

- ▷ Comprehensive research is the foundation of any claim and any rejection of such. The Dorotheum strongly encourages projects leading to a broader knowledge of the art trade in the Nazi era and the looting of works of art. We also strongly support open online access to documents concerning the ownership history of cultural property in one international database.
- ▷ Finally, due diligence should also be exercised by victims of spoliation and their successors through identifying their losses and notifying the art trade about losses.

The policy is clear: The Dorotheum will not knowingly sell any work of art that has been looted and has not been restituted since. In order to avoid inadvertent sales, we need every piece of information available.

Provenance Research

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MUSICAL CULTURAL PROPERTY: THE NAZI ERA AND POSTWAR PROVENANCE CHALLENGES

I want to thank the Czech Republic and the conference organizers for hosting this Conference and including me as one of the speakers in the Looted Art Working Group, so that I can address the subject of musical cultural property. Musical instruments, musical manuscripts, printed music, rare books and other music-related objects were looted, surrendered, lost, hastily left behind, or purchased in significant numbers in Europe as a result of the Nazi Era. Additional musical losses were incurred as musical materials were swept up as war trophies.

The utilitarian nature and portability of many musical objects contribute to provenance challenges, as does the fact that musical losses often accrued to individual musicians and composers, who may not have maintained records or photographs for title and authentication purposes. The history and fate of such lost musical materials and intellectual property, an integral part of the fabric of musical culture and aesthetics, remains relatively unknown.

Ten years after the Washington Conference on Holocaust-Era Assets in 1998, little progress in provenance research has occurred

in the United States regarding musical cultural losses. The Nazi Era Provenance Internet Portal, hosted by the American Association of Museums (AAM), a laudable effort for looted art, does not include one musical entry, even though many museums in the USA have significant music-related objects in their collections. The lack of readily available archival information makes compliance with the AAM guidelines problematic. One of the positive developments over the last decade has been the proliferation of online databases.

Once a central reservoir of provenance information pertaining to music-related items begins to grow, this will enhance research results and contribute to the development of a standard of care governing what constitutes reasonable due diligence in connection with transactions involving music-related property. Today, this standard of care is far below that which has evolved in the art world, in large part due to the dearth of readily available historical information.

Life for musicians, composers, music publishers, and others in the musical sphere began to unravel upon Hitler's rise to power in early 1933. By March 1933, musical performances by Jews were being cancelled and musicians were being ousted from employment. These events so shocked the musical world that by April 1, 1933, renowned conductor Arturo Toscanini, along with many other prominent musicians, sent a cable to Hitler protesting this treatment of Jews. By November 1, 1933, all professional musicians in Germany were required to register with the music division of the Reich Culture Chamber; Aryan ancestry was required. The only alternative for Jewish musicians and cultural life for Jews in Germany was the Jewish Kulturbund, established in the summer of 1933. Membership in the Kulturbund reached 180,000 by 1937.

As with the art world, the attempt by the Nazi Regime to manipulate cultural values was advanced through a variety of vehicles, including an exhibition entitled *Entartete Musik* (Degenerate Music), which opened in Düsseldorf in May 1938. Composers of Jewish descent, or with racial, political, religious, social, or aesthetic views not in conformity with Reich music policy, were targeted, as were the musical genres of jazz, modernism, and atonality. By 1940, the *Lexikon der Juden in der Musik* was first published, identifying those in the field of music who were believed to be Jewish.

Although many musicians were able to safely immigrate to other countries, others did not overcome the significant administrative, legal, and economic barriers to freedom. After eight years of existence, the Nazis closed down the Kulturbund on September 1, 1941. Shortly thereafter, Kulturbund musicians were ordered to surrender their musical instruments. The German borders were closed to Jews on October 23, 1941, and widespread deportations commenced. Musical objects were looted from the homes of Jews, surrendered prior to deportation, confiscated from ghettos, and seized in concentration camps. Those camps with orchestras, and there were many, had amassed assorted musical instruments, such as those observed by Polish violinist Szymon Laks upon his arrival at Auschwitz-Birkenau, where he saw:

“All sorts of brass and woodwind instruments, everything polished to a bright shine. I distinguished in turn a huge tuba helicon, a trombone, a few trumpets, a brass tenor and alto horns, saxophones, clarinets, and two flutes, one a piccolo. Leaning against the wall in one of the corners was an impressive double bass with a bow stuck under the strings, in another a bass drum with cymbals and a snare drum with all of the percussion paraphernalia. On

a wide, solid shelf specifically designed for this purpose were a few accordions and violins in cases. One of them, somewhat bigger than the others, probably contained a viola... [T]he conductor... gave me a violin and asked me to play something."¹

In tandem with confiscations within Germany, in July 1940 the *Einsatzstab Reichsleiter Rosenberg* (ERR), led by Alfred Rosenberg, commenced its organized and systematic approach to cultural plunder in territories occupied by the Third Reich. The ERR task force charged with musical confiscations was known as the *Sonderstab Musik*.² Musical confiscations were also carried out through the *Möbel Aktion*, established by Alfred Rosenberg and approved by Hitler on December 31, 1941, which involved the seizure of the contents of the homes of those who had fled or had been deported. These thefts garnered much musical property as well.

The Third Reich appears to have obtained musical property for several purposes, among which were the *Hochschule für Musik* in Leipzig and the *Amt Musik* Headquarters, in Berlin. Archival evidence confirms that Goebbels and his aides were involved with the evaluation and improvement of the quality of instruments being played by professional musicians in Germany. To this end, an instrument bank was established in Berlin that allegedly contained valuable instruments of the violin family, which were loaned out to prominent musicians in Germany, some from the Berlin Philharmonic. The prewar provenance of

¹ Szymon Laks. "Music of Another World". Northwestern University Press, Evanston, Ill., 1989, pp. 32–33.

² Willem de Vries. "Sonderstab Musik, Music Confiscations by the Einsatzstab Reichsleiter Rosenberg under the Nazi Occupation of Western Europe." Amsterdam University Press, 1996. This seminal and excellent work by Mr. de Vries provides essential reading regarding this subject matter.

these instruments, the circumstances under which they were acquired, and their current whereabouts are the subject of ongoing investigation.

Thanks to ghetto photographer Mendel Grossman, who perished during the Holocaust, images he hid in tin cans within the ghetto document musical confiscations in the Łódź Ghetto in Poland, where on January 17, 1944, an order was issued that the populace of the ghetto surrender all musical instruments in its possession. In addition to Jewish losses in Poland, non-Jewish citizens also suffered musical losses, as did the National Museum in Warsaw, from which an alleged 1719 Stradivari violin was looted during the war.

Threats of damage in Germany from Allied bombing resulted in the evacuation of a great quantity of musical objects, both looted and from German collections, to various locations for safekeeping. Field discoveries by the United States Army immediately after the war included many musical finds. One discovery was made at Raitenhaslach Schloss, near Berghausen, first noted by the US military in a May 30, 1945 report. It proved to be a very rich musical recovery of French property, including 80 crates of music and books and many musical instruments. Among these were valuable keyboard instruments confiscated from the Saint-Leu-la-Forêt home of noted harpsichordist Wanda Landowska.

Musical property evacuated to the countryside was also swept up by the Russian Army³ and by Poland⁴ as war trophies. An al-

³ Patricia Kennedy Grimsted. "Back is Back in Berlin: The Return of the Sing-Akademie Archive from Ukraine in the Context of Displaced Cultural Treasures and Restitution Politics." Harvard Ukrainian Research Institute, 2003.

⁴ The University Library in Łódź, Poland is the beneficiary of the Philipp Spitta Collection and other music from the *Hochschule für Musik*, Berlin, which had been evacuated to Silesia. Access to this significant collection has been made available

leged 1719 Stradivari violin, owned by the *Hochschule für Musik*, was obtained near Berlin by two Russian officers in June 1945. In 1946, the Russian National Collection of Musical Instruments in Moscow accessioned into its collection a violin by the same maker of the same date.¹ The *Universität der Künste Berlin*, the successor entity for the *Hochschule für Musik*, is currently seeking recovery of this violin. A search of the iconographic literature has turned up a 1949 image of the Russian instrument, which will hopefully be helpful in the provenance analysis.

Eastern Europe sustained musical losses as well. In the former Czechoslovakia, by order of the Reichsprotektor, all moveable musical instruments were to be surrendered by Jews in Prague by December 26, 1941. Larger instruments, such as pianos, were taken from deportees' homes. A tally of 5,288 "musik noten" were listed in the June 1943 inventory of property surrendered by deportees in Prague, and by February 1944, the number of confiscated musical instruments reached 20,301.

Linking such generalized data with specific identifiable property poses many challenges. Yet, clues may be found amid archival records, such as those from the Munich Central Collection Point (CCP). For example, an 18th century Italian violin made by Zanoli and confiscated by the Gestapo from Dr. Otto Stein is documented in the Munich records. Dr. Stein, who was Jewish, had been a professor of ancient Indian culture at Charles University in Prague, but he was deported to the Łódź Ghetto, then to Theresienstadt, and perished in the Holocaust. The US military discovered Dr. Stein's violin in Ulm, Germany, and it was restituted in

a shipment to Czechoslovakia on November 19, 1946. Unfortunately, no records have yet been located that confirm the whereabouts of the violin after its restitution to Czechoslovakia. The violin was never returned to Dr. Stein's family. Hopefully, further provenance research within the Czech Republic will shed some light on the violin's fate.

In Hungary, records in the National Archive similarly hold references to musical losses that are still unresolved. For example, nearly 100 musical instruments were lost to one family from Budapest during the war. The instruments in this collection included examples of the history of Hungarian violin making from its beginnings until 1944, and included 80 violins, 7 violas, 2 cellos, one viola da gamba, and 7 guitars. The owner of this collection was not deported and survived the war. The subsequent political upheaval under the communist regime resulted in additional hardships. None of the instruments lost in 1944 were ever returned and the whereabouts of this large collection is currently unknown.

The Dutch also sustained many unresolved musical losses arising from the Nazi era, a sampling of which are set forth in the chart below.

to the public for research. See Christoph Wolff, "From Berlin to Łód : The Spitta Collection Resurfaces." *Notes*, Second Series. Vol. 46, No. 2, Dec. 1989, pp. 311–327.

¹ The 1719 Stradivari stolen from the Warsaw Museum does not appear to be associated in any way with the violin missing from Germany, or in Russia.

**Selected Postwar Dutch Loss Reports,
Instruments of the Violin Family**

INSTRUMENT NAME	ORIGINAL OWNER OR REPRESENTATIVE	DETAIL
"Ferdinando Alberti," violin, Milan (SNK No. 657)	C. Schoemaker, Laren	Ownership unclear; prior owners Karl Binter, violin collector, and violinist D. Vos. C. Hengeveld of Utrecht, custodian. Schoemaker, a violin maker, filed the report; report date: 3.10.45
"Amati," violin (SNK No. 2712)	J. Geradts, Posterholt	Stolen by Germans upon evacuation of home. Report date: 20.10.45
"Amati," viola (SNK No. 669)	C. Schoemaker, Laren	Given for safekeeping to violin expert Hamma, for deposit in Frankfurt, through custodian C. Hengeveld in Utrecht; report date: 3.10.45
Four "contrabas" (SNK Nos. 3707, 3708, 3709, 3710)	Albertus Spruyt, Arnhem	Stolen by Germans in Arnhem. Reports filed November 3 and 5, 1945
"Johannes Cuijpers," violin (SNK No. 688)	R.L. Catz	Owner taken prisoner, violin stolen by German soldier; report date: 15.9.45
"Joseph Dalaglio," violin, 1832, Mantua (SNK No. 3484)	W.J.H. Resing, Lochem	Violin stolen from home, after owner fled upon arrival of Germans; report date 22.11.45
"Casparo di Salo," cello 1613, Brescia, lion's head (SNK No. 5232)	B. Hengeveld, Arnhem	Stolen from owner's home; report date 27.12.45
"Joseph Gagliano," violin, 1771, Naples (SNK No. 15285)	A. Bär, Naarden	Confiscated by the "Einsatzstab Rosenberg," Amsterdam; report date: 6.9.46

"J.G. Grancino," cello, 1699, Milano (SNK No. 15284)	A. Bär, Naarden	Confiscated by the "Einsatzstab Rosenberg," Amsterdam; report date: 6.9.46
"J.G. Guadagnini," violin, 1783, Turin. Certificate from Maucolet & Deschamps, Paris (SNK No. 20315)	Owner unknown. Additional references in US military files indicate that this violin was originally from the collection of a Dutch Jew who perished during the Holocaust.	Stolen. Allegedly acquired by Eldriede Bleier, of Stuttgart, for 12,000 guilders. Dutch file notes dated: 7.7.48
"Joseph Guarneri" violin, 1729 (SNK No. 16711)	Stichting Nederlandsch Kunstbezit	Thans Hindenburg, Polizei Kazerne, Netherlands War Crimes. Prior owner Hendrik Rynbergen; H. Schoppe van de N.V. Synthova Maatschappij. Sold for 65,000 guilders; report filed 25.11.46
"Josef Guarneri," violin (SNK No. 4462), mark inside the violin, "sub 6"	Dr. L. van Hussen, Eindhoven	Stolen from home during evacuation in fall of 1944; report date: 11.45
"Petrus Guarnerius," violin, 1721, Venice, two piece back, medium-width flame. Certificate from Max Möller of Amsterdam; bearing the number 7687 (SNK No. 656)	Owner appears to be Dr. Hergt, of Wiesbaden, with C. Schoemaker filing claim. C. Hengeveld appears to have sold the violin to Hergt, with violin dealer Hamma referenced in related documentation.	US Military records reflect a payment by Dr. Hergt of 30,000 RM for this violin. Violin dealer Hamma and C. Hengeveld appear to be involved in this sale; report date: 3 October, 1945
Guersan ("Gueisan" [sic]), viola da gamba (SNK No. 16011) carved head, ivory decorations on back and ribs, French	A.F. Dufour, Arnhem	Stolen; report date: 5.11.46

"Matthias Klotz," violin, 1700s (SNK No. 5257)	J.K. Ligtenberg, Den Haag	Confiscated by Germans; report date: 15.9.45
"Kuyper" viola, Italian violin, plus another violin (SNK No. 6118)	A. da Silva, Amsterdam	Stolen by Germans; report date: 4.10.45
"Leisemüller," violin (SNK No. 8757)	Mej. B. G. Spierenburg, Rotterdam	Stolen by Germans; report date: 31.10.45
"Imitatie Lupot," viola (SNK No. 5261)	J.H. Ligtenberg, Den Haag	Stolen by Germans; report date 15.9.45
"Mantegazza," violin, Mailand (SNK No. 668)	C. Schoemaker, Laren	Given for safekeeping to violin expert Hamma, for deposit in Frankfurt; custodian C. Hengeveld in Utrecht; report date: 3.10.45
"Panormo," violin, Paris (SNK No. 667)	C. Schoemaker, Laren	Given for safekeeping to violin expert Hamma, for deposit in Frankfurt; custodian C. Hengeveld in Utrecht; report date: 3.10.45
"Stainer," cello, 1700s (SNK No. 16010)	A.F. Dufour, Arnhem	Stolen; report date: 5.11.46
"Kopiert nach Stradivarius," violin 1839 (SNK No. 13547)	Mr.W.A.M. Cremers, Arnhem	Stolen from evacuated home by Germans; report date: 1.8.46
"Steiner" violin (SNK No. 2713)	J. Geradts, Posterholt	Stolen by Germans; report date: 13.11.45
Jean Baptiste Vuillaume, "An roi David," violin, Paris, 1859, with 2 bows (SNK No. 7701)	H. Frank, Amsterdam	Confiscated by Germans; report date: 2.46
"Jean Baptiste Vuillaume," violin, ca. 1843 (SNK No. 520)	Dr. C.F.P. Stutterheim, Tiel	Stolen from the Rotterdam Bank in Tiel; report date: 30.9.45
3 "Kinderviolinen" and 1 black pianola (SNK No. 16818)	Dutch Foundation Kunstbezeit	Karl Prunk, via Treuhanderwaltung (custody); report date: 26.11.46

The last 64 years have garnered limited recoveries of such musical materials. Moreover, it is only very recently that musical compositions that were lost or suppressed during the Nazi era have gained attention through the efforts of a few, such as conductor James Conlon who aptly pointed out of this lost generation of composers:

"The Third Reich silenced two generations of composers and, with them, an entire musical heritage... Alongside Stravinsky, Strauss and other major and more fortunate figures, the varied voices of composers from Berlin, Vienna, Prague and Budapest, whether Jewish, dissident or immigrant, reveal much about the musical ferment of their time... The suppression of these composers and musicians caused the greatest single rupture in what had been a continuous seamless transmittal of German classical music... The 20th century needs to be re-scrutinized after we acquaint ourselves with the voluminous music cast out by the Nazi suppression."¹

The musical world has lagged far behind the art world in the mining of records and the development of this lost history. Inclusion of musical losses (and musical materials with provenance gaps) in online databases will enhance progress in this area, as would linking together the existing databases. In addition, the creation of a separate compilation of information pertaining exclusively to music-related losses may prove to be the most effective approach for provenance research.

¹ Maestro James Conlon. "Recovering a Musical Heritage: The Music Suppressed by the Third Reich." *The Orel Foundation*. <http://orelfoundation.org>. See also <http://www.jmi.org.uk/suppressedmusic/>; <http://www.musica-reanimata.de>; the Entartete Musik series, previously produced by Michael Haas on the Decca label.

I want to end with a few words about German composer Edwin Geist, who fled to Lithuania to escape persecution as a half-Jew in 1938, where his musical efforts continued. Geist was arrested and killed by the Gestapo in 1942. His niece, Rosian Zerner, herself a Holocaust survivor, has been trying to recover some of her uncle's music, currently in the Lithuanian Theater, Music and Cinema Museum, so that Geist's music may be rediscovered, performed, and enjoyed by a wider audience. I am very pleased to report that just two days before this presentation the Lithuanian Ministry of Foreign Affairs advised the US Embassy in Lithuania that the Ministry of Culture appears to have agreed, in principle, to turn over the Geist Collection in the Lithuanian Museum to the Geist heirs.¹

Unfortunately, these developments have been all too rare. For some musicians who survived the Nazi Era, memories of musical losses continue to haunt. Cellist Anita Lasker Wallfisch, an Auschwitz orchestra member and survivor now in her 80s in England, said of her still missing cello, "I had once been the proud owner of a beautiful cello made by Ventapane. God knows who plays on it now."²

Thank you.

¹ Some of Geist's musical manuscripts were recently discovered in the Music Department of the Berlin State Library. Ownership in this music was amicably resolved in favor of Geist's heirs, who have loaned the music to the Prussian Cultural Heritage Foundation. The first recording of Geist's compositions was made in 2007 by the *Deutsches Kulturforum östliches Europa*, supported by the German Federal Government's Commissioner for Culture and Media, winning an award from *Neue Musikzeitung*. In October 2008, Brandeis University and the Goethe Institute in Boston presented the US premiere of some of Geist's newly recovered music.

² Anita Wallfisch-Lasker: *Inherit the Truth*. St. Martin's Press, 1996, p. 150.

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PROJECT RELATED TO THE PROMOTION OF PROVENANCE RESEARCH IN GERMANY, TAKING STOCK AFTER THE FIRST YEAR

Introduction

In November 2007, the Federal Government Commissioner for Culture and the Media decided that the provenance research in Germany shall be considerably strengthened. Since 2008, the Federal Government Commissioner has been specially promoting research into cultural assets taken from their rightful owners as a result of Nazi persecution.

He is providing one million euros a year to help public establishments and institutions to research the provenance of items in their collections. The funds are channeled through the Bureau for Provenance Investigation and Research, which has been working at the Institute for Museum Research at the National Museums – Prussian Cultural Heritage Foundation in Berlin. The Bureau for Provenance Investigation and Research started its activity in June 2008. One year after initiating this way of promoting provenance research, the activity already achieved satisfactory results.

This report by the Bureau for Provenance Investigation and Research will contain a summary of the granted projects and reflect on first-year experiences.