
The City of Este from the Plague, before 1759

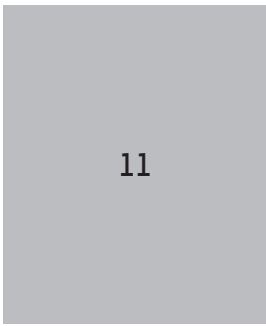
**6**  
**Giovanni Battista Tiepolo**  
Martyrdom, n. d.

**7**  
**Eugène Delacroix**  
Lion, 1859

**8**  
**Eugène Delacroix**  
Knight on an Armoured Horse, n. d.

**9**  
**Eugène Delacroix**  
Oriental Horseman, n. d.

**10**  
**Eugène Delacroix**  
Oriental Horseman, n. d.



**11**  
**Gustave Courbet**  
Jean Journet, 1850 (?)

**15**  
**Théodore Rousseau**  
Landscape near Fontainebleau, ca. 1864

**12**  
**Gustave Courbet**  
Still Life with Peaches, n. d.

**16**  
**Jean-Baptiste Camille Corot**  
Memory of Pierrefonds, 1865–1870

**13**  
**Edouard Manet ?**  
Still Life with Glass and Fruits, n. d.

**17**  
**Jean-Baptiste Camille Corot**  
Harvest Scene, n. d.

**14**  
**Eugène Boudin**  
The Harbour of Bordeaux, 1873

**18**  
**Henri Fantin-Latour**  
Morning Hour, 1873

## Business partners in France

From November 1940 Hildebrand Gurlitt was active in the art markets of France, Belgium and the Netherlands, which were flourishing under German occupation. Here too those suffering from the persecution of the Nazi regime were forced to sell their property, which constantly brought new goods on to the market. The accounts books and surviving archives only allow a partial reconstruction of Gurlitt's sales and purchases during the Second World War. In France he maintained contact with the art dealers Cailleux, Fabiani and the 'aryanised' Wildenstein gallery, which were known for their collaboration with the German occupiers. He also moved in a circle of dealers, middlemen and experts, including André Schoeller, Theo Hermsen Jr., Jean Lenthal and Raphaël Gérard. Gérard also sold paintings confiscated from Jewish collections, and was a major supplier to German buyers. After the liberation of Paris, Gérard was fined for illegal self-enrichment. Documents in the posthumous papers reveal that Gurlitt left art works in the care of Gérard in Paris in June 1944. It was not until the 1950s that he brought them gradually to Germany. Some of the works purchased in France are exhibited here.

### Jean Lenthal

According to Hildebrand Gurlitt's accounts books, in 1942 he bought 42 art works from Jean Lenthal (real name Hans Löwenthal, 1914–1983). Since their description has remained extremely vague, we cannot say with certainty whether the works in question are still in the 'art trove'.

The Paris art dealer Lenthal had Jewish roots and was deported in 1944. As one of the few survivors of Auschwitz concentration camp he returned to Paris after the end of the war. From there he once more sought to make contact

with Hildebrand Gurlitt. The preserved correspondence between the two men shows that the business documents should only be partially trusted. The letters confirm that in 1942 Lenthal only assumed the guise of a seller in order to give Gurlitt the necessary purchase documents for export.

### André Schoeller

Hildebrand Gurlitt's posthumous papers stress the important role of the Paris art dealer and expert André Schoeller (1879–1955). They include a total of 140 certificates signed by Schoeller, which confirm the authenticity of art works. However – as in the chalk drawing 'Promeneuse' (Strolling Woman) by Georges Seurat – often unclear whether Schoeller merely authenticated the works or was also involved in their sale. After the end of the Second World War, Schoeller was given a large fine for illegal self-enrichment. As he was able to provide credible evidence that he had been involved in the Résistance, however, he was cleared of accusations of collaboration.

### Theo Hermsen Jr.

The Dutch art dealer Theo Hermsen Jr. (1905–1944) specialised in Old Masters. In 1939 he transferred his art dealership from The Hague to Paris. Hermsen is considered an important dealer on the Paris art market during the occupation. He organised the export licences for Gurlitt, and worked as agent for Raphaël Gérard, André Schoeller and Martin Fabiani, among others. Apart from Gurlitt, Hermsen's most important clients in the German Reich were Hans Herbst (Dorotheum Vienna) and Hermann Voss ('Sonderauftrag Linz').

3.4

### Case Study: Armand Isaac Dorville

A label on the reverse of the 'Dame im Profil' (Profile of a Lady, 1881) by the French painter Jean-Louis Forain refers to an auction of art works from the collection of an 'amateur parisien' at the Savoy Palace Hotel in Nice. The 'Paris art lover' was Armand Isaac Dorville (1875–1941), a lawyer and politician, the son of Léon Dorville, president of the Jewish charitable organisation Bienfaisance Israélite. Armand Dorville was a passionate collector and patron and an important supporter of the Musée des Arts Décoratifs in Paris, to which he left a generous donation in his will. In June 1940 Dorville moved to his property in the Dordogne in the unoccupied part of France, where he died in July 1941.

With the German occupation of France and the Vichy regime anti-Jewish legislation on the German model was established in France. As Jews, Dorville's heirs were forbidden to inherit their brother's or uncle's property. The 'Commissariat Général aux Questions Juives' (General Commissariat for Jewish Questions) engaged a trustee and released the works for auction. At the auction in June 1942, 450 lots were put on sale, including paintings by Pierre Bonnard, Thomas Couture, Félix Vallotton and Auguste Renoir, but also the two works by Jean-Louis Forain shown here. At what point in time and under what circumstances the gouache and the painting entered Hildebrand Gurlitt's possession is so far unknown.

3.5

### Accounts books of Kunstkabinett Dr. H. Gurlitt

Along with other documentation, the company books of the Kunstkabinett allow us to undertake a detailed investigation into Gurlitt's profits and trade relationships. They are a valuable source for the history of the provenance of art works from the 'Gurlitt art trové' and the identification of looted art. Four accounts books have survived for the years between 1935 and 1944, but there are no documents for the period between 1933 and 1935 among the posthumous papers. However, research makes it clear that not all art works traded are documented in the accounts books. This applies above all to Gurlitt's acquisitions in occupied France (1940–1944).

3.6

### Provenance: Claude Monet, 'Waterloo Bridge', 1903

Oil on canvas, 65 x 101,5 cm  
Kunstmuseum Bern, Bequest of Cornelius Gurlitt, Provenance undergoing clarification /  
Currently no indications of being looted art

According to papers in the Zurich archive of the art dealer Paul Cassirer, Paul Durand-Ruel purchased the view of 'Waterloo Bridge' by Claude Monet in 1906. The following year he sold the painting to the Cassirer art dealership in Berlin, but bought it back in October 1909. In 1914 Cassirer bought Monet's view of London back. According to a written declaration by Maria Gurlitt dated 14 March 1938 and contained in the posthumous papers she gave the painting to her son Hildebrand as a wedding present in 1923. Gurlitt used this document to identify the painting as family property – at a time when his wife Helene had become busi-

ness director of the Kunstkabinett and the anti-Semitic persecution of the Nazi regime increased the number of compulsory purchase.

3.7

**Provenance: Édouard Manet,  
'Marine, temps d'orage', 1873**

Oil on canvas, 55 x 72,5 cm

Kunstmuseum Bern, bequest of Cornelius Gurlitt 2014

The painting 'Marine, temps d'orage' (Stormy Sea) was first sold from the estate of the artist Édouard Manet to Léon Leenhoff, before entering the collection of Charles Deudon. In 1922 the work was in the possession of the art dealer Paul Rosenberg. By 1932 at the latest the oil painting was part of the collection of the Japanese industrialist Kōjirō Matsukata in Paris. During the German occupation of France, the collection remained in a depository near Paris. Because of wartime restrictions on money transfers between Japan and France, Matsukata's administrator Kōsaborō Hioki was unable to keep up with storage payments, and in early 1944 he sold eight paintings from the collection, including Manet's 'Stormy Sea'. A short time later the painting was among the 70 works that Hildebrand Gurlitt stored with the art dealer Raphaël Gérard when he left Paris in 1944. The number '35' on the reverse of the canvas appears on two lists in the Gurlitt papers, one from April 1944 and one from September 1953. The painting is listed there under the title 'Marine' (1944) and 'Marine Oel' (1953).

3.8

**Provenance: Frans Francken,  
'The Marriage at Cana', ca. 1610**

Oil on wood, 53,7 x 71,8 cm

Bequest of Cornelius Gurlitt 2014,  
provenance undergoing clarification

Frans Francken painted several versions of the subject 'The Marriage at Cana'. One painting belonged to the Viennese doctor Adam Politzer. After Politzer's death in 1920 the painting passed to his daughter Alice Friedländer, who had kept it in her Berlin apartment until her escape from Germany in 1936. The painting was compulsorily sold in a public auction in 1943. Because of missing measurements, the panel painting from the 'Gurlitt art trove' could not unambiguously be identified as this work.

In the extensive research into this case, provenance researchers happened upon a different version of Francken's 'Marriage at Cana', which had been sold at the Hôtel Drouot auction house in Paris on 25 June 1943. The measurements of this work correspond to those of the painting from the bequest of the art dealer Hildebrand Gurlitt. According to Gurlitt's accounts books, he bought on 30 September 1943 a work titled 'Biblische Szene' (Biblical Scene) attributed to Francken from the Dutch art dealer Theo Hermesen in Paris. However on 14 October 1943 Gurlitt sold that work to Hermann Voss, the collection representative for the future 'Führermuseum' in Linz. The picture shown here was confiscated from Gurlitt in 1945 by US Army art protection officers who brought it to the Central Collecting Point in Wiesbaden. In December 1950 the work was returned to Gurlitt. At what point and under what circumstances it entered Hildebrand Gurlitt's ownership cannot be unambiguously determined.



3.9

### **Provenance: Jan Brueghel the Younger, 'River landscape', 1630s**

Oil on copper, 24,1 x 33 cm

Kunstmuseum Bern, bequest of Cornelius Gurlitt 2014, Provenance undergoing clarification / Currently no indications of being looted art

The provenance of the painting 'River Landscape' by Jan Brueghel the Younger before 1944 has not yet been clarified. According to the catalogue raisonné the small-format copper panel is a replica of a painting by Jan Brueghel the Elder. The signature seems to have been added later by a different hand. The oil painting is one of over 70 works that Hildebrand Gurlitt left with Raphaël Gérard, two months before the liberation of Paris. It remains unclear whether they belonged to Gurlitt or Gérard, or whether they might not have been a shared possession. The Brueghel landscape appears on two lists of works in Gurlitt's post-humous papers as number 64, and the number '64' can be deciphered on the reverse. On the 1944 list the work is listed as 'Brueghel: Marine, peinture sur cuivre', on the 1953 list as 'Brueghel: Marine, Oel a. Kupfer'.

It is impossible to determine precisely when the 'River Landscape' came into Gurlitt's possession. Gurlitt had some of the works stored with Gérard brought to Düsseldorf in 1953, and others were only collected by his family in Paris in 1957, after his death.

3.10

### **Provenance: Gustave Courbet, 'La Villageoise au chevreau', n. d. [1860]**

Oil on canvas, 73,3 x 60,3 cm

Bequest of Cornelius Gurlitt 2014, provenance undergoing clarification

According to a list in the Gurlitt papers, upon his return to Germany at the end of April 1944 he left the oil painting 'La Villageoise au chevreau' (Village Girl with Goat) in Paris with the art dealer Raphaël Gérard (1886–1963). In 1949 the painting was offered for sale at an auction in Monte Carlo as a work from the collection of Félix Gérard, the father of Raphaël Gérard, and sold for 480,000 French francs to an unnamed buyer. A year later the Marlborough Fine Arts Gallery in London offered the work for sale again, but seller and buyer are not named.

A catalogue of the sale in Monte Carlo was part of the documents of a restitution claim in France. René Dreyfus, whose collection was confiscated in 1941, thought he recognised some of his works among the works on auction, but could not prove his ownership. That leads to the assumption that Raphaël Gérard had wrongly declared the works for sale in the 1949 auction as works belonging to his family. So it is possible that Gurlitt had come into possession of the painting before 1944, and that Gérard had acted with Gurlitt's approval or even on his commission at the 1949 auction in Monaco and the sales exhibition in London in 1950. The claimed provenance from the collection of Félix Gérard might be seen as an attempt to conceal a change of ownership. It has not yet been possible to reconstruct how Courbet's painting entered Gurlitt's property after the second sale in London in the 1950s.

## 4 Restitution

The Gurlitt family home was burnt to the ground in the air raids on Dresden in February 1945. Gurlitt fled with his wife, children and a number of art objects to Aschbach in Upper Franconia, where the family stayed for three years. Hildebrand Gurlitt had been able to save large parts of his collection from the effects of war by distributing his art holdings around various locations. In the summer of 1945 the U.S.-Army confiscated art works in his possession that were suspected of being looted. These included paintings and drawings that Gurlitt had purchased on the French art market. Until 1950 these and other suspect art works remained as the 'Gurlitt Collection' in Wiesbaden Central Collecting Point, where their origins and the circumstances of their purchase were checked. Art protection officers questioned Gurlitt about his activities as an art dealer in the 'Third Reich'. Although he was often unable to give full explanations, and it is clear today that he lied on certain important points, in 1950 he was given his works back, with a few exceptions.

Gurlitt's records do not contain a trace of critical reflection on his role as an art dealer in the 'Third Reich'. The collection, whose true extent Gurlitt had always concealed, passed to his family after his death in 1956. In the course of the second half of the 20th century, Helene Gurlitt and her children faced questions about individual missing art works, but denied that they were in their possession. Since the discovery of the 'art trove', six works from Gurlitt's legacy have been identified as looted art. Four of these have so far been restored to the legal heirs of the injured parties: in 2015 Max Liebermann's painting 'Zwei Reiter am Strand' (Two Riders on the Beach) was restored to the heirs of David Friedmann. Matisse's painting 'Femme assise' (Seated Woman) by 2015 was given back to the heirs of Paul Rosenberg in 2015. In 2017 came the restoration of Adolph Menzel's drawing 'Inneres einer gotischen Kirche' (Interior of a Gothic Church) to the inheritors of Elsa Helene Cohen. The painting 'La Seine, vue du Pont-Neuf, au fond le Louvre' (The Seine, view from Pont-Neuf, the Louvre at the back) by Camille Pissarro was restored to the heirs of Max Heilbronn in 2017. Currently restitution processes are under way for the drawing 'Das Klavierspiel' (Playing the Piano) by Carl Spitzweg and the painting 'Portrait de jeune femme assise' (Portrait of a Seated Young Woman) by Thomas Couture.

4.1

### 'Seiltänzeri' (Tightrope act)

Hildebrand Gurlitt to [Bruno E. ?] Werner,  
Aschbach, 6. October 1945  
Typescript, carbon copy  
Bundesarchiv Koblenz, N 1826/184

After the end of the Second World War, Hildebrand Gurlitt described his action during the period of National Socialism as a 'tightrope act'. As Gurlitt's posthumous papers reveal, he used this symbol in a number of letters, including this one to the journalist and later diplomat Bruno E. Werner (1896–1964).

4.2

### Interrogations & denunciation

U.S.-Army art protection officers questioned Hildebrand Gurlitt in June and October 1945. In the course of those conversations Gurlitt revealed little to clarify his role as art dealer in National Socialism. He only hesitantly provided information about the works in his possession, and in some cases he obstructed their restoration by making false statements. Given the confused situation after the end of the 'Third Reich', Gurlitt's statements could not be checked or refuted – such as the claim that the accounts books for the Kunstkabinett had been destroyed in the war.

While Gurlitt attempted to cover up his own role, in a letter to Edgar Breitenbach, an art historian who had emigrated from Germany, and who had been commissioned as a U.S.-Army art protection officer to undertake the restitution of looted art, he denounced the art dealer Karl Haberstock, his predecessor as buyer for the 'Führermuseum Linz'.

4.3

### Identity construction & denazification

In his dealings with the western occupying powers, Gurlitt was able to present himself credibly as a victim of the National Socialist regime. In retrospect he described his life under the dictatorship as 'a tightrope act', a balancing act. Gurlitt's post-war identity fed largely on his family history, his partly Jewish origin, his dismissals on the ground of National Socialist persecution, and his rescue of modern art from National Socialist destruction by selling it. Gurlitt was able to rebut accusations of being an 'exploiter' of the Nazi regime by presenting statements from character witnesses, so that in 1948 the court in Bamberg dropped its denazification trial in 1948 and reduced the accusation to that of a 'Mitläufer' (fellow traveller).

After successful denazification, from 1948 until his death in 1956 Gurlitt headed the Kunstverein in Düsseldorf.

4.4

### The art trade after the war

Shortly after the end of the war Gurlitt resumed his work as an art dealer. At first he exchanged works of art for food to feed his family. Between 1946 and 1947 he travelled several times to the Soviet-occupied zone (Sowjetische Besatzungszone, SBZ), to bring art works that he had had left in Dresden back to the West. He had small-format objects sent by post to Aschbach. Fritz Hensel sent him the archaeological artefacts exhibited here from Freiberg near Dresden in 1947. From 1947 Gurlitt resumed contact with other art dealers and attempted to exploit his knowledge of the location of art works.

After his appointment as director of the Kunstverein Düsseldorf, Gurlitt put large portfolios of prints and paintings formerly from Germany museum collections up for auction.

4.5

## Central Collecting Point Bern

During the war looted art from France also entered the Swiss market. Art dealers brought art works into the country and sold them in galleries or through intermediaries. When being imported, works were not named individually, but often only measured by weight. In exchange deals it was possible to avoid customs, so that the Swiss authorities were kept uninformed about many of the items. Customs-free storage units meant that deals could be carried out entirely without the involvement of state offices.

Since German art dealers working for the National Socialists had also sold works to Swiss art dealers and private collectors, under Allied pressure there were also demands for restitution in Switzerland after the war.

On the urging of the western Allies, on 10 December 1945 the Federal Government ordered the return of stolen property that had reached Switzerland through occupied countries. The British art protection officer Arthur William Douglas Cooper played an important role in tracking down stolen art works. It was Cooper's research that led to the discovery of collaboration between French art dealers and Swiss collectors with German experts in the trade in 'degenerate' and looted art. At the Kunstmuseum Bern a Central collecting point was established for 77 paintings and drawings identified by the Allies as looted art. Court rulings ordered the return of the works to their original owners.

4.6

## Provenance Georges Mandel

Thomas Couture

Portrait de jeune femme assise, 1850–1855

Oil on canvas, 73,5 x 60 cm

Held in trust by the Federal Republic of Germany for the unknown owner, Bequest of Cornelius Gurlitt 2014

## Who was Georges Mandel?

Until 1940 the painting 'Portrait de jeune femme assise' (Portrait of a Seated Young Woman, 1850-1855) by Thomas Couture was in the possession of Georges Mandel (1885-1944), a French journalist and politician. Mandel was born Louis Georges Rothschild, the son of a tailor. Mandel started his career as a journalist for the magazine 'L'Aurore' (1897-1914), founded by Émile Zola, Georges Clemenceau and the defenders of Alfred Dreyfus. Clemenceau eased Mandel's path into politics. From 1919 until 1940 Mandel was, with some interruptions, a member of the National Assembly, and was three times a government minister. After the fall of the Popular Front government he was Colonial Minister between 1938 and 1940, and immediately before the German occupation of France Minister of the Interior between 18 May and 16 June 1940. Mandel was a vehement opponent of National Socialism and Fascism. He rejected the Franco-British appeasement policy towards Germany, in 1937 resisted the Munich Agreement on Hitler's forced division of Czechoslovakia, and advocated rejection of the armistice agreement of 22 June 1940 between Germany and France. He wanted to continue the fight against the German Reich from North Africa. At the instigation of Pierre Laval, the Interior Minister of the Vichy government, Mandel was arrested on 8 August 1940 in the French colony of Morocco and taken to the unoccupied part of France. An indictment for warmongering and support for Jewish interests led in 1941

to a life sentence. Until November 1942 Mandel remained in French custody; after the occupation of southern France by the Germans the Vichy regime handed Mandel over to the Gestapo, who imprisoned him in the concentration camps of Oranienburg and Buchenwald. In July 1944 Mandel returned to Paris, where he was handed over to the French militia. His execution by firing squad on 7 July 1944 in the forest of Fontainebleau was declared an act of retribution for an attack by the Résistance.

### **Avenue Victor Hugo 67, Paris**

It has so far proved impossible to reconstruct at what point and under what circumstances Thomas Couture's portrait of a woman disappeared from Georges Mandel's apartment at 67 Avenue Victor Hugo. What is known is that during Mandel's arrest in August 1940 the 'Sonderkommando Künsberg' gained access to his apartment. On the orders of the German Foreign Ministry the 'Sonderkommando' confiscated archives, libraries and art works in the occupied countries. The search is confirmed by a telegram from Eberhard von Künsberg to the Foreign Ministry in Berlin. According to this document, the 'search of the apartment of the Jew Mandel' began on 27 August 1940. As told by Künsberg the confiscated art works and documents were taken to the German Embassy in Paris. But there is no unambiguous evidence for the confiscation of Couture's 'Portrait de jeune femme assise'. In August 1941 the French far right 'Rassemblement national populaire' installed their party headquarters in Mandel's apartment.

### **Commission de récupération artistique**

After the liberation of France, the loss of art works was reported by Mandel's former companion, the actress Béatrice Bretty. Bretty drew up an inventory of their shared apartment, a copy of which is kept in the Archives diplomatiques of the French Foreign Ministry. It also contains a 'Portrait of a young woman, in

oil, half-length, signed COUTURE' which is supposed to have hung in the 'Petit Salon'. Bretty presented this document from December 1945 to the French authorities who were entrusted with the task of restoring stolen works from Germany to France, the Commission de récupération artistique.

### **Material findings**

The description of the Couture portrait in George Mandel's loss inventory deviates in one respect from the portrait of a woman in the 'Gurlitt art trove'. The 'Portrait de jeune femme assise' is signed at the bottom in the middle with the initials 'T. C.' and not 'COUTURE'. Thomas Couture often signed his works only with initials. So it is entirely possible that Bretty's memory of the portrait was imprecise in terms of the signature.

A hand-written note by the French art historian Rose Valland suggests a visit by Bretty to the Commission de récupération artistique on 21 May 1954. It lists seven paintings from the collection of Georges Mandel, including a portrait of a woman by Thomas Couture, with a visibly repaired hole in the middle of the chest.

During a detailed examination of the portrait by Couture in the 'Gurlitt art trove' a small hole in the canvas was discovered, matching the damage described in the documents from the 1950s. The results of the technical examination therefore lead to the conclusion, that the painting in Hildebrand Gurlitt's estate originally belonged to Georges Mandel.

A sticker on the ornamental frame of the painting, with the inscription 'Baronne de Gauial' at first suggested a different provenance. But an examination of canvas and frame for the purposes of restoration revealed the painting originally had a different frame, making the clue invalid.

## Gurlitt estate

In Hildebrand Gurlitt's business documents there are clues to the painting. The work was among seventy that he stored with the art dealer Raphaël Gérard when he left Paris in May 1944. The number '6' applied to the reverse of the canvas corresponds to the lists of works from April 1944 and September 1953 in the Gurlitt's papers. The picture appears there under the title 'Portrait de femme brune' (1944) and 'Frauenporträt Oel' (1953).

## Taken as part of the Nazi persecution

The clues mentioned above – the arrest and later murder of Mandel, the swapping of the original frame, the mission of 'Sonderkommando Künsberg' and the obvious suspicion that Hildebrand Gurlitt and Raphaël Gérard dealt in art works confiscated by the National Socialists in France – suggest that the portrait of a woman by Thomas Couture in the 'art trove' is a work taken as part of the Nazi persecution, and is hence looted art.



## Why restitution?

In terms of scale and consequences, the art theft by the National Socialists exceeded any historical precedent. An estimated three to five million art objects had been stolen through confiscation in the German Reich and the conquered territories. The theft was part of the extermination programme which – based on both racism and greed – was directed against the European Jews: they were stripped of their rights, expropriated and finally murdered in their millions.

After the end of the war the western Allies passed restitution laws for property confiscated for religious and political reasons. In the Federal Republic of Germany, the Federal Compensation and Restitution Law could only

be imposed in the face of political resistance and with pressure from the western Allies. In Switzerland the pressure from the western Allies led to the restitution of looted art that had entered the country through the art trade. Post-war restitutions were often incomplete: art collections were generally refunded with a compensation payment as part of the household goods, and rarely returned. Calculated sums and established maximums did not do justice to the value of the works.

With the 'Washington Principles' of 1998 it was agreed that because of the genocidal dimension of the National Socialist art plunder there can be no actual reparation and therefore no statute of limitations.

The 'Gurlitt art trove' reveals the consequences of Nazi art theft as they last until the present day. Twenty years after the 'Washington Conference Principles on Nazi-Confiscated Art', art works confiscated as part of the Nazi persecution are still in European museums and private collections. They change owners through gifts and foundations, and are in international circulation.

Even today, seventy years after the end of the Second World War, plunder can and should be returned to its legal owners or their descendants.

The 'Portrait de jeune femme assise' (1850–1855) by Thomas Couture was identified in November 2017 by the researchers on the 'Gurlitt Provenance Research' project as stolen art.

In three interviews, three individuals involved in different ways in the restitution process explain the legal and moral obligation to achieve 'fair and just solutions' in cases of stolen art.



# 5 Studio Provenance Research

## Where do the art works in the 'Gurlitt art trove' come from?

The 'Gurlitt art trove' initially became famous in the media as a lost 'Nazi treasure'. But after a short time quite different questions arose: Where do these art works come from? Under what circumstances did Hildebrand Gurlitt acquire them?

The works in the art dealer's estate entered his possession in different ways. Among them are some that were legally purchased, some which come from the confiscated works of 'Degenerate Art', some which were taken from their previous owners as a result of persecution, or whose origins have not been traced even today.

This is where provenance research begins. The term 'provenance' derives from the Latin verb *provenire*, and refers to the history of the ownership of something. Provenance research investigates the origins of art works, and the conditions under which they were owned.

It serves to identify cultural property that was stolen or looted, taken by the Nazis as a result of persecution or confiscated in armed conflicts, impounded, blackmailed, illegally appropriated or destroyed. Even without a legal background, provenance represents information that can enrich scientific research in many respects. Thorough knowledge about the origin of an art work is also important for its authentication, and thus has an effect on its cultural and material value.

References to origins can come from certain characteristics of the work itself, such as inscriptions, labels, stamps or seals. Sale documents and acquisitions of the object, auction and exhibition catalogues, photographs or other texts help to reconstruct earlier contexts in which the work was collected, and where possible establish the conditions of its ownership dating back to the moment of its creation.

In the 1990s it was internationally acknowledged that many people who had been persecuted by the Nazi regime had no opportunity after the war to make their claims of restitution or compensation valid. For that reason, in December 1998 44 states, including Switzerland, issued the so-called Washington Principles. In this document they undertook to seek works that had been taken from their former owners because of their persecution by the Nazi regime, and to return them. The fundamental demand states that fair and just solutions should be found when demands are made for restitution. The Washington Principles are not legally binding. But acknowledgement of them indicates that one wishes to respond responsibly to wrongs that have been done.

The provenance of the works in the 'Gurlitt art trove' has been under investigation in Germany since 2013. From 2013 until 2015 the 'Schwabinger Kunstfund' ('Schwabing art trove') task force reconstructed the instances when the works changed hands. Since 2015 the research has continued within the context of 'Projekt Provenienzrecherche Gurlitt' (Gurlitt Provenience Research Project). In spite of large-scale research, in many cases it has proved impossible to trace all of the conditions of ownership of the works.



## Provenance: France 1940–1944

Adolphe Joseph Thomas Monticelli

‘La Charette de Foin’, n. d.

Oil on wood, 16,5 x 30 cm

Kunstmuseum Bern, Bequest of Cornelius Gurlitt 2014, Provenance undergoing clarification / Currently no indications of being looted art

The French artist Adolphe Joseph Thomas Monticelli (1824–1886) has a shadowy existence in art history. His aesthetic and style of painting influenced Paul Cézanne and Vincent van Gogh, who held the painter in high esteem. His paintings are characterised by an impasto application of paint. His still lifes, landscapes and ‘fêtes galantes’, which borrow from Rococo painting, can only be grasped from a distance. On closer inspection the representation breaks down into individual dabs of colour. This technique made him a pioneer for Impressionism.

### Provenance

Adolphe Joseph Thomas Monticelli’s painting was found in Cornelius Gurlitt’s Munich apartment. The information concerning the provenance of this panel painting reveals significant gaps. It has not been possible to reconstruct either the time or the circumstances under which Hildebrand Gurlitt acquired it. The significance of the numbers on the reverse of the work cannot be deciphered either. There the numbers ‘121’ are written four times in chalk. It has been possible to show that until 1938 the panel painting was in the collection of Eugène Blot (1857–1938), a Parisian art dealer, bronze caster and art collector. ‘La Charette de Foin’ (The Haycart) was first offered for sale in 1933 at an auction in the Hôtel Drouot in Paris. A second attempt to sell the work in the Hôtel Drouot, in 1937, was unsuccessful according to the auction records of the Archives de Paris. In 1938 the Galerie Alfred Daber showed the

panel in an exhibition of works by Monticelli. In the exhibition catalogue the work bore the number 9, and Eugène Blot is named as lender. Two documents in the Archives du Ministère des Affaires Étrangères in Paris allow us to conclude that in 1942 the art dealer Theo Hermesen Jr. sold a work by Monticelli to Hildebrand Gurlitt. The title of the work is given as ‘Groupe dans une paysage’ (Group in Landscape) so that the work found in the ‘Gurlitt art trove’ may be identical with it. The only provenance declaration in the catalogue raisonné (1987) lists the Galerie Brame et Lorenceau in Paris as the owner. This declaration could not be confirmed by the gallery.

## Provenance: France 1940–1944

Paul Cézanne

‘La Montagne Sainte-Victoire’, 1897

Oil on canvas, folded, fixed on wood,  
73 x 91,5 cm

Kunstmuseum Bern, Bequest of Cornelius Gurlitt 2014, provenance under examination / Currently no indications of being looted art

In the last years of his life Paul Cézanne (1839–1906) repeatedly painted the Montagne Sainte-Victoire which looms over the plain of Aix-en-Provence. His paintings and watercolours show the mountain from different perspectives and document Cézanne’s further development of Impressionism. The painting in the ‘Gurlitt art trove’ can be assigned to the middle phase of the series. Forming a contrast with the solid shape of the mountain are the trees and bushes in the foreground, whose basic shapes are indicated as patches of paint consisting of a few flat brushstrokes.

### Provenance

Paul Cézanne’s painting ‘La Montagne Sainte-Victoire’ (1897) was discovered in Cornelius

Gurlitt's Salzburg house. When and how the work entered the possession of his father Hildebrand Gurlitt has not so far been reconstructed. Presumably he bought the work during the German occupation of France, between 1940 and 1944. During the occupation the French art market experienced a genuine boom. Hildebrand Gurlitt was active on the French art market, where he also purchased works for the "Sonderauftrag Linz" (Special Commission Linz). Until at least 1939 the painting belonged to Paul Cézanne's son, also named Paul. We can list the identifiable points in the work's history, but lack conclusive information about the work's provenance.

### **Material studies**

Material studies of an art work, alongside art historical analyses and source research, can supply valuable information about its provenance. Technical examinations of the material allow conclusions to be drawn about the work's original condition and later changes to it, various imaging methods reveal changes on and to the canvas that are not visible to the naked eye. In the case of the painting 'La Montagne Sainte Victoire' by Paul Cézanne, the nail holes at the edge of the stretcher, the nature of the canvas and the paint as well as instances of retouching provide information on the state of preservation, storage and presentation of the work.

The illustrations document the examinations of the painting by the conservators of the Kunstmuseum Bern.

### **How did Paul Cézanne paint?**

In his late work, Paul Cézanne did not to any great extent vary his painting technique. He used mostly fine pre-primed linen fabrics stretched on frames in standard formats. Underdrawing is carried out with graphite pencils or sometimes in blue paint. He bought his materials in local artist supply shops. The oil paints he used are well documented. Cézanne

did not varnish his paintings. Letters reveal that the artist left the choice of frames to his dealers and the owners of the works.

### **Overall image of the work in visible light, canvas not stretched**

According to his family's estimates, Cézanne painted 'La Montagne Sainte Victoire' in 1897. The fine canvas fabric was coated with a thin white lead oil primer before stretching. We assume that the artist applied outlines and individual planes directly on the primer with a thin blue brushstroke and transparent areas of paint. The primer remains visible as a pale area or outline at many points. The degree of reworking varies. Parts of the work that have been reworked are characterised by a close juxtaposition of complementary planes of colour – visible for example in the tree trunks, the intensely gleaming reddish orange ground or in the rows of hills. Characteristic of Cézanne's painting style are surface-covering colour planes applied predominantly in the wet technique in cross-hatched brushstrokes. In the area around the treetops Cézanne left the initial transparent painting as it was.

### **Reverse of the painting, canvas unstretched**

Here we can see the lining canvas on which the original canvas is stretched. Linings were employed as a matter of routine from the 18th century onwards – both preventatively, as a protection, or in the event of damage. The art dealer Ambroise Vollard (1865–1939) had many paintings by Cézanne lined.

### **Infrared reflectography, painting not stretched**

Infrared reflectography allows us to look below the surface of the painting. In the case of 'La Montagne Sainte Victoire' no underdrawing has been made visible. But the infrared photograph clearly reveals that the top right-hand corner of the painting has been damaged. The completion (retouching) carried out later appears as a lighter patch.

### **X-ray, painting not stretched**

X-rays reveal the texture of the original canvas. The reworked areas – the tree trunks on the left, the ground and the mountain landscape – appear lighter. The x-ray further reveals that three tacking margins (top right and bottom) have previously been primed. The left-hand tacking margin and the damaged top-right corner appear darker because of the missing layer of primer.

### **UV fluorescence image, painting not stretched**

The photograph shows the UV fluorescence behaviour of the surface of the painting. The painting reveals a fluorescent varnish, overlaid with the characteristic fluorescent properties of the individual pigment and binding medium mixtures. At the bottom right-hand side and in the area around the damaged corner in the top right, later instances of retouching appear as dark patches. It is also apparent that in the damaged area on the top right the original tacking margin is absent, and only the lining canvas is visible, with the fluorescence of the glue.

5.3

### **Material traces on the art work, or the restorer's eye**

Provenance research derives from the work. This premise links it closely with restoration, which deals with artistic techniques and the materials used. Special attention is paid to all material changes that an art work has undergone over the years of its existence. Was a painting removed from the stretcher and then mounted on a new one? Was the original format changed in the process? Is the paper medium of a graphic work severely browned, and have the colours been adversely affected in consequence?

The fields of research of art technology and the history of restoration are based on precise

observations of the art work, supported by the magnifying glass, the microscope and scientific methods of investigation and analysis. The results contribute to issues of authentication of the art works and their changes of location and ownership and, based on their materiality, open up new fields of research to the context of provenance research.

5.4

### **Case Study: Heinrich Louis Theodor Gurlitt**

Heinrich Louis Theodor Gurlitt  
'Blick auf Helikon und Parnass', n. d. [1858]  
Oil on paper on plywood, 35 x 51 cm  
Kunstmuseum Bern, Bequest of Cornelius Gurlitt 2014

The Gurlitt family saga begins with the painter Heinrich Louis Theodor Gurlitt (1812–1897), a Hamburg-born landscape painter, whose paintings document his restless life and his mastery of the genre of idealised landscapes. Gurlitt travelled to Greece in the 1850s, capturing ancient monuments and landscapes in sketches which he reworked into paintings after his return. The oil study 'Blick auf Helikon und Parnass' (View of Helikon and Parnassus) was made in 1858. His grandson, Hildebrand Gurlitt, later elevated the status of the study by having the paper applied to a wooden support in the 1930s and hence presented as a painting.

# The exhibition

<b>Duration of the exhibition</b>	19.04.-15.07.18
<b>Entrance fees</b>	CHF 18.00 /red. CHF 14.00
<b>Opening hours</b>	Mondays closed Tuesday 10h – 21h Wednesday to Sunday 10h – 17h
<b>Public holidays</b>	Monday 21 May 2018, Whit Monday 10am – 5pm
<b>Private tours / schools</b>	T +41 31 328 09 11 vermittlung@kunstmuseumbern.ch
<b>Curators</b>	Nikola Doll, Anne-Christine Strobel (Assistance)

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augmented by the Kunstmuseum Bern

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