

# Spoils of War

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**Imprint:****Editorial Board:**

Bart Eeman, István Fodor, Michael M. Franz, Ekaterina Genieva, Wojciech Kowalski, Jacques Lust, Isabelle le Masne de Chermont, Anne Webber.

Editor: Dr. Michael M. Franz.

Technical assistance and translation: Svea Janner, Yvonne Sommermeyer.

**Editorial address:**

Koordinierungsstelle für Kulturgutverluste  
City-Carré  
Kantstraße 5  
39104 Magdeburg

Phone: 0049 - 391 – 544 87 09

Fax: 0049 - 391 – 53 53 96 33

E-mail: michael.franz@mk.sachsen-anhalt.de

Website: <http://www.lostart.de>

**Addresses of the members of the Editorial Board:**

•Bart Eeman, Ministry of Economic Affairs, Directorate Economic Relations, Rue Gen Leman 60, 1040 Brussels, Belgium, phone: 0032/2065897, fax: 0032/25140389.

•István Fodor, Magyar Nemzeti Múzeum, Múzeum körny 14-16, 1088 Budapest, Hungary, phone: 36/1/3184259, fax: 36/1/3382/673. e-mail: hnm@hnm.hu.

•Michael M. Franz, Koordinierungsstelle für Kulturgutverluste, City Carré, Kantstrasse 5, 39104 Magdeburg, Germany, phone: 0049/391/5448709, fax: 0049/391/53539633, e-mail: michael.franz@mk.sachsen-anhalt.de.

•Ekaterina Genieva, All Russia State Library for Foreign Literature Moscow, Nikolojamskaja Street 1, 109 189 Moscow, Russia, phone: 7/095/915 3621, fax: 7/095/915 3637, e-mail: Genieva@libfl.msk.ru.

•Wojciech Kowalski, University of Silesia, Department of Intellectual and Cultural Property Law, ul. Bankowa 8, 40 007 Katowice, Poland, phone/fax: 48/32/517104, phone: 48/32/588211, fax: 48/32/599188; e-mail: wkowalsk@us.edu.pl.

•Jacques Lust, Service of the Prime Minister, Rue du Musée 9, 1000 Brussels, Belgium, phone: 0032/475204462, fax: 0032/25083232, email: jacques.lust@fine-arts-museum.be.

•Isabelle le Masne de Chermont, Chef du bureau des affaires juridiques et générales direction des musées de France, 6 rue des Pyramides, 75041 Paris Cedex 01, France, phone: 00/140205266, fax: 00/140205169, email: isabelle.le-masne-de-chermont@culture.gouv.fr.

•Anne Webber, Central Registry of Information on Looted Cultural Property 1933-1945, 76 Gloucester Place, London, W1U 6HJ, Great Britain, phone: 0044/2074873401, fax: 0044/2074874211, email: annewebber@lootedart.com.

**Editorial Note:**

The contributions in this Newsletter deal with all kinds of aspects on looted art. Due to the historical and political sensibility of this topic, and irrespective of our gratitude towards all authors, we allow ourselves to emphasise the fact that all contributions reflect exclusively the authors' personal opinion.

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# Spoils of War

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## Editorial

With this eighth issue of "Spoils of War", the Editorial Board presents to you after the last published Special Edition on the Magdeburg Conference 2001 again a number of international contributions dealing with selected topics regarding cultural losses due to World War II. Thereby, this issue, gathering articles by authors from seven states, shows the still actual meaning of the problems also more than 58 years after the end of World War II. As a consequence, it also demonstrates the international need of a publication as Spoils of War is: Only with such a wide range of information and perspective, the basis for a discussion not only within experts but also - and perhaps: especially - within the public opinion can be build.

Against this background, the Editorial Board would like to thank each of the authors you will find in this issue for their fine support and their efforts regarding their articles.

This eighth issue has been made possible only through the help and assistance of Ms Janner and Ms Sommermeyer at the Koordinierungsstelle für Kulturgutverluste in Magdeburg. As with regard to the last issues of Spoils of War, als this one would not have been realized neither in the form as it is available now nor in time.

As the last issues, also this one will be available also on the official website of the Koordinierungsstelle für Kulturgutverluste at [www.lostart.de](http://www.lostart.de). Furthermore, it will be available in its Russian translation on the website of the Russian Editorial Board part, the All Russia State Library for Foreign Literature, at <http://spoils.libfl.ru>.

With regard to the future of Spoils of War and the above mentioned need of information, please feel free to send comments, contributions, and suggestions to the Editorial Board member of your choice.

EEMAN, Bart, Brussels  
FODOR, Istvan, Budapest  
FRANZ, Michael, Magdeburg  
GENIEVA, Ekaterina, Moscow  
KOWALSKI, Wojciech, Katowice  
LUST, Jacques, Brussels  
MASNE DE CHERMONT, Isabelle le, Paris  
WEBBER, Anne, London

## Special Reports

### Report on the search for cultural assets taken away as a result of NS-persecution - About a choice of foreign possession in the engraving cabinet of the State Art Collections Dresden

#### Introduction

The order to investigate the provenance of cultural assets taken away as a result of NS-persecution in the State Art Collections Dresden (SKD) is based on the "Common declaration of the federal government, the federal states and the municipal organizations for the location and for the return of cultural assets taken away as a result of NS-persecution, particularly of Jewish possession" from December, 1999 as a result of the Washington conference in 1998. In the SKD, the origin shall be clarified as a main point of these provenance searches, first of sketches and print graphics of the so-called packages of Linz in the engraving cabinet (K-K). Different points lead to the assumption that these could be works of art which were meant for the "Leader's museum" planned by Hitler in Linz.

The evaluation of the previous searches was finished with research state of December 30, 2001. The work on the available file copies could not be evaluated yet on account of the wide range.

The manager's conference of the SKD decided after the model of the report for a continuation of the provenance research within the framework of the processing of the history of the Dresden Art Collections. With a research project to be accompanied by the SKD an art-historical examination of the period in question shall take place. On the part of the Culture Foundation of the federal states financial support was signalised.

#### Contents of this report:

- I. On the method of approach
- II. On the situation of the files in the archives
- III. On the circle of acquaintances of the partners participating in the special order Linz in Dresden
- IV. Relocation as a result of the war, restitution and "foreign possession" – defining of the notion
- V. On the state of the search in the separate collections
- VI. On knowledge from files in the archive of the central management
- VII. Discoveries and assumptions
- VIII. Evaluation

- IX. On future tasks
- X. Summary

### **I. On the method of approach**

At the beginning (December, 2000) the task was to familiarize oneself with the subject on the basis of the previous general research state by corresponding literature study. Further it was required to work out the facts from administration material, personal files among other things written property in the archives, on the one hand of the separate museums as well as of the central management of the State Art Collections Dresden (SKD) on the other hand, in order to light up the background of the relations of that time and to gain new knowledge. The limitation of the order to firstly investigate the provenance of sketches and print graphics in the K-K required to get an overview about the controls of stock sporadically carried out since 1945.

This way it became visible that not necessarily a comparison of knowledge of each former control had been carried out. Incidentally it appeared that the research on these questions can hardly lead to unambiguous or reliable statements because of the serious gaps in stock resulting in war losses of files. Therefore the present report gives a subject state generally on the knowledge and shows directions for further researches.

### **II. On the situation of the files in the archives**

The Main State Archive Dresden informs after inquiry that the existing files are from 1933 to 1945, mainly about organizational affairs. Up to now also in the Municipal Archive and from the "Steueraltaktenarchiv" (Archive on old tax files) of the tax office no essential knowledge was to be gained. On the provenance of the above-mentioned objects in the stock of the K-K, particularly on sketches purchased in the doubtful period and partly decades later added to the inventory as well as on the print graphics stored in packages, therefore only exist few information.

As essential for the provenance research relevant files have turned up in the stock of the federal archive of Koblenz. After the evaluation of a small choice of the file copies the previous assumption appears to be wrong that the acquired works of art which were considered in the area of paintings, sketches and print graphics for Linz, for the planned "Hitler museum" came to Dresden only partly and temporarily. Evidently all acquisitions came via Dresden - whether acquired by or with the help of Dr Posse/Dr Voss.

### **III. On the circle of acquaintances of the partners participating in the special order Linz in Dresden**

A chancellery office worker of the Picture Gallery (Fritz Wiedemann) was at the

same time accountant in the office of the special representative for Linz. This office was integrated into the administration of the Picture Gallery Dresden. For special representative Dr Posse an adviser was active, whose influence on the purchase activity increased in the time of Dr Voss.

The curator of the Picture Gallery perceived temporarily in competition with the adviser mentioned above also the function of an adviser of the special representative. The restorer was at the same time responsible for the investigation of the acquisitions for Linz and if necessary for their restoration before their transportation to Munich. The Picture Gallery had at this time not been separated yet according to the old and new masters.

#### **IV. Relocation as a result of the war, restitution and "foreign possession" – defining of the notion**

The suspicion is obvious that beside the sketches (about 1100) and sheets of prints (421) existing in the K-K other works of art destined for Linz and coming from other collections of the SKD were assigned to the stock as "foreign possession" because they "had been left". An additional load for this suspicion arises from the events at the end of the war in the evacuation places. In Saxon there were about fifty (50) evacuation places. In certain places single works of art and groups of stocks from other museums of the German Reich were stored as for example from Hamburg, Cologne or Wiesbaden. With the museum also property loans, from private individuals came, to the evacuation places. Those works of art which had stayed in Saxon at the end of the war were restituted in the first post-war years. On the reverse way three drawings from the stock of the K-K were brought from Wiesbaden to Dresden in 1988. During the last war months works of art and collections were brought from eastern to western evacuation places, as a result of the relocation, that means partly a repeated change of location took place.

Plunders have taken place certainly, however, they would have to be investigated under another point of view. However, it is not to be forgotten that after the end of the war the return transportation of the stock of the collection and storage on stopovers because of lack of motor vehicles and / or fuel stretched over many months. Before all works of art and collections were combined again in the original museum stock, stays interfered in collecting points or central depots, as for example in the Albertinum, on castle Albrechtsburg in Meissen or in one of the abandoned manor houses in the federal state of Saxon. A special depot existed till the eighties in the castle Pillnitz with the so-called stock of the chapel ground which was also probably dissolved in connection to the sales to the state art trade of the GDR. In addition see also under V., Gallery New Masters.

The order No 58 of the Soviet military administration of Germany (SMAD) from March 03, 1946 concerning the establishment of a central museum for the federal state of Saxon had to cause changes in the museum structure which was inevitable



anyway because of the destroyed city centre of Dresden in view of the accommodation of the remained stock of the collection. Already with order No 85 from October 02, 1945 the SMAD - regardless of compositions of transportations of art property by the Trophy commissions taking place at the same time - the admission to take over stocks and the protection of all treasures of the museums and the reestablishment of the museums in the Soviet occupied zone of Germany was regulated. This order admits the assumption that certain works of art destined for Linz could have been taken in the inventories of the museums. In addition see also the later fixture of the "French sketches" in the K-K. Not assigned "foreign possession" or works of art "of unknown origin" should therefore at first be regularly under suspicion of the illegal possession: on the one hand because they could have been determined for Linz and on the other hand because they could have been looted as spoils of war from the occupied countries from museums and private collections or from stocks of gallery owners and fine-art dealers brought to Germany by one of the Nazi's organizations. Dr Posse as well as Dr Voss had access to offers of works of art from the "Eastern occupied areas".

The so-called "Linz card index" which has already also been called "Dresden card index", was put under Posse. In the reports of the time directly before the 8th of May, 1945 as well as by delivery from the evacuation places to the Soviet occupying force it is spoken of two "card index boxes of Linz".

## **V. On the state of the search in the separate collections**

### Coin cabinet (MK)

For the coin cabinet can be assumed of the fact that there is no foreign possession in the collection or objects with provenance resulting in NS-persecution. A common examination of the inventory with the manager confirmed this. The acquisitions had strongly decreased in the doubtful period compared to the previous years.

The provenance information is limited as usual to the seller or the previous owner / previous owners. The deliveries from the national education ministry to the coin cabinet are low numbers of items and by motive these are inconspicuous medals or coins. Others items that came to the collection are transfers of coin finding. The same applies at present to the following years.

### Picture Gallery Old Masters (GGAM)

There is no need for action to be seen at present. In principle, an opinion stated in the paper as well as represented by the working group Provenance Research, all acquisitions purchased in the period 1933-1945 including the ones purchased till 1999 were to be examined according to their provenance. However, because of the high expenditure only specific inquiries are to be mastered. For the search activity two years would have to be planned, in order to examine the objects in question.

### Picture Gallery New Masters (GNM)

The previous searches have again and again delivered separate findings, like in the GGAM, also. Problematically, so it appears, is the stock in the depot in Pillnitz which would have to be researched in this respect. But certain presuppositions must be created for it because of the dubious industrial safety-technical conditions, like the correct season, technical help as far as restoring "first aid" for separate paintings. A photograph of every painting should be guaranteed.

### Arts and Crafts Museum (KGM)

With the IT-registration of the stock in the KGM a maximum of 200 objects with an unsettled provenance could appear. These would mainly and presumably be unique pieces like glasses, cups among other things objects which represent no unique specimen and in particular are just trifles.

### China Collection (PS)

To be mentioned is the "collection Wolf, Israel" which by number is more extensive in the PS, than the single objects from the same collection in the KGM. From the files seen up to now I assumed that this collection could have come to the museums via the Dresden auction house Kleemann. A test in the Steueraltaktenarchiv was carried out and gave no indication on the existence of a firm at this time with this name in Dresden.

### Green Vault (GG)

In the course of the running tasks and strengthened by the restoration works to be done in preparations of the exhibition in the castle the whole stock is checked there on objects of unknown provenance.

### Collection of sculptures (SK)

The first questions after viewing the inventory volume which registers the objects accessed from 1920 to 1988, were answered beyond any doubt. Through a comparison of this inventory with the corresponding stock, by an assistant of the SK in 1997, handwritten observations were inserted.

The majority they refer to are such discrepancies in the stock which have come into being in the period between one stock registration of 1950 and the revision from December 14 in 1989.

A typewritten comment on the entry sheet explains such supplements. Nevertheless a precise test should be fulfilled on the basis of all relevant accessing and preserving or workshop books in view.

### Military Chamber ("Rüstkammer" RK)

The first assumption that the RK is not affected because objects of this sort "were collected" for Linz only in the Viennese art-historical institute by the professors Dworschak and Rupprecht, has turned out an error. The inspection of two lists about purchases and sales, loans, presents and exchange objects as well as the catalogue of accessed objects in the years in question showed entries with notes as "present of the Ministry of Finance" or entries like "transferred from the police headquarters". Such and like "from France restituted" and also "loan of the armed forces" admit the suspicion on relocation because of persecution and should give suggestion to evaluate the correspondence, provided that it is existing or available, and to cover the provenance circumstances more exactly.

### Mathematic-Physical Salon (MPS)

In 1930, the stocks of the MPS were ordered again in five groups, connected with a new assignment of inventory numbers. The task was interrupted in the Second World War. So, at the time of the big collection loss on the 13th of February existed two systems of inventory numbers. The new assignment of the inventory numbers was finished in 1951. However, in the course of the daily work one bumped again and again into discrepancies. The present day computer-assisted making of an inventory simplifies the comparison of different data on the same object. In future there will be a concordance of the inventory numbers. Whether in the period of 1933-45, including the following years, objects expropriated because of NS-persecution were "integrated" into the stock of the MPS, cannot be expelled yet with the last certainty.

### Engraving Cabinet (K-K)

The written property of the archive as well as the inventory books were sighted. It was researched for foreign possession of unknown provenance during the last years on the basis of separate sheets and lists which have probably been constructed on the basis of findings in the archives of the central management or on account of internal documents.

They mainly contain summary information and inaccurate designations with which only in individual cases allocations can be successful. Up to now I could not find out the respective reason for such actions. From my experiences there could have been an administrative disposal - during these years "inside" of the ministry of culture or the MfS. In the documents of the K-K is a house announcement also from the year 1982 with regard to the photo negative plates from the personal effects of the photographer Schönbach from Hartha (see in addition FAZ article from July 31, 2001). An assistant, at that time active in the gallery old masters, who later was assistant in the central management, offers photo negative plates to the K-K. The inquiry was dealt with and registers signatures of assistants who at that moment did not see any connection with the stocks of Linz.

## **VI. On knowledge from files in the archive of the central management**

The documents of the archive of the central management are various. At the same time the loss of such files is to be deplored which are of exceptional importance for the provenance research on NS-caused losses of cultural assets and which could give information about the stock meant for Linz.

A separate page which is kept without recognizable connection to the rest of the pages in a pre-file, led me to the idea of a specific research in respect of persons. As a result of this idea I asked for support at the representative of the Federal Government to get documents of the state security service of the former German Democratic Republic (BStU). After explanation of my research commission I got the chance to have a look at thirty (30) files with approx. 11,000 pages: a collection of MfS material on the search for the amber room.

The material is also informative for the Dresden provenance research and was already sighted repeatedly by investigators also on other subjects. In the local files one jotter is to be found, which did not remain unseen to the general managers, up to now not given to the scientists of the SKD for evaluation, with 45 pages of registered purchases from December 8, 1942 to April 6, 1945. It was put up by the accountant at the special representative. The information on the respective art property is small, beside price information there is the respective date of the transfer inquiry, for the delivery of the photos and about the payment announcement of the Chancellery of the Reich.

Therefore it is temporarily to be assumed that this listing made under Dr Voss registers works which were already passed on to Munich.

In the GGAM there was the finding of other photo negative plates. The exact determination of the reproductions on the separate plates, found in two chests (numbering approx. 300) is carried out by the curator. In separate cases these are admissions which show the old stock of the GGAM, as well as works meant for Linz. These are mainly paintings of Dutch masters. Some of them are published in a catalogue with which the Netherlands indicated in 1992 all works of art / paintings which are administered since delivery from the Central Collecting Points of the western allied forces (CCP) and restitutions taken place still by the Reich's service of plastic arts. Also among the identified glass negative plates registered in the photograph collection, the majority of reproductions shows paintings of Dutch masters.

In the mean time the curator of the GGAM discovered another Linz indication in the safe deposit. Besides, it is about a Typescript in the extent of about 500 pages. Every page registers the information usually contained on an inventory ticket; here continuously from paintings by Dutch masters. With existence of a file of the "Dutch" the conclusion has probably to follow that there could also have been one for "Italians", "French" and "Germans" (?).

In the file on castle Weesenstein in different protocols it is spoken of a further card index. These protocols were made by the guards at the relocation place toward the end of the war in connection with the delivery to the SMAD and / or the later clearing. Unfortunately, in the original version it is not available, because after matching statements this card index was taken by the Soviet occupying force. Among the made film files in the federal archive of Koblenz parts are evidently from it or from the documents which were put up by the architect Reger in Munich in the leader's building or were available to him via the special representative for Linz. The appreciation of the files, particularly of such with "uncomfortable content", becomes clear through the following additional handmade note on a document from the year 1982: "2 packages Posse-diaries already to the Munich fine-art dealer Haberstock in the 50s" - the noting person described an action not to be followed by current understanding. The document is still closed for publication on the basis of personal data security.

The manager's conference of the SKD decided again in their session on May 31, 2001, that the available data of the above-mentioned sketches and graphic packages should temporarily be given to the Coordination Office for Lost Cultural Assets in Magdeburg in order to be put in the Internet data bank LostArt.de. On the "French sketches" it can only be indicated who has bought the object / where registered in separate sheets, as well as in the inventory book.

## **VII. Discoveries and assumptions**

- 1) The search for cultural assets lost resulting in NS-persecution is not to be fulfilled without background knowledge. For this specific research detective abilities and the application of criminological methods are essential.
- 2) After a demand of the general manager of 1998 on the public message of "foreign possession" or works of art "of unknown provenance" from the collections it was followed more or less in detail. These reports were passed on to the SMWK at the end of 1999.
- 3) On the other hand the fact has been confirmed that post-messages from the daily usual work on the stock arise. Among other things other glass negative plates were found in the arts and crafts museum in a slide cupboard belonging to the old stock which are also to be assigned to the personal effects of Schönbach.
- 4) The systematic registration of objects in question is not to be performed in every collection parallel to the running works.
- 5) It is to be noted that the relation should be seen between expenditure and use concerning the expenses for the special search for a single object also in view of its material value, see in addition information by the KGM.

- 6) Film copies present in the federal archive of Koblenz are probably parts of the original files which got lost in Weesenstein and it is to be supposed that between the allied forces, already directly after end of the war, an exchange of files and documents could have taken place.
- 7) According to the first study in the federal archive in Koblenz in exchange with other provenance researchers I am sure that the clarification could be successful for separate objects with the help of the stock of files existing there. Also on single objects of the graphic stock continuing searches are still possible.
- 8) Besides, I assume that a duplicate of the inventory of the art objects acquired for Linz existed and was used in Munich in the leader's building for registration by the architect Reger.
- 9) On the following matters question can be directed to the assistant mentioned in V.:
  - how the chests with the photo negative plates were come about,
  - who gave the order for the distribution of the photo negative plates,
  - how he came about consulting the "special representative of the leader".This assistant, who has been mentioned at several points, is said to have mentioned in a dialogue with one of the managers of the SKD that he had visited this "special representative".
- 10) On the assumption, that under the works of art sold to the state art trade were such from the stock meant for Linz, it must be followed.

### **VIII. Evaluation**

With the knowledge gained about the provenance research conclusions can be made about the former situation or of that time "art history in the National Socialism". Besides, Dr Hans Posse and Dr Hermann Voss is to be thought of not only as the "special representatives of the leader". Generally, the years from 1933 to 1945 represent a period of time which is to be reworked for the history of the SKD. Particularly the after-effects in the following historical period with the other totalitarian structures of the GDR repay this special consideration which is possible only today.

The won time-historical knowledge in an area rather neglected up to now is explosive in the social-historic aspect in certain respect. The biographies of separate persons, who stood directly or indirectly in the vicinity of special representative Dr Posse/Dr Voss, at first remained in their position after 1945. To this group belong the chancellery office worker of the picture gallery and at the same time accountant of the special representative, the restorer as well as the adviser of the special representative. The last-named played a major role till the 80s. He was first dismissed in 1945, then he was reemployed and, finally dismissed in 1947. By the

institute of care of monuments (today: country office for care of monuments) he was included as an honorary monument male nurse in the castle rescue operation. In 1981, he was asked by the ministry of State Security of the GDR (MfS or Stasi) about his activity as an adviser of the special representative. Translations of the SMAD protocols about his hearing were added to these protocols in 1946. It is striking that the translation with a date of 1981 was signed shortly after the questionings. (Did the protocols from 1946 have to be ordered by the KGB at first?)

The totalitarian system of the GDR caused for the fact that secrecy had another effect than in the western federal states and the "coat of silence" caused edging out and forgetting, in the "only anti-fascist part of Germany". Then the deals of the Mühlenbeck GmbH caused a rest. And in this "explosives" can be seen for the SKD. Beginning in 1982, the assistant who was dismissed in 1991 closed down a photo negative-archive. On account of my own searches in the central archive of the BstU I know that these were parts of the personal effects of the photographer Schönbach from Hartha. Indications on the work of the above-mentioned assistant (see above part. VI) are also in the DF in the SLUB ("German Photo-library at the Saxon State and University Library"). There, along with the Schönbach-negatives the detailed statements can be found with the ones from the SKD. These personal effects were found by the state security in connection with their investigations on the whereabouts of the amber room. It is to be supposed that from there the trace was leading once again to the special representative for Linz in 1981. Besides, there have certainly been separate contacts between the persons involved in the leader's order Linz even after 1949. Separate documents lead to the assumption as well as the quiet delivery of the Posse-diaries in Haberstock. Because, besides, it can be supposed that the art historians Posse and Voss disposed of a private collection, the question is where this has remained.

The suspicion insists that there have been remaining stocks at the SKD of those works of art meant for Linz – more than just the sketches and print graphic packages - because the transportation has not been possible anymore to Munich and to the "salt chamber property". And the conclusion is to be made that also the Mühlenbeck GmbH of the state art trade of the GDR via own intermediaries or the MfS knew about it. About their machinations could only be spoken openly after the events of 1989/1990.

## **IX. On future tasks**

- 1) Going out from the files about the sales of the SKD in the sixties, seventies and eighties in the State art trade of the GDR the works of art should be balanced with repeatedly changed inventory numbers or other suspicious factors with the existing list of Linz "Dutch".
- 2) For further searches it could be helpful also to see the workshop, or restoration books.

- 3) The evaluation of the copies placed to disposal (about 800 pages) from the BstU documents is to be continued. Eight of the above-mentioned 30 volumes in the BstU-central archive are to be reworked still.
- 4) To balance the data and for continuing knowledge on the provenance of separate works of art the immense examination of the file stock would be required in the federal archive Koblenz and in the Haberstock archive in Augsburg, see also under summary.
- 5) The documentation on the "Collection Gurlitt" of the new gallery of the city of Linz of Dr Walter Schuster/City archive Linz is to be evaluated. This collection belonged to Wolfgang Gurlitt, one of the fine-art dealers instructed by Posse.
- 6) The written personal effects of Dr Voss (probably Wiesbaden, museum or municipal archive) would have to be sighted. Other clarification particularly on typescripts with catalogues of the paintings of the "French" and "Italians" among other things are to be gained. Apart from that, up to now biographic interests have been considered almost exclusively according to the person Dr Posse.
- 7) It would also be essential to follow the way of the Posse-diaries at the searches in the Haberstock archive in Augsburg: Why Haberstock wanted these notes, why he received them, who arranged this delivery, was there a return service...
- 8) For further research it would be helpful to register or to make lists of all knowledge compiled/facts provided in the files up to now from the archive material for computer processing. A view of involved persons is to be processed, too. Together with inventory, picture file, and archival material provenance circumstances of the works of art in question can then be determined in more detail. By means of tabular representations a better evaluation of the already won data would be possible. Particularly the search in the archives would become more effective in this way.
- 9) A complete provenance proof should be constructed for all inventory entries / main works in the books registering the works which came to the museums of the SKD if the access year lies in the period from 1933 to 1945 or the acquisition should have succeeded after 1945 on the international art market.
- 10) Up to now a connection of expropriation of works of art because of NS-persecution and the events of the action "degenerated art" could not be represented. In Dresden, under the management of the gauleiter Mutschmann, an exhibition was produced under this motto long before the central Munich exhibition in September, 1933. The outlawed works of art have emerged in parts again in the "gray area" of the art market to be confiscated again in the individual case.



- 11) Concerning the cultural situation in Dresden after the power entrance of the Nazis it would be of interest whether and which position Dr Posse had connected to the action "degenerated art".

## **X. Summary**

The aim of all previous and future searches consists either in covering the property of the museum or in being able to do justice to the claim of third persons.

Up to now with the provenance search on the sketches and the print graphics in the K-K no piece of documentary evidence could be found for the farther dating back of the origin. In separate cases of the sketches the date of the acquisition or the buyers are recorded. Information on the owner could not be found till now. By making the data available on the data bank Lostart.de on the part of the Coordination Office this foreign possession is at least made transparent.

The problem of the SKD is tendentious another than that of the museums in Hamburg, Cologne or Munich. In Dresden we probably have to deal with cultural assets extracted because of NS-persecution, with works of art which come like in the western occupied zones from the registered remaining stock of the central Collecting Points (CCPs) or with questionable acquisitions of the period. Only in individual cases the purchases of the SKD after 1945 were acquisitions on the international art market. In Dresden we have to deal with remaining stocks of works of art meant for Linz which have remained in Dresden.

In the federal states of the former FRG the provenance of such works of art is normally investigated on account of which were acquired since 1933 till 1998/99 directly by the museum for the expansion of its collection. The architect Hans Reger registered all works of art which in the Nazi era were brought to Munich to the leader's building in the Arcis-street there.

After the end of the war this stock just as the one from the relocation places in the "salt chamber property" was registered in the CCPs according to lists and was restored as far as possible. From the stock not to be restored on the part of the federal government loans were given to museums in the western federal states. Today these loans and the remaining stock are administered by the "Oberfinanzdirektion" (Central Finance Ministry) of the federal government in Berlin (OFD). Now, on the Dresden situation: To what extent was it taken into account up to now that there are remaining works of art which were registered at some point in history? Besides, the temporary storage facility, "depot chapel ground" in Pillnitz, sales to the state art trade of the GDR, the typescript "Dutch" and these photo negative plates. To deal with such facts and materials requires to include more information as well as to find the "appropriate" place for their textual allocation. And this task would be additional to provenance research for cultural

assets expropriated because of NS-persecution. Clarification therefore exists to a high extent.

Ursula Köhn,  
Kupferstichkabinett,  
Dresden

### The European Union and Looted Art – Will EP Initiative turn out to be major breakthrough?

It has often been described that in most Western European countries disputes about cultural goods looted in the time of the Nazi reign and World War II are ongoing and to be decided by numerous national courts. It also seems evident that most national legal systems fail to provide special rules on how to decide ownership questions on looted art. As looted art disputes often also have an international context, dispute resolution is further complicated by the then necessary and often difficult recognition and enforcement of national awards abroad.

These national deficits of course ask for an international solution. However, such a solution has not yet been found. Though several international conventions regulate cultural property protection they fail to provide rules for cultural property already looted in World War II. Several declarations which were issued during the last ten years do expressly cover the topic of these cultural goods looted during wartime but do not have any legal force.

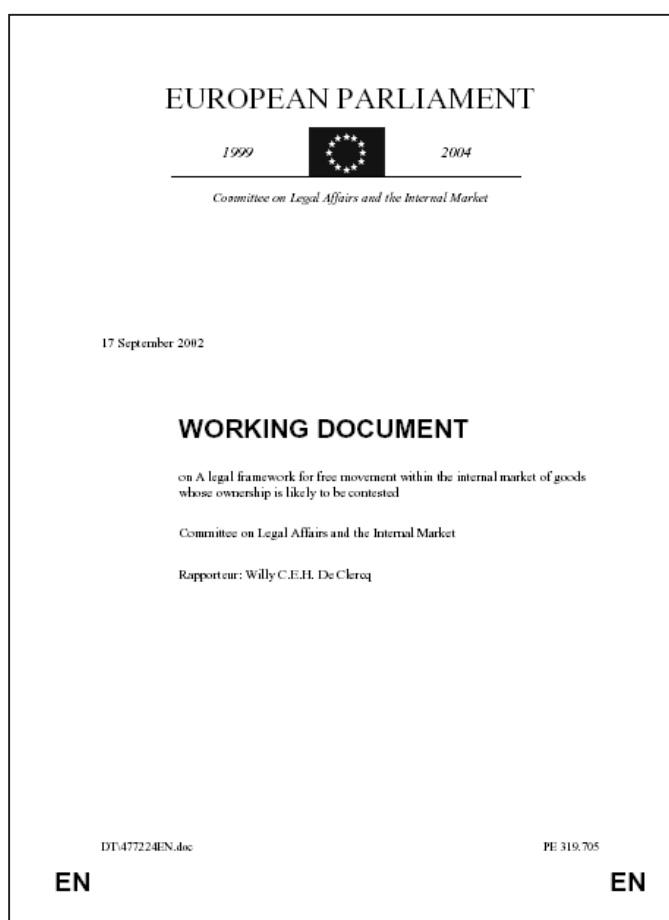
#### **The European Parliament Initiative**

It is therefore rather interesting that since autumn 2002, the European Parliament tries to introduce a common and uniform framework for solving looted art property disputes in Europe. It all started on September 17, 2002 with the presentation of a working document titled "*On a Legal Framework for Free Movement Within the Internal Market of Goods Whose Ownership is Likely to be Contested*" (PE 319.075/DT, available at <http://www.europarl.eu.int/meetdocs/committees/juri/20021007/477224en.pdf>, under Working Document) before the EP's Committee on legal affairs and the internal market (under JURI-Committee) which was compiled by the Belgian EP-member *Willy de Clercq*. The JURI-Committee apparently confirmed the working document during its session on October 7, 2002 and decided to propose this topic as a report by its an initiative to the parliament's plenary meeting later on in 2003 (cf. Art. 163 of the rules of procedure). This is remarkable as the committees are allowed to present only a limited number of this kind of reports to the plenary meeting each year, the JURI-Committee, as it is said, only two reports. If then the plenary meeting adopts the own-initiative report, according to Art.

192 TEC the European Commission is obliged to scrutinize whether the EC should adopt a legal act to respond to the legislative needs mentioned in the report. But until now, the JURI-Committee has not adopted a final version of the report, it rather intends to organize a public hearing to be able to consider relevant expertise from the member states and interested circles. According to information from the EP's administration, the hearing is scheduled for March 18, 2003 in Brussels.

The Working Document which is worth reading justifies possible activities of the European Union with regard to looted art in extenso:

"The legal situation in this area is at present entirely unclear, so that museums, art dealers, victims and heirs have been unable to recover looted goods or fill the gap in provenance of art ownership. Claimants face a bewildering array of *legal* problems, many driven by the sheer accident of where looted property happens to be found. Access to data varies from nation to nation, as do the legal standards regarding such fundamental issues as determining the applicable law, proving ownership, assessing when a claim must be brought and the effect of intervening transfers to allegedly innocent transferees. There is a need for a legal and institutional framework that will be fairer to claimants, current holders and state-owned and not-for-profit entities. Moreover, this is very much a European problem which requires a European solution, and the forthcoming enlargement of the European Union makes the issue still more important as it directly affects a number of candidate Member States" (p. 5).



However, the creation of a legal framework will only be possible if the European Treaties provide for a respective EC competence. Since a common European policy on cultural affairs is still in an early phase and the EC does not exactly have many competences to regulate European Culture, it could be forced to rely on another competence which has already been used in the past, i.e. Art. 95 TEC allowing the adoption of European legal acts in order to approximate national provisions with the intention to establish and maintain the internal market. It might indeed be possible

to use this provision as a foundation for the looted art initiative as cultural goods are beyond doubt commercial goods whose marketability is affected when questions of their ownership are disputed.

But the content of a possible future 'European solution' is left unclear in the Working Document, it seems that the hearing yet to take place should provide for relevant input. The only legislative aim already mentioned in the Working Document is the creation of joint remedial structures for looted art disputes - that means practically establishing an European special tribunal for looted art disputes:

"One of the main objectives of a European Parliament initiative should be to propose the development of remedial structures, including assessing the feasibility of a 'universal model' to address looted cultural goods issues, which would be consistent with applicable principles of European and international law. The European Union should play a leading role in supporting a title clearing and dispute resolution arbitration entity. To replace the present system where these problems are addressed case by case under national law, disputes relating to looted cultural goods should be subject to the jurisdiction of a special claims tribunal that would rely on existing international law, treaties and intergovernmental agreements. Because the means to establish such a tribunal already exist, there would be no need to negotiate a formal treaty. Rather, a tribunal could be established on the basis of less formal intergovernmental agreements and legislation at domestic and/or EU level, analogous to those used to set up the Lausanne-based Court of Arbitration for Sport." (p. 6).

This delightful description of a dispute resolution entity sounds like the Working Document recommends to establish a court of arbitration which indeed would not raise concerns to negotiate and conclude new international treaties. In case the future court of arbitration decides a looted art dispute, the arbitral award could easily be enforced in most European countries with help of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards. But this approach, on which the Tribunal Arbitral du Sport in Lausanne is also relying, has several disadvantages: An arbitral tribunal can never act in the empty space beyond any national legal order but needs, especially in the field of private law, a fixed legal surrounding which can be applied more flexible than a national court would do, but inevitably is a starting point. The (unknown) composer of the Working Document seemed to have suspected something like this as in the enumeration of possible topics for the scheduled public hearing he mentions, *inter alia*, the question of establishing "uniform standards for the identification and handling of looted cultural goods" (p. 6). These 'uniform standards' are of course highly desirable, however it seems doubtful whether they can be developed in view of the national legal systems not differing insignificantly.

Moreover, arbitral tribunals are only competent for dispute resolution in contrast to national courts when all parties involved in the dispute consent to appeal to a

arbitral tribunal instead of going to a national court. Therefore the establishment of an European Looted Art Tribunal seems to mean nothing more than a new, additional possibility to solve looted art property disputes which may be used by parties - but do not have to be used.

### **A Perspective for Europe?**

The idea of creating an arbitrating organ for a fast solution of looted art disputes is not new, has already been suggested by several institutions (compare e.g. for Germany the suggestion of the former Federal Minister of Cultural Affairs, *Nida-Rümelin*, *Süddeutsche Zeitung*, March 2, 2002, p. 17) or even been introduced in national (e.g. the British Spoliation Advisory Panel which has been established in spring 2000) and international settings (e.g. the Intergovernmental Committee for Promoting the Return of Cultural Property which has been established by UNESCO in 1978). But new is indeed the proposal to create such an arbitrating organ not merely as a consultation board but as a court of arbitration having the authority to make obligatory decisions which can be enforced. Even more promising is the proposal to restrict a possible joint approach not only to EU member states but also to include other East European countries as Russia.

However, the EP initiative came rather unexpected and it seems presumptuous already to judge about its fate. Before the initiative can become reality, the European Commission, the plenary meeting of the European Parliament and also the qualified majority of the EC member states assembled in the Council have to be convinced. Therefore short-term results can probably not be expected.

Tim Schröder,  
Institute of East European Law,  
University of Kiel

### **A short comment on two anthologies**

In 2001, the Koordinierungsstelle für Kulturgutverluste, which is also running [www.lostart.de](http://www.lostart.de), started a new series of publications. Until today, two volumes have been published: In 2001, "Beiträge öffentlicher Einrichtungen der Bundesrepublik Deutschland zum Umgang mit Kulturgütern aus ehemaligem jüdischen Besitz" (Contributions of public institutions of the Federal Republic of Germany for the way to deal with cultural assets from former Jewish Property), and, in 2002, "Museen im Zwielicht / die eigene GESCHICHTE" (Museums in twilight / the own HISTORY), a book dealing with the proceedings of two conferences in Germany,

## 1. On "Beiträge"

Silberberg, Kirstein, Littmann, Klemperer, Budge, Sachs - these and other names do not only represent former important Jewish art collections, but became also significant terms for National Socialist art robbery of which the consequences are still thought of by owners of collections around the world.

Against this background, the anthology "Beiträge" assembles twenty contributions of public institutions in the Federal Republic of Germany about their dealing with cultural assets from former Jewish property - all being representations of cases from the last decade.

Among these institutions are e.g. the Stiftung Preußischer Kulturbesitz Berlin, the Staats- und Universitätsbibliothek Bremen, the Kunsthalle Emden, the Museum Ludwig Cologne, and the Wallraf-Richartz-Museum Fondation Corboud Cologne. Thereby, the spectre of the cultural assets introduced in word and picture - paintings, drawings, prints, books, sculptures and pieces of craft - is as manifold as the special purchase and identification history or the solutions that were found for claimants and the relevant institutions.

## 2. On "Museen im Zwielicht / die eigene GESCHICHTE"

In December 2001 and in February 2002, two conferences took place in Germany. The first conference, "Museen im Zwielicht. Ankaufspolitik 1933-1945." has been realized in Cologne during December 11<sup>th</sup> to 12<sup>th</sup>, 2001; the second one, "die eigene GESCHICHTE. Provenienzforschung an deutschen Kunstmuseen im internationalen Vergleich", took place on February 20<sup>th</sup> to 22<sup>nd</sup> 2002 in Hamburg.

Both conferences dealt with questions with regard to the acquisition of cultural objects during the National Socialism and aspects of today's relevance such as the provenance of objects available today, provenance research, acquisition and ownership of cultural objects, legal topics, consequences, etc.

The proceedings of these two conferences have been compiled in one volume entitled "Museen im Zwielicht. die eigene GESCHICHTE" and offer to the reader a detailed insight into the various aspects of the matter.

The volume gathers contributions from numerous and well-known experts such as Katja Terlau, Andreas Hüneke, Harald König, Erik Jayme, Astrid Müller-Katzenburg, Patrick O'Keefe, Peter Raue, Ute Haug, and Anja Heuß to name only a few.

It is the hope of the publisher that these publications will be part of the further discussion on these topics among experts and public opinion as well and that they

will motivate further institutions and persons to deal actively with the questions raised.

"Beiträge" (328 pages, numerous images, ISBN: 3-00-008868-7; 19,90 €) and "Museen im Zwielicht/die eigene GESCHICHTE" (ca. 500 pages, numerous images, ISBN: 3-00-010235-3, 24,90 €) are both available through the Koordinierungsstelle für Kulturgutverluste, Kantstraße 5, 39104 Magdeburg, Germany (www.lostart.de; yvonne.sommermeyer@mk.sachsen-anhalt.de).

Michael Franz,  
Koordinierungsstelle für Kulturgutverluste,  
Magdeburg

### The part and the whole – aspects of private commitment to the issue of lost cultural assets

Four years ago we founded *S.E.C.co - Foundation for the Development and Support of International Information Exchange\** to initiate and to support projects and programmes which promote the international cooperation in science, education and culture, especially within Europe. Nowadays S.E.C.co is on the one hand consistently coordinating partnerships between German, Polish and Russian publishing houses, libraries and universities, and on the other hand initiating and organizing international conferences and workshops covering the challenging issues of the coalescence of Europe - in questions of educational as well as of cultural cooperation.

Let us focus here on a subject we got close to may be not incidently, but by coincidence of personal and non-personal developments: the issue of lost cultural assets.

S.E.C.co's activities in Russia have been basing from the beginning on the long-time cooperation with the *Rudomino All-Russia State Library for Foreign Literature* in Moscow and its Director General, Ekaterina Genieva. In 1999, supported both by the German Foreign Office and by the Open Society Institute-Soros Foundation (Russia), we jointly started a still continuing initiative to support the establishment of Legal Information Centers in Russia. Questions about the concepts of *transparency, dialogue* and *intercultural commonness and difference* were key elements of the controversial, but always fruitful discussions between German and Russian participants and representatives from other European countries.

In 2000 we took part in the Rudomino-Library's conference *Mapping Europe: The Fate of Looted Cultural Valuables in the 3<sup>rd</sup> Millenium*, the effects of which made clear, that, despite the complicated political and historical background and the

complicated international contradictions about the issue of looted cultural valuables, we nowadays have the chance for an open, professional and benevolent dialogue between the seemingly irreconcilable parties, and at the same time see the need for good will and political decisiveness. These results became the starting-point for the following mutual German-Russian conference about *Gestures of Good Will and Legislation*, organized both by the Soros-Foundation (Russia) and S.E.C.co in Moscow in May 2001. It was the first time that two non-governmental organisations from Germany and Russia offered a common platform for an open and unconditional dialogue between individuals, public institutions and governmental structures of the interested countries.

A year later, in spring 2002, we continued our mutual efforts and organized the international conference on *Civil Law and Issues of the Restitution of Looted Cultural Valuables* in Moscow. The conference focussed on questions about civil law and its correlation with art privately owned. Leaving the traditional ground of state organisations and questions of bilateral governmental negotiations this meeting of international specialists from 14 countries dealt with something, as Minister Schwydkoj put it, "*even more painful than bilateral governmental claims*". The conference was, apart from its high professional level, characterized by a very constructive atmosphere and by the mutual pursuit to discuss a subject which means so many individual destinies with the necessary moral responsibility. In the end it was evident, that an all-European point of view on this issue should be within reach as almost all European states have already taken steps to recognize the historical fact of art-looting on their territories, but have not yet established a comprehensive common framework to resolve the remaining political and legal problems arising from looted art.

The chances and the effects of transparency, an open dialogue and a sustained international cooperation on an informal basis led to the conference *Consolidating the Transition to Democracy III - The Kaliningrad-Issue within the European Cultural Policy* in December 2002 in Kaliningrad. In the course of the two days workshop, organized by the Rudomino-Library, the Kaliningrad State University and S.E.C.co, with more than 50 participants from Germany and Russia representing the private as well as the public sector, the interdependency of a general free access to information for citizens in an open and civil society on the one hand and a free and open bilateral, i.e. international discussion about the problem of looted cultural goods which were plundered in wartime through acts of violence, confiscation or by apparently legal transactions on the other hand got obvious. Three round tables dealt with activities of already existing legal information centers in the Kaliningrad Region, rose questions about the legal status and the legal protection of cultural assets in the Kaliningrad Region and asked about the possibilities of free access to information about cultural heritage located in the Kaliningrad Region - for both Russian and foreign citizens.



The conference showed Kaliningrad as an appropriate place for an open German-Russian dialogue about the perspectives of a border-crossing mutual work on social and civil memory and remembrance.

The conference also maintained that the free access to information about looted cultural valuables makes hidden knowledge, culture and cultural heritage accessible; that negotiations about the restitution of looted cultural assets do not necessarily have to mutate to a forum of reciprocal compensation and accusation; that the creation of a close connection between compensation and acceptance, between restitution and the reconstruction of past times is an existential precondition for conceiving structures of information and transparency.

Private initiatives and private engagement in the field of looted cultural heritage may not offer final solutions, but they may create and maintain public attention and public sensitivity. They may offer the informal platform for an ongoing discussion where state-guided activities have to keep within bounds. - S.E.C.co is aiming to contribute to a *culture of listening* as well as to a strengthening of the *civil factor*, but could not, of course succeed without its partners on this side and on the other side of all kinds of borders. Encouraging and maintaining the cooperation between the public and private sectors makes the picture of the framework of society much more colourful.

Antje Contius,  
S.E.C.co – Foundation for the Development and Support of International  
Information Exchange,  
Berlin

\* S.E.C.co was founded by Antje Contius, Claus Michaletz and Erika Neubert in spring 1999 in Berlin as a non-profit organisation.

## ***Library Losses***

### **Books of German provenance in Russian libraries**

Not only in German, but also in Russian professional circles publications on questions about the relocation of cultural assets in consequence of World War II have increased since the 1990s. As examples the loss catalogues of the state art collections Schwerin<sup>1</sup> are named here along with the series of loss catalogues of Russian institutions<sup>2</sup>. Next to the catalogues of institutions or whole states there are book publications<sup>3</sup> and magazine contributions<sup>4</sup>. With the variety of appearances and the variety of the applied languages separate contributions might, in spite of the often striking information content, not find enough attention. This is the more regrettable, because just the parallel reading and cross reading of publications is

particularly productive in such a historically sensitive area and contributes to a differentiated sight of the things.

For the author this became obvious on the basis of the Russian issue of the article "Books of the war" from Adrian Rudomino in the journal "Our Heritage"<sup>5</sup>. Already while reading the wish arose to connect this Russian article with the publication "Die Trophäenkommissionen der Roten Armee: eine Dokumentensammlung zur Verschleppung von Büchern aus deutschen Bibliotheken", published by Klaus-Dieter Lehmann and Ingo Kolasa.<sup>6</sup> This seemed to be even more useful to the author because Adrian Rudomino only mentions the publication by Klaus-Dieter Lehmann and Ingo Kolasa short and with a negative touch.<sup>7</sup>

Only in this way the achievement of Adrian Rudomino on the one hand could be accessed, which may even gain importance in the specific surrounding field of the difficult discussions about the "looted art-law" in Russia. On the other hand the gap became particularly obvious which was covered by this Russian publication in itself, compared to the German issue.

The aim of the present contribution is correspondingly, to place the efforts of Adrian Rudomino, concerned with transparency in the question of German cultural assets relocated as a result of the war in the former Soviet Union, in the context of the results of the research of working of German specialists so that both complement each other.

The question, on how well knowledge is accessible when different languages are used, played an important role for the author, besides, in this respect complications in the search for cultural assets which were transported up to this day can become even more difficult because of incorrect transcriptions and transliterations from German into Russian and vice versa.

### **The Internet Site of the All Russia State Library for Foreign Literature in Moscow**

In the All Russia State Library for Foreign Literature in Moscow (VGBIL) extensive library stocks are situated which point to German origin in their ex libris, stamps and inscriptions. Since 1999, the public can take notice of this circumstance. Since this time the library presents, supported by the Dutch embassy in Moscow, on an English and a Russian Internet Site a part of these supplies. At the address <http://spoils.libfl.ru> indications to books with possession notes of the Anhaltisch country library Dessau, the university library Berlin, the central library and country library Berlin, the national library and university library Bremen, the German academy of the naturalists Leopoldina, the franc ashes corporations hall, the Gleimhaus Halberstadt, the research and country library Gotha, the national library and university library Hamburg, the art library of the state museums in Berlin, the city and regional library Meiningen, the library of the federal state of Lower Saxony, the

Prussian secret state archive, the state library Berlin, the state and regional library of Saxon, the city museum of Dresden and the city library Magdeburg (just to name German public institutions) can be found.

The ways in which these books got to Moscow, may be different. Not in all cases it is to be spoken of relocations because of the war. An introductory text (cf [http://spoils.libfl.ru / rus / about\\_catalog.html](http://spoils.libfl.ru/rus/about_catalog.html) or [http://spoils.libfl.ru / about\\_catalog.html](http://spoils.libfl.ru/about_catalog.html))<sup>8</sup> points this out as well. Therefore the title of Gottfried Arnold, *Godlike Sparks of Love*, Frankfurt/Main, 1689 is according to information of the concerning institution no more about property of the "Frankesche Stiftungen", but a doublet. One of the stamps expelled for the title with the label "double" suggests this. Other titles, at least did not necessarily get lost in these places and are missed by these persons to whom separate stamps or ex libris may point.

Nevertheless, one may assume, the name of the Internet Site "collection of trophies and rare books" points to the fact, that these are mainly so-called "looted books" being publicly supplied on the Internet.

In connection to this the at the beginning already mentioned issue of Adrian Rudomino is of special interest.

### **Margarita Rudomino's activity in Germany 1945-1946**

After Adrian Rudomino had already reported in an earlier volume of the already mentioned Russian magazine about his own activity in connection with the relocation of books from Germany to the Soviet Union<sup>9</sup>, he devoted himself to the activity of his mother, Margarita Iwanowna Rudomino (1900-1990), in the years 1945-1946 in the article of 1999.

Margarita Iwanowna Rudomino, founder and the first manager of the state central library for foreign literature (today the All Russia State Library for Foreign Literature), was at this time busy with the evacuation of looted books or trophy literature from Germany to the Soviet Union. A corresponding order from the 5th of May, 1945 with effect to the 6th of May, 1945 called her for the purpose of fulfilment of special tasks to the chief commander of the (rear) front.<sup>10</sup>

Next to the recollections of her son who experienced the end of the war in Rostock as a twenty-year-old lieutenant and in the mean time supported his mother in her activities, the article contains contemporary decrees for the evacuation of trophy books, letters of Margarita Rudomino and listings of affected institutions and persons.

The recollections of Adrian Rudomino as well as the letters by Margarita Rudomino make clear from the view of eyewitnesses in what ways the at the beginning named

stocks of books came to the Soviet Union. They also make the state structures created for it visible.

At the end of February, 1945 an exceptional authorized committee was created within the state defence committee of the USSR whose major task consisted in the evacuation of reparation payments of the Soviet occupied part of Germany. (Because the state defence committee was dissolved in September, 1945, the exceptional authorized committee changes from this moment to the council of the people's commissioners and from March, 1946 to the council of ministers of the USSR. The machinery of this exceptional authorized committee consisted of representatives of different people commissioner's offices and ministries of the Soviet Union and the Russian federation which should devote themselves according to their specialization to the evacuation of the reparation payments. Interestingly enough also books, in Soviet understanding, fall under reparation payment works in that time.<sup>11</sup>

What was sent by the activity of the exceptional authorized committee from Germany to the Soviet Union, had to be taken care of by the state funds for literature (Gosfond Literaturny) at its arrival. This had been created in February, 1943 with the people's commissioner office for national education of the RSFSR to help destroyed Soviet libraries in the reconstruction. The central administration of the state funds was in Moscow. Moreover, Adrian Rudomino names a branch in Leningrad in his article. Separate documents of his article also refer to this. Other sources state 35 branches on the basis of regional, area and republic libraries what would explain the enormous dispersion of the trophy books about the whole area of the former Soviet Union.<sup>12</sup> Because the state funds had to take care of the compensation of the Soviet library losses, it also became responsible for the reception and the distribution of the books arriving from Germany at the end of the war.

Margarita Rudomino took over an active role in the procurement of trophy books for the Soviet libraries. So she addresses with a letter dated 16th of March, 1945 the deputy leader of the GlavPURKA (Major political administration of the workers and farmers, the Red Army, the highest ideological and political management committee of the Red Army), lieutenant general Šikin. As reasons for the wish to devote herself actively to the question of the trophy books she states in this letter the low interest of the trophy commissions specialized on artistic works for books, the unsatisfactory keeping conditions of the books in partly abandoned localities, manor houses and dwelling-houses and the need for foreign literature of the library led by her. "To the satisfaction of the reader's needs of the library for foreign literature and its branches in enterprises in Moscow as well as on the periphery a replenishment of the book stock of about 700.000-800.000 volumes would be necessary for the library."<sup>13</sup> Correspondingly she asks for the delivery of trophy books according to the specialization of the library (study of literature, linguistics, belles-lettres, popularised literature, art and culture, vocabularies, encyclopaedias and dictionaries in other languages). Her letter concludes with the following request: "In case of

difficulties with the consignment we ask to accept some qualified librarians of our library for the choice of the necessary books in the location in Germany to which you send the brigades."<sup>14</sup> The letter ends with a postscript which may have been characteristically for the self-conception of Margarita Rudomino as well as for the situation in occupied Germany: "Do you not think it up-to-date and necessary, analogously to the order of the comrade Lenin in 1918 with regard to the relation to books of former libraries of lords to send a categorical order for the Red Army which forbids to destroy books or to use literature misappropriated and who put up a series of measures plans for the protection of the book stocks on the territory of Germany up to its division"<sup>15</sup>

After this letter dated 16<sup>th</sup> of March 1945 by Margarita Rudomino, a corresponding letter follows in Adrian Rudomino's article to the chairperson of the committee for cultural institutions and educational facilities with the advice of the people commissioners of the RSFSR, T. Sujew, from 21st of March, 1945 as well as the order mentioned already at the top from 5th of May, 1945.

Beside Margarita Rudomino are commanded to Berlin by named order Aleksej Dmitrievič Manevskij, manager of the scientific research institute for museum and background studies and Nikolaj Nikolajevič Pozdnjakov, deputy manager for scientific work on the state polytechnic museum (Moscow). Dmitrij Nikolajevič Čaušanskij, leader of the purchase department of the Lenin - library (today Russian national Library Moscow) and V.N. Stefanovič, assistant of the state library for foreign literature shortly after M. Rudomino enter.<sup>16</sup> A total summary of the assistants of the committee for affairs of the cultural and educational institutions at the council of the people's commissioners of the RSFR which were busy with the choice of museum and library goods in Germany from May till December, 1945, is named in the document No 10 of the at the beginning named issue of Lehmann/Kolasa.<sup>17</sup> The task to be fulfilled which is named in the document in each case, expels among seven assistants besides Margarita Rudomino as the leader of the library group, Dmitrij Čaušanskij and Elena Sergeevna Dorogutina, responsibly for the choice of library goods or for the storing and packaging of the stocks of books explicitly as responsible for the area of the libraries.

According to the recollections of Adrian Rudomino representatives of the academy of the sciences of the USSR, the committee for affairs of the art and colleges at the council of the people's commissioner's offices, the committee for national education of the RSFSR, the people's commissioner's office for health service of the USSR, the defence committee of the USSR and different area commissioner's offices and administrations were employed with the book evacuation from Germany to the Soviet Union like the group around Margarita Rudomino. This may explain vote difficulties and competence wranglings as well, like the wide spectrum of the institutions in which stocks of books relocated from Germany as a result of the war are probably situated.

Margarita Iwanowna Rudomino is at the time of her summoning manager of the library for foreign literature for more than 20 years. In 1922 she founded it. In 1928 she studied during an official travel in the course of a month structure and activity of the libraries in Germany. On her mother's side she is heir of the German Baltic gender of the "von Berg", speaks German liquidly. Her mother and the sisters of her mother taught German and French. As a child she repeatedly stays in Germany. In 1931 she was involved in the establishment of the "Publishing House of Foreign Workers in the USSR", in 1933 in the establishment of the journal "International Literature" which is available under the name "Foreign Literature" and which as well is of outstanding importance to Russian literature lovers until today thanks to the translations and reprinting of works of world literature and in view of interesting new publications to this day.

### **Aims of the activity**

The task of the library group around Margarita Rudomino pursued several aims according to the representation of Adrian Rudomino. On the basis of this the complex and multilayered character of the books transported from Germany to the Soviet Union can be seen. According to Rudomino it was worth, to search for the books which had been transported from the Soviet Union, and to bring them back (1). Literature and library supplies which formerly belonged to the organizations and institutions of the National Socialists, the military administration, to state leaders and party leaders, industrialists and financiers had belonged, were to be found trace of, to seize and to transport (2). The evacuation of supplies of separate selected libraries should take place in a calculated way (3). Those books which were already placed in the trophy stocks of the Soviet army were to be examined (4). The same was to be decided for those publishing houses whose warehouses and shops published foreign literature (5). Besides, library equipment and library technology had to be found trace of (6).<sup>18</sup> In a survey of her work, addressed to the committee for affairs of cultural and educational institutions at the council of ministers of the RSFSR from September, 1946 Margarita Rudomino summarized these tasks as follows:

- a) The search for the stocks of books which the Germans relocated from the Soviet Union during the war.
- b) The inquiry and examination of libraries and collections of books which belonged to former military institutions and Nazi institutions, separate ministries or "SS" members and other Nazi representatives.
- c) The choice and the transport of particularly valuable literature to the USSR which was necessary for the completion of their scientific work of the Soviet libraries.<sup>19</sup>

According to the report of Adrian and Margarita Rudomino the "nacalnik upravlenija" the supreme commander of the Soviet military administration of Thuringia, Kolesničenko, gets the order to give back the below named volumes to

M. Rudomino, on the 13th of May, 1946. The order was given by the supreme commander of the Soviet military administration in Germany, lieutenant general Dratvin and the chairperson of the department for national education of the Soviet military administration in Germany, Zolotuchin:

1. City of Tanna<sup>20</sup> (Schleiz) - library of the former company of AEG - 10.000 volumes.
2. City of Pessenik<sup>21</sup>, from the warehouse of the publishing house Herold - 20.000 volumes.
3. Village Schleben, from the estate of count *Gebel*<sup>22</sup>, collection of old memoirs and other literature - 2.500 volumes.
4. "predmest'e" Suburb Altenburg *Powschitze*, linguistic library, belonging to the lord of the manor von Gabelenz<sup>23</sup> - 8.000 volumes.

Besides, a stock of books, formerly ministry of aviation, in Erfurt, Mittelhausenstrasse 76-77, Hangar 28, is to be handed over.<sup>24</sup>

The stocks named under point 1 as well as the books of the ministry of aviation easily can be subsumed under the above-mentioned aim: evacuation of literature and library supplies which belonged to organizations and institutions of the National Socialists, the military administration, to state leaders and party leaders, industrialists and financiers. The evacuation of the books of the publishing house Herold corresponded to the aim to transport books of publishing houses which published foreign literature. The books of the estates Schlöben and Poschwitz are likely to have fallen under this aim.

Just with look at this aim and taking into account the "listing of some of the German libraries whose supplies are to be transferred appropriately in the control of the USSR independent of the book reparation payments of Germany to the Soviet Union"<sup>25</sup> it will also be understandable, why on the Internet page of the All Russia State Library for Foreign Literature in Moscow books with stamps or ex libris of the German army library, the Foreign Ministry or the ministry of economic affairs, the institute of border studies and foreign studies, the artillery academy (Dresden) or the military district library Dresden are to be found.

With regard to the aim, that those books which had been transported from the Soviet Union are to be investigated and brought back it is necessary to note that the inventory of the packages which the culture committee sent by the military train No 177/8028, the following cultural assets are listed beside numerous German trophy books among other things: "69. herbarium of the Ukrainian academy of Sciences taken from Germans, in 8 boxes; 70. Entomological collection of the Ukrainian academy of Sciences taken from Germans, in 8 boxes; 71. negatives from the institute of biology of the Ukrainian academy of Sciences taken from Germans, in 1 box; 72. books from the library of the Ukrainian academy of Sciences taken from Germans, in 12 boxes; 73. stock of newspapers from the archive of Novgorod taken

from Germans, in 32 boxes; 74. as above and museum metal pieces, 1 box".<sup>26</sup> Another top secret document about the activity of the committee for affairs of cultural equipments and educational institutions at the council of the people's commissioners of the RSFSR of 1946, addressed to Ždanov, names in this connection as transferred to the Soviet Union: "b) Liturgical device and a collection of *Estampes* (prints) of the museum of Novgorod; c) complete archive collections of old-Russian newspapers and local newspapers from 1920 to 1941 from Moscow, Novgorod, Pskov; d) volumes of the central inhabitants of Petersburg (Leningrad) newspapers from the 80s of the 19th century till 1941; 33. separate books from the Novgorod house of the Red Army, the library of Riga, the university Voronež, honour documents from Tartu (Juriev) and Wesenberg; 34. icons from the Pskov and Porchov museums; 35. property of the Ukrainian academy of the Sciences (26 boxes): a) coats of arms, b) ethnology collections, c) negatives from the institute of biology and zoology, d) 800 books from the library of the same institute."<sup>27</sup> In one of her letters Margarita Rudomina reported from her part to have found books from the Novgorod Sofie's cathedral.<sup>28</sup> Therefore it is to be referred to the more than 1.000 book boxes handed over by the American military administration.<sup>29</sup>

For the work of the library group around Margarita Rudomina warehouses and working groups are created in Berlin and Dresden. The direct decision about the evacuation of the books falls till the beginning of June, 1945 to the supreme command of the Soviet occupying forces in Germany. Since June, 1945, with establishment of the Soviet military administration in Germany (SMAD) as the highest organ of power in the Soviet occupied zone this task is transferred to the latter.

Beside the supplies named already at the top supplies of the German Book museum and Script museum are transported by Margarita Rudomina among other things. The Gutenberg-Bible belonging to this museum is brought by the above-mentioned Čaušanskij at the beginning of October, 1945 in person by aeroplane to Moscow to the State Lenin Library, today Russian National Library.<sup>30</sup> Supplies of the national library of Berlin come to the Leningrad State Public Library, today Russian National Library, St. Petersburg. Stocks of books of the Gestapo, of the Department of the Interior, the Eastern Europe Ministry, the libraries of Goebbels, Ribbentrop, of Schacht, Funk, the castle libraries of the Prussian kings from Potsdam, the castle library of the Saxon kings from Moritzburg, libraries of the dukes are transported from Braunschweig, Weimar, Mecklenburg, from the counts Arnim, Stolberg, Schöneburg, Reichenwald<sup>31</sup>.

Interestingly enough, under the transported literature there are also in book shops and with publishing houses acquired ones, so more than 30.000 series of volumes, periodicals, volumes of subscriptions, missing volumes of collected works, the newest scientific-technical literature in foreign languages. Besides, more than 1.000 metric tons of library equipment and library technology.



Margarita Rudomino stayed in Germany from the 06/05/1945 to the 01/11/1946. In this time she examined more than 300 libraries and book collections in 112 cities of Germany. Altogether by her and her assistants about a million volumes were chosen and transported. Other 800.000 volumes were sent to the Soviet Union about the trophy warehouses of the commander's offices by the SMAD. So approximately 2 million volumes came to the Soviet Union in 1945/1946 via the committee for cultural and educational institutions of the council of the people's commissioners of the RSFSR. The books selected by Margarita Rudomino were transported in October, 1945 by three aeroplanes, brought directly to her library as well as in 1946 by five trains to Moscow and Leningrad. The latter were addressed to the "State fund for literature" where they first ran through the censorship, before they were otherwise distributed. The books were distributed to scientific libraries in the centre, the republics and small regions.<sup>32</sup>

Under the cities and libraries which name the letters published by Adrian Rudomino of his mother, are not only German cities, but also Vienna, Prague and Budapest.<sup>33</sup> There Margarita Rudomino traveled evidently only in spring, 1946, although a corresponding inquiry was already received by marshal Žukov in December, 1945.<sup>34</sup>

**List of libraries and book collections which were transported to the Soviet Union by representatives of the committee for cultural and educational institutions from the Soviet occupied zone 1945-1946**

Adrian Rudomino concludes his contribution with a "list of the libraries and book collections which were transported from representatives of the committee for cultural and educational institutions of the Soviet occupation zone in 1945-1946 to the Soviet Union". The same list is recallable next to numerous other documents on the Internet page of the Centre on Problems of relocated Books (cf [www.libfl.ru/restitution/rudomino/rudomino2.html](http://www.libfl.ru/restitution/rudomino/rudomino2.html)).<sup>35</sup> Besides, it is remarkable that Adrian Rudomino has published no complete list as opposed to the already repeatedly quoted authors Lehmann and Kolasa.

Therefore, in the following those stocks of books are listed which are let out by the issue of Adrian Rudomino. Although they are contained in the publication by Lehmann/Kolasa, this seems a good idea in different respects. On the one hand the not-included information in the list of Adrian Rudomino make clear one more time the whole textual spectrum of the transported books which reached from stocks of books of public libraries to libraries of ministries and administrations up to private libraries. The hope that public libraries of the FRG as well as affected private individuals could learn more than ever about what happened to their collections of books is closely connected to this.

On the other hand the listing the not included stocks of libraries by Adrian Rudomino may also stimulate discussions whether there have been certain criteria for the omissions. Certainly, in the omissions lies a specific importance on libraries

of leading representatives of the Nazi's regime as well as of private individuals. But in the list of Adrian Rudomino there are also found the names of Goebbels, Ribbentrop or Schacht, the names of those of Lynar or of Hardenberg. There is also a conscious omission of the books which came from enterprises, publishing houses or via the book trade to the Soviet Union seems in this respect improbable, when Rudomino's list names books, for example, under the No 89 which were acquired in shops and publishing houses of the cities of Berlin, Leipzig, Halle and Jena.<sup>36</sup> And the assumption, the omissions could refer specifically among other things to stocks not of German origin, has in this respect not turned out true because Adrian Rudomino names, neither the Polish library from Paris nor the Turgenjev library. Both libraries had been relocated first by the "Einsatzstab Rosenberg" from Paris to Germany, before they were transported to the Soviet Union.<sup>37</sup> On the other hand, however, in Rudomino's list under No 24, among the transported stocks from the Gestapo-Building there are notes named of the pianist Arthur Rubinsteins.<sup>38</sup> And also these notes had been transported with big probability previously first from the "Einsatzstab Rosenberg" from Paris to Germany, and became in this respect double war trophy.<sup>39</sup> So the wish remains, Adrian Rudomino could continue the excursion begun by him on trophy books in the Soviet Union and this continuation may become a part of a many-sided dialogue about the destiny of books missing till to this day to which the knowledge of a lot of sides submits to an adequate general view which makes the practical contact with these books easier and for all affected persons more comprehensible.

Extract from the document No 31: catalogue of the libraries and the collections of books which representatives of the committee for culture and education carried from the Soviet occupation zone in Germany to the Soviet Union, 1945 and 1946<sup>40</sup>.

| Nb.                     | Place of origin      | Address   | Number of boxes | short description of library  | Information about transport to USSR  | Notes of the author   |
|-------------------------|----------------------|---|-----------------|---|--|---|
| [n.r.]<br>=not readable | Technical            | Berlin, Berliners tr. Charlottenburger Str. 170-178 | 8               | Technical Literature, end of the 19th-beginning of the 20 <sup>th</sup> cent. A part of the library of the Technical university was discovered in the blown up tunnel of the garden. The major part of the library took [n.r.] VKBS | transported [n.r.] 1946 military entr no.. 177/8 [n.r.] train station. Stettin to Moscow | missing No. 3 in the list of A. Rudomino; in a different document by Lehmann/Kolasa this stock is mentioned as from the "cellar of the Technical University, City Center, Berlinerstr. 170" <sup>41</sup> |
| [n.r.]                  | University of Sports | Berlin, Reich's sports field,                       | 144             | Literature about Sport, hygiene, different kinds of mass games (-activities). Taken from the cellars under the tribunes of the Central  | - " -  | missing No. 8 in the list of A. Rudomino  |

|        |   |  |     |  |  |  |
|--------|---|--|-----|--|--|--|
|        |   | stadium                                |     | Stadium.   |  |  |
| [n.r.] | [Slovak] Mission  | Berlin, Bezirk Schöneberg              | 8   | Different literature, taken from an empty building.  | - " -  | missing No. 10 in the list of A. Rudomino  |
| [n.r.] | Japanese-German Society   | Berlin, Bezirk Schöneberg              | 34  | Books from a deserted villa. Monographs about Japan, Lexicons and German-Japanese dictionaries, travel guides .  | transported 10/1946 military entry no. 177/8028; from Berlin, train station Stettin, to Moscow | missing No. 11 in the list of A. Rudomino  |
| [n.r.] | Library of the former Minister of education Funk                      | Berlin, Wannsee manor                  | 31  | Remnants of a deserted and incomplete library: valuable brochures, prints, Dissertations about industry and economy.   | - " -  | missing No. 12 in the list of A. Rudomino  |
| [n.r.] | Library of Prof. Noack  | Berlin, Wilmersdorf                    | 11  | Private library of Professor of botany, escaped from Berlin valuable collections of brochures, prints of magazines, dissertations about botany in all European languages. Seldom monographs about art. | - " -  | missing No. 15 in the list of A. Rudomino; meant is Berlin-Wilmersdorf, in a different document by Lehmann/Kolasa this private library is named under "Berlin Schmargendorf" <sup>42</sup> |
| [n.r.] | Library of the Inspector for education                                | Berlin, Schöneberg, flat               | 12  | From the deserted flat of a Nazi-clerk. Literary translation linguistics, foreign language studies, school system, works of reference, dictionaries. Volumes of classics, belletristic literature.     | - " -  | missing No. 16 in the list of A. Rudomino  |
| [n.r.] | - Museum-*  | Berlin, Wallstr. and Am Lustgarten     | 25  | Works of reference, packed taken from a museum of local history in Berlin and the province of Brandenburg.   | - " -  | missing No. 17 in the list of A. Rudomino  |
| [n.r.] | Single deserted flats of the "SS"/Wlassow, Brauchitsch, Dönitz, Rust/ | Berlin, Zehlendorf, Schmargendorf a.o. | 233 | Diverse Literature, taken from deserted villas of Nazis; mostly history, belletristic literature, works of reference.  | - " -  | missing No. 19 in the list of A. Rudomino; meant is Berlin-Zehlendorf,   |

|        |  |                                   |     |  |       |  |
|--------|--|-----------------------------------|-----|--|-------|--|
| [n.r.] | Library of the East-European Institute and the [n.r.] building of the museum | Berlin, Invalidenstr. 42          | 21  | Library for studies of agriculture in Eastern Europe; from the cellars of the destroyed museum. Many volumes in the Slavic language and Soviet works of reference.               | - " - | missing No. 20 in the list of A. Rudomino; in another document by Lehmann/Kolasa these stocks are called "the library for studies of the agriculture of Eastern Europe, Berlin, Invalidenstr. 42"; the Museum is there named "Museum for agriculture" too. <sup>43</sup> |
| [21]   | Library "Inter-radio"  | Berlin, Wannsee                   | 32  | Library of the central Fascist information service. Works of reference for languages, dictionaries, belletristic literature in European languages.                               | - " - | missing No. 21 in the list of A. Rudomino  |
| [n.r.] | Library of Ar(e)ndt [n.r.] leader of enterprises in Germany                  | Berlin, Wannsee                   | 7   | Private library from a deserted flat. Books and magazines about art and theatre. Interesting are the maps with extracts of critiques about theatre productions, exhibitions a.o. | - " - | missing No. 22 in the list of A. Rudomino; this private library, as well as many others entered in the list are mentioned again by Lehmann/Kolasa and partly characterized in more detail <sup>44</sup>  |
| [n.r.] | Library of the architect Mark  | Berlin, Reich's sports field      | 10  | Found under the tribunes of the Central Sports stadium, the area of the airplane works. Books, albums about history of architecture and literary studies.                        | - " - | missing No. 23 in the list of A. Rudomino<br>cf. note 44.  |
| 27.    | Library of the Palace of Potsdam-II. Row                                     | Palaces Potsdam                   | 130 | Splendid literary volumes, maps with engravings, lithographs. (see [48*]).   | - " - | missing No. 27 in the list of A. Rudomino  |
| 28     | Reference and biographical library   | Mühlrose, Briskow, near Frankfurt | 50  | The collection was handed over by the head of the trophy department of the 33rd army.  | - " - | missing No. 28 in the list of A. Rudomino  |
| 29.    | Library of count Schulenburg   | Liebersdorf, near Frankfurt       | 17  | Received from the head of the trophy department of the 33rd army, including books about the German history, German magazines, 18th century,                                      | - " - | missing No. 21 in the list of A. Rudomino; cf. note 44, for this private   |

|     |   |                       |     |  |  |   |
|-----|---|-----------------------|-----|--|--|---|
|     |   |                       |     | complete works of Jean Paul (Richter), edited in his lifetime.   |  | library as well as many others possible locations from other documents by Lehmann/Kolasa can be concluded i.e. in the State Historical Library; <sup>45</sup> for the understanding of why these libraries were taken away by the trophy brigades the document No 26 by Lehmann/Kolasa is informative <sup>46</sup> |
| 31. | Library on questions of colonial politics                                     | Berlin, Breitestr. 36 | 280 | The department-bound-Nazi library was situated, packed in boxes, in the cellar of a destroyed building; the content: Books and magazines, partly edited still in the colonies. A lot of official report material in different European languages.  | transported 10/11/46 military entry no. 177/8028; from Berlin, train station Stettin, to Moscow. | missing No. 31 in the list of A. Rudomino   |
| 32. | The library of the seminars for ethnology of the Germanic - Romanic languages | Berlin, Breitestr. 36 | 74  | A part of the seminar library of departments of the Berlin university: Slavonic studies, department for public and international law, dep. of ethnology, German-Romanic Seminar a.o. The rest of the stocks from destroyed buildings, including issues of the private library of the literary critic and folklorist Volt, of scientific researches about India and Northern countries, report material of the League of Nations, legal literature a.o. | - " -  | missing No. 32 in the list of A. Rudomino   |
| 33. | Examples of Leipzig Publishing houses   |                       | 14  | Received by order of the commandant's headquarter and by decree of the town council of the city of Leipzig. The books were collected through the "Börsenverein" (stock exchange society). Samples of all German editions of the last 10-12 years.  | - " -  | missing No. 33 in the list of A. Rudomino   |
| 34. | Examples of Berliner Publishing houses  |                       | 8   | By order of the commandant's headquarter and by decree of the town council of the city of Berlin. Collected via Prussian State Library. Samples of all German editions of the last 10-12 years.  | - " -  | missing No. 34 in the list of A. Rudomino   |

|       |  |   |     |   |   |  |
|-------|--|---|-----|---|---|--|
| (35.) | Library of the "Gau-School-Administration"                           |   | 18  | See no. 31.   | - " -   | missing No. 35 in the list of A. Rudomino              |
| (36.) | Library of Rust former educational seminar /form the mines/          |   | 30  | A part of the library of Rust /s. no. 19/ was evacuated to the mines of Thuringia. Taken from Weimar.   | - " -   | missing No. 36 in the list of A. Rudomino              |
| 38.   | Library from villa Liegnitz, IV-Row                                  | Potsdam   | 20  | A part of the Palace libraries /s. no. 27/.   | transported 10 Nov/1946 military entry no. 177/8028; from Berlin, train station Stettin, to Moscow. | missing No. 38 in the list of A. Rudomino              |
| 39.   | Library of Henschel  | Gruben near Dornsdorf /near Eisenach Thuringia/ | 99  | Private library of the factory owner Henschel, expensive editions about art, techniques and belletristic literature. Beside the library, the technical archive of Henschel was taken over and given to the ethnic commission for the building of airplanes. | - " -   | missing No. 39 in the list of A. Rudomino; cf. note 46 |
| (40.) | Library from villa Benz /SS/   | Potsdam, Orangery                               | 15  | A part of the Palace libraries /s. no. 27/.   | - " -   | missing No. 40 in the list of A. Rudomino              |
| (41.) | Palace Library No. 5 und No. 6                                       | Potsdam, Orangery                               | 202 | See no. 48.   | - " -   | missing No. 41 in the list of A. Rudomino              |
| (42.) | Volumes of the State Prussian Library gift to the Lenin-Library USSR | Berlin, Unterd Linden                           | 3   |   | - " -   | missing No. 42 in the list of A. Rudomino              |
| 44.   | The castle of holy John  | Stadt Sonnenburg                                | 180 | In the rooms of the castle the following libraries were evacuated: 1/ library of the department for foreign affairs. 2/ A part of the Berlin State Library,   | transported 10/11-46 military entry no 177/8028; from Berlin,                                       | missing No. 44 in the list of A. Rudomino              |

|       |   |   |   |   |   |   |
|-------|---|---|---|---|---|---|
|       |   |   |   | 3/ Agricultural Library of the Ministry for agriculture. From these libraries the more valuable editions were chosen.   | train station Stettin, to Moscow.   |   |
| 45.   | Library of general Schöneburg-Glauchau  | Gussow  | 75  | Private library about German History, Military tactics, strategy, memoirs a.s.o.  | - " -   | missing No. 45 in the list of A. Rudomino |
| (49.) | Mutzschen-library 1/ Inst. for body cult 2/ Merchant school 3/ Inst. for newspapers 4/ Educational.- Psychological.- Inst. 5/ Part of the Leipzig university /179 boxes/ 6/ Archive of the university / 6 boxes | Mutzschen-castle  | 1/ 96<br>2/ 166<br>3/ 50<br>4/ 91<br>5/ 179<br>6/ 6 | Scientific literature of different fields, in the warehouse of the castle Mutzschen, assembled from diverse scientific libraries of Germany.  | transported 19/1945 military entry no. 19051; got with freight of the Timirjazevs-kij Academy via the Czech Republic to Moscow. | missing No. 49 in the list of A. Rudomino |
| 50.   | A part of the library of the Reich's Chancellery  | Berlin, Reich's Chancellery   | 11  | Remains of the library which was evacuated to the suburbs of Berlin /s. No. 25/. Taken from the cellars of the destroyed building. Books about economy, politics a.o.   | transported 30/IV-46 military entry no. 177/8029; from Berlin to Moscow.  | missing No. 50 in the list of A. Rudomino |
| 51.   | Library "I.G. Colour-Industry"  | Berlin, Brunnenstr. 188-190, Building of the entire "Colour-industry" | 39  | The library of the Berlin offices of the share company "Colour Industry". Included technical-industrial-economic and statistical literature about different countries. A rich collection of presentations (duplicated on glass plates) on recent economic state in many countries /the material was provided by the economic department of the company/ a systematic collection of newspaper articles, in maps. | - " -   | missing No. 51 in the list of A. Rudomino |

|       |   |   |     | Works of reference, magazines.   |   |  |
|-------|---|---|-----|--|---|--|
| 56.   | A part of the library of the Prussian Academy of the Sciences | Trophy warehouse of the commander's office Meißen | 84  |  | transported 6/V-46. military entry no. 177/8030 from Dresden/station Radeberg/ to Moscow. | missing No. 56 in the list of A. Rudomino  |
| 59.   | Library of count von der Gablenz                              | Altenburg   | 95  | Eastern literature Rich Department Poetry. Collection of dictionaries, including Sanskrit. Books in 5-6 languages, antiquarian bookshop [unclear].   | - " -   | missing No. 59 in the list of A. Rudomino; the library is also mentioned in other documents by Lehmann/Kolasa; cf. note 47 |
| (60.) | Polish library from Paris                                     | Neugersdorf, attic of a brick-factory             | 742 | Polonistic, mainly Polish and French belletristic literature with alphabetical catalogue.  | - " -   | missing No. 60 in the list of A. Rudomino; cf. note 37   |
| (62.) | Technical library of the works "Kerting und Matisen"          | Leipzig   | 73  | Literature about electronics and light technique, transformers. Rich stocks of periodicals of the last 20-30 years.  | - " -   | missing No. 62 in the list of A. Rudomino  |
| (63.) | Library of different commander's offices                      | Bischofswerda, Bautzen, Radeberg, Dresden         | 387 | Diverse books from single libraries or private libraries from the warehouse of the commandant's headquarter.   | - " -   | missing No. 63 in the list of A. Rudomino  |
| 72.   | Library of count of Schöneburg from Waldenburg                |   | 138 | The private libraries of a high-rank Fascist official, was mainly made up by belletristic world literature and art. The main part of the library was confiscated for the founding of foreign language department of the library of the Soviet house of culture in Berlin. Only rests were brought to the USSR. | - " -   | missing No. 72 in the list of A. Rudomino; cf. note 44   |
| 73.   | Stocks of books from Merseburg                                |   | 260 | A number of small libraries, which had come to cities from country manors /count Ärmnitz, count Furwener, count Balten, Zimmerman a.o./ Content: belletristic literature, history, agriculture, philosophy,  | - " -   | missing No. 73 in the list of A. Rudomino  |



|     |   |             |     |   |  |   |
|-----|---|-------------|-----|---|--|---|
|     |   |             |     | encyclopedias.  |  |   |
| 74. | Library of count Arnim                                | Boitzenburg | 402 | Before the packing and sending the rests of the literature from representatives of different organizations were looked through and chosen. The remaining stock: a number of handwriting from the 12th century, books on legal matters, history, church history, economy, belletristic literature, cards.  | - " -  | missing No. 74 in the list of A. Rudomino; this and further private libraries are mentioned again in document No 21 and 25 by Lehmann/Kolasa; cf. note 48 |
| 75. | Danzig Technical Library                              | Thuringia   | 284 | The library was evacuated in 1942 and lost its completeness. Before Thuringia was part of the Soviet zone the library had been looked through by representatives of the American and English forces. A number of Soviet organizations chose literature too. The departments: Technique, exact sciences, encyclopedias, belletristic literature a.o. | Transported 24/VIII-46. military entry no. 176/8036 Berlin/Rummelsburg/ to Moscow. | missing No. 75 in the list of A. Rudomino   |
| 77. | Library of the duke of Mecklenburg                    | Schwerin    | 64  | Two libraries, a private and one of the city of Schwerin. Content: arthistorian literature, Mecklenburg works, encyclopaedias, albums.  | - " -  | missing No. 77 in the list of A. Rudomino   |
| 78. | Library of baron of Wangenheim                        |             | 19  | Private library; belletristic literatur, dictionaries, encyclopedias in French and in German.   | - " -  | missing No. 78 in the list of A. Rudomino; cf. note 48  |
| 80. | Library of count Ortrand                              |             | 38  | The former owner of the library was literary historian. The library is mainly made up by belletristic literature, mostly in English.  | - " -  | missing No. 80 in the list of A. Rudomino; cf. note 48  |
| 81. | Library of the former military school of the pioneers | Berlin      | 82  | The library was taken from a building in which the school of the pioneers was situated, the literature was deposited on the attic.  | transported 24/VIII-46 military entry no. 176/8036 Berlin/Rummelsburg/ to Moscow.  | missing No. 81 in the list of A. Rudomino   |
| 82. | Books from the library of count Pückler               |             | 33  | The library was part of private property / probably of count Pückler/. Books from the 18th century, history, literary history, classical philology/, Books on legal sciences, natural sciences a.o.   | - " -  | missing No. 82 in the list of A. Rudomino; cf. note 48  |
| 83. | Books taken   |             | 37  | Books from a bookshop. New editions about art, the history of   | - " -  | missing No. 83 in the list of A.  |

|       |  |                     |     |  |       |   |
|-------|--|---------------------|-----|--|-------|---|
|       | from Cottbus   |                     |     | German cities, German art literature.  |       | Rudomino                                  |
| [86.] | Library from the warehouse of the publishing house Herold  | Possneck, Thuringia | 49  | Books, magazines, newspapers on the Jewish question, mainly 19-20th century. A rich collection about freemasons. German magazines of the last years.                         | - " - | missing No. 86 in the list of A. Rudomino |
| [87.] | The warehouse of the print and publishing house De-gruyter | Trebbin             | 109 | Books which were taken from the store of the publishing house, about philology, art history, archeology, as well as running editions.  | - " - | missing No. 87 in the list of A. Rudomino |
| [88.] | Books from the central warehouse in Potsdam                | Potsdam             | 142 | A part of the library of the Ministry for foreign affairs, evacuated to Prenzlau; library taken from Templin; diverse books from the villa Kache /Gardens of Sanssouci/ a.o. | - " - | missing No. 88 in the list of A. Rudomino |

**Notes:**

<sup>1</sup> Documentation of cultural assets lost as a result of the war of the country museum of Mecklenburg. State museum of Schwerin art collections. Castles and gardens, 1998 and the following.

<sup>2</sup> Svodnyj catalogue kul'turnych zennostej, pochiščenyh i utračennyh v period vtoroj mirovoj vojny. Moskva/Sankt-Peterburg, would be named in 1999.

<sup>3</sup> representative are: Heuß, Anja: Kunst und Kulturgutraub: eine vergleichende Studie zur Besatzungspolitik der Nationalsozialisten in Frankreich und der Sowjetunion, Heidelberg, 1999.

<sup>4</sup> For example: Patricia Kennedy Grimsted. Twice Plundered or "Twice Saved"? Identifying Russia's Trophy Archives and the Loot of the Reichssicherheitshauptamt. In: Holocaust and Genocide Studies / Vol. 15 / Number 2 / Fall 2001.

<sup>5</sup> Adrian Rudomino. Knigi vojny: Pis'ma M.I. Rudomino iz Germanii in 1945-1946 godov i nekotorye dokumenty Togo vremeni. In: Naše Nasledie, No 49, 1999, p. 78-96.

<sup>6</sup> Die Trophäenkommissionen der Roten Armee: eine Dokumentensammlung zur Verschleppung von Büchern aus deutschen Bibliotheken / edited by Klaus-Dieter Lehmann and Ingo Kolasa. - Frankfurt/Main: Klostermann, 1996 (magazine for librarianship and bibliography: special editions; 64).

<sup>7</sup> Adrian Rudomino writes: "in Germany serious scientific examinations are executed to the problem cultural assets transported as a result of the war. So, e.g., recently in Frankfurt/Main a volume was published in which into German translated Soviet secret documents are contained concerning the evacuation of books from German libraries to the Soviet Union, but with the evaluations which are offensive for Russia". Adrian Rudomino (1999), p. 78.

<sup>8</sup> This information is also found in the printed version of the Internet catalogue "Inostrannye kniznye znaki v sobranii redkick knig Vserossijskoj gosudarstvennoj innostrannoju literatury imeni M.I. Rudomino." The Foreign Book Signs in the rare Book Collection of the Library for Foreign Literature (Founder M. Rudomino). Moscow, 1999. p. 14.

<sup>9</sup> Adrian Rudomino. Polveka v plenu. In: Naše Nasledie, No 32, 1994.

<sup>10</sup> Adrian Rudomino (1999), p. 80; see also Lehmann/Kolasa, p. 15.

<sup>11</sup> Cf. Adrian Rudomino (1994), p. 3, 9 and Adrian Rudomino (1999), p. 78.

<sup>12</sup> More exact information on the tasks and activity of the State Fund for Literature, as well as also on the distribution strategies and distribution problems of the trophy books particularly in the late 40s / to the early 50s are found in the mentioned issue of Lehmann/Kolasa, p. 16.

<sup>13</sup> Adrian Rudomino (1999), p. 80.

<sup>14</sup> Adrian Rudomino (1999), p. 80.

<sup>15</sup> Adrian Rudomino (1999), p. 80.

<sup>16</sup> Adrian Rudomino (1999), p. 80.

<sup>17</sup> Lehmann/Kolasa, p. 57.

<sup>18</sup> Adrian Rudomino (1999), p. 81.

<sup>19</sup> Lehmann/Kolasa, p. 164.

<sup>20</sup> The village is situated approx. 10 kilometers south of Schleiz.

<sup>21</sup> Meant is probably Poessneck, approx. 16 kilometers southeast of Rudolstadt.

<sup>22</sup> The village Schloeben, east of Jena is probably meant. In Schloeben was a feudal estate of those of Hardenberg, which then became property of Dr Haeberle on 01/07/1940.

<sup>23</sup> Probably the place Poschwitz is meant and the family of those of Gabelentz.

<sup>24</sup> Adrian Rudomino (1999), p. 82.

<sup>25</sup> Lehmann/Kolasa, p. 33.

<sup>26</sup> Lehmann/Kolasa, p. 63.

<sup>27</sup> Lehmann/Kolasa, pp. 157.

<sup>28</sup> Adrian Rudomino (1999), p. 90, letter from the 8th of November, 1945; cultural assets from Novgorod, however, also of Pskov, Porchov and Leningrad had been discovered among other things near Muehlberge at the river Elbe; cf Lehmann/Kolasa, p.115; books from the agricultural-institute of Kiev were found in Bad Lauchstaedt; cf Lehmann/Kolasa, p.140; 230 boxes with documents of the municipal archives Odessa were found in a quarry near Strassfurt; cf Lehmann/Kolasa, p. 97.

<sup>29</sup> Adrian Rudomino (1999), p. 81; on the same question see detailed: U.S. Restitution of Nazi Looted Cultural Treasures to the USSR, in 1945-1959. Facsimile Documents from the National Archives of the United States. Compiled with in Introduction by Patricia Kennedy Grimsted, pp. 24.

<sup>30</sup> On the history of the relocation of the Gutenberg-Bible see: Wo ist die Gutenberg-Bibel? - Die wertvollsten Bestände des Deutschen Buch- und Schriftmuseums in Leipzig als Kriegsbeute. In: Leipziger Jahrbuch zur Buchgeschichte . 7 (1997), pp. 247-301.

<sup>31</sup> While the other places or persons can be assigned quite easily, the name Reichenwald is not easy to be researched. Neither this place, nor the place also stated in the documents Reckenwalde can be identified. Besides, it is open whether or not this could refer to Ruegenwalde, today Darłowo (Poland).

<sup>32</sup> Cf. moreover note 7.

<sup>33</sup> Adrian Rudomino (1999), p. 91.

<sup>34</sup> Lehmann/Kolasa, p. 54.

<sup>35</sup> The All Russia State Library for Foreign Literature continues its work in connection with books relocated because of the war. Meanwhile, a centre has been set up on problems of relocated books. At the Internet address of this center (<http://www.libfl.ru/restitution/>) one is informed about the trophy stocks of books of the All Russia State Library for Foreign Literature among other things about corresponding stocks of books of the National Library of the Republic of Tschuwashia, the Siberian department of the Russian academy of the sciences (Nowosibirsk) and the Central public Majakowskij library of St. Petersburg. Besides, the introduction text names among other things the National Library and University Library Bremen, the Public Library Magdeburg and the Library of the Hanseatic city Luebeck, but also the National Library Lublin as owners of the books present in Tschuwachia. The information of the Majakowskij Public Library refers to 171 titles of the entailed property library of Klein Oels of the Count of York. For further information on the activity of the center see: Dmitrieva Karina Aleksandrovna: Library for Foreign Literature:

International information and documents center on the problems of removed cultural valuables. In: Newsletter "Spoils of War" No. 8. pp. 102.

<sup>36</sup> Adrian Rudomino (1999), p. 96.

<sup>37</sup> The Polish library from Paris, consisting of approx. 70.000 volumes, had been found in Neugersdorf and then transported to the Soviet Union. Cf. Lehmann/Kolasa, p. 133 and pp. 166. The Turgenjev Library was discovered in Liegnitz (Poland). Today parts of this library could be in Moscow and in Minsk. Cf. Lehmann/Kolasa, p.141; about the evacuation of both libraries from Paris cf. de Vries, Willem, "Sonderstand Musik - Oranisierte Plünderungen in Westeuropa 1940-45". Cologne, 1998, p. 128.

<sup>38</sup> Adrian Rudomino (1999), p. 94.

<sup>39</sup> According to Willem de Vries the private library of Arthur Rubinstein was among these valuable cultural assets which were relocated by the task force Rosenberg and brought to Germany. The author names the Central Library of the Imperial Security Central Office as an intertemporal location. Cf. de Vries, Willem, p. 181.

<sup>40</sup> Lehmann/Kolasa, pp. 187.

<sup>41</sup> Lehmann/Kolasa, p. 45.

<sup>42</sup> Lehmann/Kolasa, p. 112.

<sup>43</sup> Lehmann/Kolasa, p. 83.

<sup>44</sup> Lehmann/Kolasa, p. 111.

<sup>45</sup> Lehmann/Kolasa, p. 72.

<sup>46</sup> This document, concerning the result of the work of the library group in Germany, distinguishes between "7. Private Libraries of the Nazis - Goebbels, Ribbentrop, Schacht, Funk, Doenitz [ul], Rust, Brauchitsch and others" and "10. Private Libraries of tycoons and great land owners (count Linar, count of Schulenburg, count Hardenberg, from Tresckow, baron Liegnitz and others)", cf. Lehmann/Kolasa, p. 166.

<sup>47</sup> Lehmann/Kolasa, p. 129.

<sup>48</sup> Lehmann/Kolasa, p. 145 and pp. 160.

Regine Dehnel,  
Koordinierungsstelle für Kulturgutverluste,  
Magdeburg

## Country Reports

### Finland

#### Finland as relocation region of Nazi-looted Art

##### Finland in war

In Finnish political and cultural circles of the 1930s the atmosphere was considerably German-minded. This was a consequence of the help that Finland got from Germany during the "Civil war" (1918) as well as admiration of German culture, science and language. As we know, there had been versatile communication for hundreds of years between Finland and Germany. Even the Second World War couldn't break off connections to Germany.

The Soviet Union attacked Finland in 1939. The war is known as "Winter war". A peace treaty took place in 1940 but in summer 1941 the war broke out again. In "Continuation War" Finland was a co-belligerent of Germany and there were Wehrmacht and Waffen-SS troops in Finland. The peace between Finland and the Soviet Union was made in September 1944. As a result Finland was forced to expell German troops from the country. Finland lost 12 % of it's area to the Soviet Union and was exacted huge war indemnties. After all, Finland retained it's independence and was not occupied by any other state.

### **Finland and Nazi loot**

The Nazi loot of World War II has raised lively international discussion in the 1990s. Several conferences have also taken place around the subject. In 1998, Finland participated in the Washington Conference on Holocaust-Era Assets where the Finnish Government demonstrated it's support to the international endeavours to rectify the wrongdoings during the Nazi era towards the Jews and Jewish communities. In Finland, the Jewish minority was an equal part of society. So, the property of Finnish Jewish population had not been confiscated during the Second World War.

Before the Washington Conference the Bank of Finland had carried out a study to ascertain whether the bank was in any way involved in gold confiscated from the Jews in Europe during the Nazi regime. However, no indication was established that the Bank of Finland would have been involved in the receipt of German-origin gold or confiscation or safekeeping of other Jewish property.

Research that concentrates on Nazi loot has not been proceeded in Finland yet. The main reason for this is the public opinion according to which Finland has no connections with the Nazi loots. The connection was found only in 1999 when the Finnish TV-documentary programme MOT introduced a case of "the Troyan Horse"- painting in it's programme.

In 1996, the Hagelstam auctionhouse (one of the biggest auctionhouses in Finland) sold an old unsigned painting, formerly owned by Finnish diplomat Tauno Sutinen, to Sinebrychoff Art Museum. The painting turned out to be Giovanni Domenico Tiepolo's work, "the Troyan Horse". The documentary TV-programme MOT got interested in the painting and started it's own provenance research. The journalists found out that diplomat Sutinen had bought the work of art from art dealer Herbert Ulrich in Berlin 1948. At the same time he bought four other paintings: Eberhard Stammel's "Cavalier and usurer", Louis Douzette's "Seaside", Eduard Magnus's "Portrait" and F. Kein's "Cornfield". The whereabouts of these paintings are still unknown.

Before the war, in 1938, "the Troyan Horse" was owned by a Parisian art dealer Mario D'Atri. Between 1938 and 1948 there is a gap in the provenance of the

painting. During those ten years also the information of the authorship had disappeared. Where had the painting been during the war years? Who had owned it? However, it is known that both D'Atri and Ulrich had connections to Nazi collectors.

Along with our own arthistorical research two Nazi-looted paintings arouse in public consciousness in 2000. While examining the art collection of diplomat Urho Toivola bequeathed to Kuopio Art Museum we found out that two paintings: Mihály Munkácsy's "Moses and Israelites" and Edouard Manet's (attributed) "Portrait of a young girl" were Nazi-looted from the Austrian house of princes, Colloredo-Mannsfeld in 1941/42. The family confirmed the provenance, but haven't claimed the paintings back. While examining these two art pieces we got interested in the theme especially because further studies proved that there has been no research on Nazi looting or the routes of looted art to Finland.

### **Research project**

For the above mentioned reason we started our research project, "Distributors of European art legacy - Finland as relocation region of Nazi-looted art", at the University of Jyväskylä in 2001. There are four scholars working on the project: Tiina Koivulahti, Maarit Hakkarainen, Hanna Pirinen and Tomi Mertanen.

The main research problem in the project is to clarify the routes and the acquiring of Nazi-looted art to Finland as well as to study the influence of Nazi ideology and cultural policy measures on the Finnish art life and art collections. According to this, the project group aims to clear up the political and cultural relations between Finland and National Socialist Germany in the 1930s and 1940s.

Against the general impression, Finland has not been aloof from the international art trade network even during the Second World War. Some significant Finnish art collectors of the 1930s and 1940s, for example, had dealer contacts e.g. in Germany, France, Italy, United Kingdom and Sweden. Certain documents have proved that several paintings came to Finland straight from Germany during World War II. From the Finnish point of view Stockholm was, after all, the most important art trade point. Sweden, as a neutral country, was involved in intense art trade during all of the war. According to the OSS documents looted works of art may have found their market there.

In Finland the research of Nazi-looted art is only at the beginning. The instances that make this project possible are private foundations as well as the Finnish Museums Association and the Finnish National Gallery. Public art collections offer the primary research material. The activity of ICOM (The International Council of Museums) as a supporter of provenance research has created positive atmosphere towards our research subject in Finnish museums. The project continues until the end of 2006.

During these two years that we have been working for the project it has been a pleasure to notice that the co-operation between the scholars of Nazi-looted art is so open and active. We hope that our research in the future will be of help to the scholars internationally.

Tiina Koivulahti with Maarit Hakkarainen,  
University of Jyväskylä Finland,  
Department of Arts and Culture Studies,  
Finland

## Germany

### **On the Advisory Commission for the return of cultural assets seized as a result of persecution by the National Socialists**

With regard to the difficulties occasionally cultural assets seized as a result of persecution by the National Socialists, former Beauftragter der Bundesregierung für Angelegenheiten der Kultur und der Medien, Prof. Dr. Nida-Rümelin, has announced in spring 2001 the idea of an Advisory Commission. Since then, necessary coordinations between the Bund, the Länder, and the kommunalen Spitzenverbände within Germany have taken place.

As a result of these talks, the German Federal cabinet has agreed in April 2003 to set up such an Advisory Commission for the return of cultural assets seized as a result of persecution by the National Socialists, primarily from Jewish property. The Koordinierungsstelle für Kulturgutverluste (Magdeburg), which is also running [www.lostart.de](http://www.lostart.de), will be entrusted with the Commission's management.

It will be the Commission's task -if so desired by both sides- to act as a mediator and give recommendations in case of different opinions of those directly involved in a case regarding assets taken away by the National Socialists and now to be found in public museums, libraries, and other collections if so desired by both sides.

This mediation will supplement the procedure which after the 1998 Washington Conference on Holocaust Assets was laid down in a "Joint Declaration of the German federal government, the federal states and leading community organisations dated December 1999" (see [www.lostart.de](http://www.lostart.de)).

Among the eight leading dignitaries who have declared their readiness to work for the Commission on an honorary basis, are the former German Federal President Dr. Richard von Weizsäcker, the former President of the German Federal Parliament, Prof. Dr. Rita Süßmuth, and the former President of the German Federal Constitutional Court, Prof. Dr. Jutta Limbach. The Commission's constituent meeting will be held in July 2003.

The Koordinierungsstelle is an organization affiliated to Saxony-Anhalt's Ministry of Culture and financed jointly by all German federal states and the federal government. It has the task to document losses due to World War II and the persecution of the National Socialists and make these losses available for public information through its Internet site and database at [www.lostart.de](http://www.lostart.de).

Michael Franz,  
Koordinierungsstelle für Kulturgutverluste,  
Magdeburg

## Poland

During the last years, the Polish government's bilateral negotiations with Germany, Russia, the Ukraine and Lithuania concerning the mutual return of cultural assets displaced during World War II seem to have reached a dead end. The last official event took place in December 2000, when the former Prime Minister Jerzy Buzek handed over a German Bible printed in 1522 to Chancellor Gerhard Schröder during his visit in Warsaw. He took it from the so-called "Berlinka" Collection located at the Jagellonian Library in Cracow since the end of the war. This presentation was undoubtedly meant as an encouragement for the German side to start with gestures and steps that would set the process of serious mutual returns in motion.

In December 2000, it also came to a public discussion about the proposal of a group of Polish and German political scientists and journalists concerning a solution of the Berlinka case in both countries. Rather than a concrete project, this so-called "Memorandum of the Copernicus group" was an attempt to do something against the state of official obstruction, although some of the ideas were quite interesting.

Later, two Ministers of Culture in the government of the new Prime Minister Leszek Miller, Andrzej Celiński in 2001 and Waldemar Dąbrowski in 2002, claimed in interviews that they are working on a new concept of the Berlinka case and restitution policy, but until now no information has reached experts or the public opinion.

Nevertheless, the last two, three years have been quite rich of events concerning restitution in Poland.

In 2002, some important art objects stolen in Poland during the War found their way home. Four of them returned from the United States, mainly thanks to the efforts of Polish diplomats serving in the States as well as to the understanding of the American partners; one returned from Great Britain and another from Germany. All six were probably stolen by German soldiers when they looted the storages of the Warsaw National Museum in 1944.



The first object was a painting "Flower in a glass vase" by Jacob van Walscapelle. It reappeared a few years ago in a Latin American country and was bought by the American businessman James D. Jameson who - unaware of its provenance - put it on sale. When he discovered the painting's origin he immediately decided to return it to the former owner. The second painting, "Holy Trinity" by Georg Pench, was bought in Munich by Claire Mendel in 1957 who later served in Miami as German Honorary Consul. Having completed his mission in the 1970s he donated his collection of 34 European paintings to the University of Miami, from where it moved to the Vizcaya Museum in Florida. There the painting was identified by the Dutch art historian Peter van der Brink whose expert opinion was confirmed by Warsaw curators. Thanks to Mr. Richard Farwell, the Director of the Vizcaya Museum, the time between the localization of the painting and its return was very short, only a few months to complete all formalities. The third object returned to the Warsaw National Museum in 2002 was the Renaissance sculpture "Head of a young man" by Giovanni Maria Padovano. An anonymous American collector bought it at an auction without knowing about its origin. When he discovered it, and the sculpture was beyond doubt identified thanks to pre-war photos, he presented it to the Polish President Aleksander Kwasniewski during his visit to the United States. The most precious piece came back to Warsaw from London. The "Peasant scene" by Adriaen Brouwer was returned by the respected British antiquary Johnny van Haeften. He had bought it in 1997 at Christie's not knowing its provenance. The picture was renovated and considered as not stolen both by the London Art Loss Register and by two German Brouwer experts, and was sold to a French collector. When in 2001 van Haeften discovered from the Polish Embassy the picture's origin, he decided to return it to Poland, although he had bought and sold it legally. Luckily the French customer agreed to return the painting for the same price for which he had bought it, and the Brouwer returned to Poland without a penny of a "finder's reward" for the British antiquary. The Polish Minister of Foreign Affairs, Włodzimierz Cimoszewicz, honoured Van Haeften in 2002 with a high Polish order for this noble attitude.

In 2002, the Czartoryski Museum Foundation in Cracow received back a medieval Persian tapestry from the famous textile collection of the Czartoryskis, which before the outbreak of World War II had been secured in the storages of the Warsaw National Museum. It reappeared in 1970 at an auction in London, where it was bought by the Los Angeles County Museum of Art. In this case, too, all parties were willing to cooperate, so that the procedures did not take a long time. LACMA of course did not expect the slightest financial compensation.

The last object, an Etruscan mirror from the collection of another branch of the Czartoryski family in Gołuchów had also been secured in the Warsaw National Museum before the war. It found its way back to Poland after an international conference on provenance research in German museums, which took place in Hamburg in 2002. The mirror reappeared in 1955 at an auction in Germany and was

bought, together with a Limoges enamel from the same collection, by the Museum für Kunst und Gewerbe in Hamburg. Both objects had since many years been on the list of Polish war losses localized in German museums. Thanks to the open discussion about the mirror-case during the provenance conference the Hamburg Senate decided to return the mirror (but not the enamel) to Gołuchów which it reached through the German Consulate in Wrocław in June 2002.

When speaking about returns one also has to mention a great and highly important part of the archives of the Polish Catholic Church, namely 3361 register books from the dioceses of Warsaw, Gdańsk, Toruń, Pelplin, Elbląg and Płock. They came back to Poland in 2001 thanks to the joint decision of the German and the Polish Bishops Conferences.

One also has to remind of a specially tragic case. In 1999, Austria sent back the skulls of 15 Polish underground soldiers to Poland who had been killed by the Nazis. These skulls were sold as "scientific material" by the Reich University in Posen/Poznań to the Museum of Natural History in Vienna for its "Anthropological Department". They had been discovered in the storage of the Vienna museum as early as 1989 but it took ten years until they could be identified as skulls of Polish victims. The funeral will take place in Poznań after a scientific examination and an attempt to identify concrete victims.

Another case is connected to Austria, this time a joyful one. In 2000, Countess Karolina Lanckorońska donated the famous painting "Jovis, Mercury and Virtue" by Dosso Dossi and other precious artworks which had been returned to the Lanckoroński family by the Austrian government in 1999 to Poland. The famous Viennese Lanckoroński collection had been confiscated by the Nazis, after the war 'nationalized' by Austria and exhibited in the Kunsthistorisches Museum.

A still unsolved and very complicated case concerns 24 Dürer drawings from the private Prince Lubomirski Museum in Lwów/Lemberg, which were seized for Hitler in 1941 at the beginning of the Nazi occupation of the town. They were recovered by American troops in an Austrian mine and sent to the Central Collecting Point in Munich. Instead of returning them to Lwów or Wrocław, the US authorities handed them over to Prince George Lubomirski in 1950 who soon sold them to twelve world museums, among others the Metropolitan Museum of Art, the British Museum, the Art Institute in Chicago, the Boijmans van Beuningen Museum in Rotterdam, the National Gallery in Washington, as well as to some private owners. In 2001, Dr. Adolf Juzwenko, the Director of the Ossolinski National Institute (Zakład Narodowy in. Ossolińskich, the so called Ossolineum) in Wrocław, submitted claims against the twelve museums, requesting the return of the Dürer drawings. He argued that according to the original statute of the Prince Lubomirski Museum from the 19<sup>th</sup> century, Prince George Lubomirski had no right to sell the drawings and therefore the transaction was not valid.

The situation is even more complicated, because the Stefanyk Scientific Library in Lwów, set up by the Soviet Union after the original Lubomirski-Ossolinski-Institute was closed down, came out with similar claims for the Dürer drawings. At a first meeting in December, 2001, the 12 museums decided against a restitution. The only museum that showed any doubts was the Barber Institute of Fine Arts in Birmingham, which on its website mentioned its Dürer drawing as an ethically problematic case. The Ossolineum has not resigned; in 2002 it continued its legal steps by having confirmed by the heirs of the Lubomirski family that the rightful successor of the Lubomirski Museum is in Wrocław.

The National Institute Ossolineum, which was established in 1817 in Lwów/Lemberg under the Austrian Emperor Franz I and housed its own library, a publishing company and the Lubomirski Museum, played in the divided 19<sup>th</sup> century Poland the role of a national treasury. In 1946, the smaller part of the cultural assets of the former Lwów Ossolineum were returned by the Ukrainian Soviet Republic as a "gift of the Ukrainian people" to its legal successor, the Wrocław Ossolineum. The majority of objects, however, remained in Lwów and since ten years they are a crucial point of the Polish-Ukrainian negotiations concerning the mutual return of displaced cultural assets (see *Spoils of War* No. 3, December 1996).

In 2001, Wrocław also became the scene of a completely different initiative. The regional authorities convened at the Wrocław university a special team of art historians that is supposed to prepare a report on still existing movable cultural goods from Lower Silesia collections which left the region during and after World War II. The team headed by professor Jerzy Harasimowicz has already completed its first search in the Berlin State Museums but had difficulties to look into the registers of the Warsaw National Museum.

The last two years have also confronted Poland with the difficult phenomenon of an open sale in the home art market of art objects stolen from museum collections during and after the war. The bona fide principle as well as the three years prescription established by Polish law highly complicate the issue; until now the Ministry of Culture and the concerned museums remain defenceless.

The growing understanding of the complexity of the problems concerning the mutual return of displaced cultural assets and the necessity of provenance research of looted and preserved objects resulted in the setting-up of the Advisory Forum for Displaced Works of Art (see article on the Forum in this issue) in 2002 and in two conferences organized by the Polish Batory Foundation, which is one of the Open Society Foundations established by George Soros: in January an international, and in December a national conference.

Nawojka Cieślińska-Lobkowicz,  
Advisory Forum for Displaced Works of Art,  
Warsaw

### **On the Polish Advisory Forum for Displaced works of Art**

The Polish ADVISORY FORUM FOR DISPLACED WORKS OF ART (AFD) has been established in Warsaw in March 2002. AFD is a non-profit organization and a non-political expert body. AFD is affiliated with the Polish Association of Art Historians.

AFD Program Board members are Prof. Adam Labuda, Berlin/Poznań; Prof. Krzysztof Pomian, Paris/Toruń; Prof. Maria Poprzęcka, Warsaw; Prof. Stanisław Waltoś, Cracow and Mr Stanisław Krajewski, Warsaw. Ms Nawojka Cieślińska-Lobkowicz, Warsaw/ Mörnshheim is the acting Secretary General of AFD, Mr Piotr Kosiewski, Warsaw and Mr Romuald Nowak, Wrocław are members of the Executive Secretary Office.

The provenance-research of the art-works displaced during and after World War II and the restitution-questions regarding the specific assets of the former private or institutional owners or their heirs and successors have gradually become more and more acute in Poland - within the country, as well as internationally.

During the last decade, the Polish Republic's governmental cultural policy in this area has not been elaborated, and Polish museums still tend to avoid confronting provenance and restitution questions. The legal situation is complicated and unclear, and the fact that there is no re-privatization law complicates the issue. Internationally, Poland signed the "Washington Conference Declaration" (1998), the "Vilnius Forum Declaration" (2000) and accepted the Resolution 1205 of the European Council (1999). By signing these agreements, the Government committed itself to carry out provenance research concerning public museums and collections and to publish the information about works of art identified as confiscated or looted by the Nazis or which disappeared during or after World War II. The international action of identifying the provenance of displaced art objects concerns the whole period between 1933 and 1945 and its aftermath; research being primarily focused on Jewish collections which suffered the most, but in fact relates to all Nazi victims in this field.

For ten years, the Polish inter-governmental negotiations on the mutual return of cultural assets, involving Germany, Russia, Ukraine and other countries, have had poor results. Professional circles, as well as the public, are rarely informed about the negotiations progress.

The ADVISORY FORUM FOR DISPLACED WORKS OF ART intends to catalogue the removal of such deficiencies and obstacles by helping to solve these extremely complicated and increasingly urgent problems. Using its substantial knowledge of the relevant subjects the ADVISORY FORUM intends to:

- act as a partner and an independent expert/advisor on provenance issues, to search for lost works of art, and to examine restitution claims. These activities aim to assist museums, governmental and local institutions, non-governmental and foreign organizations and private persons;
- organise and participate in national and international seminars and conferences on the above-mentioned issues for the benefit of museum employees, art historians and other interested parties.
- undertake initiatives that encourage the implementation of international resolutions (the "Washington Conference" and the "Vilnius Forum"). Among the planned initiatives are publications, training-courses, workshops, and international grants for young museum employees;
- provide professional opinion in cases of controversy concerning displaced works of art or art collections, their present and future localization;
- engage in projects that concern legal regulation and negotiation attitudes;
- inform professional circles and public opinion about the importance and actual status of the restitution issue and of provenance research in Poland and abroad.

In concrete cases, the Advisory Forum will ask for cooperation of experts from Poland and abroad, aiming especially to encourage active cooperation of the employees of Polish museums.

The Advisory Forum has already organized two workshops for Polish museum professionals, provided them with Polish translations of the most important international documents on the subject, prepared a 'Statement how to behave in the public collections towards art objects of doubtful provenance', and started an initiative to establish among the Polish museums a common 'Registry of property marks' which could be especially helpful for research on assets without a written documentation.

In the near future, the Advisory Forum plans to establish a website that will provide information, access to databases and a users forum.

Nawojka Cieślińska-Lobkowicz,  
General Secretary of the Advisory Forum for Displaced Works of Art,  
Warsaw

E-mail contact with the members of the Executive Secretary Office of the Advisory Forum:  
Nawojka Cieślińska - Lobkowicz: nawojka@netla.pl or nawojka.lobkowicz@arcor.de; Piotr Kosiewski: pkosiewski@batory.org.pl; Romuald Nowak: mnoprnrn@interia.pl

### **Polish press and publications on the issue of displaced cultural assets**

The issue of displaced cultural assets is not the most popular subject in Polish press. It does not mean that there aren't any articles dedicated to the issue. On the contrary, the articles are published quite regularly. They are frequently present on the pages of

nationwide dailies such as "Rzeczpospolita" and "Gazeta Wyborcza". Even more, they employ regular authors quite broadly describing the issue.

The issue of displaced cultural assets rarely appears on the pages of the other newspapers and magazines, including the opinion creating socio-political weeklies "Polityka", "Wprost" and "Tygodnik Powszechny".

Looking at the articles published in the years 2000-2002 we can observe domination of several subjects:

- revindication of the works of art stolen from Polish collections during the World War II (Polish-German and Polish-Russian negotiations in the first place), and the objects which as a result of the war can be found in museums and collections in Western Europe and the United States;
- problem of the collections which in consequence of the border changes after the year 1939 can be found outside Poland (first of all collections located in Lwów and the Polish-Ukrainian negotiations);
- problem of private and church property taken over by the Polish state after World War II;
- dislocation of the objects within the area of today's Poland after the end of the war (Silesia, Pomerania);
- and finally, the problem of the works of art stolen during the war and revealed on the Polish art market.

We have to stress that from the beginning of political and economic transformation started in 1989 all of the mentioned subjects, except the last one have been noticeable in Polish press. The reason of this is first of all lack of solutions to the most important problems connected with displaced cultural assets. There hasn't been any progress achieved in negotiations with Germany, Russia and Ukraine. Also the issue of re-privatisation has not been solved. Press articles merely report or respond to the issues which have already appeared. The authors do not try to initiate new subjects.

There are no articles showing experience of the other countries in this area and presenting international context of the Polish issue (except from lately published articles of Nawojka Cieślińska and Krzysztof Pomian).

Looking through the Polish press one may be impressed by the presence of many individual opinions and lack of dispute or discussion between them. These opinions also belong mostly to journalists not to politicians, experts or representatives of cultural institutions. That is why the dispute on the so-called "Memorandum of the Copernicus Group" announced in December 2000 is extremely important. The memorandum referred to disputes between Poland and Germany and was prepared by the group of Polish and German political experts and publicists. The most controversial for Polish readers was the proposal of restitution of the part of the

Prussian State Library to Berlin. Since 1946, it has been kept in the Jagiellonian Library in Cracow and one holds it to be legal Polish property. Other controversial proposal concerned changes of the status of the Foundation of Prussian Cultural Heritage enabling Poles to participate in its management. Just the titles of articles published mostly in "Rzeczpospolita" daily proved an emotional aspect of the dispute. We can mention two articles: "Don't replace the government" (Jan Pruszyński), "We can not give up our trump card" (Tomasz Stańczyk).

The tone of these articles induced Adam Krzemiński - important publicist and expert in Polish-German affairs - to appeal for wariness with accusations of the national betrayal. He wrote that the time for lively and varied discussion had come at last. This is the first and the only public debate dedicated to the issue of displaced cultural assets.

Other resolutions to the Polish-German dispute were not controversial. Among them were proposals of Jan Pruszyński (lawyer and publicist), Tomasz Niewodniczański (collector) and Włodzimierz Kalicki (publicist of the "Gazeta Wyborcza" daily). The series of articles of Włodzimierz Kalicki entitled "Stolen art" published in "Gazeta Wyborcza" in the years 1998-2000 are the most complete review of Polish losses after the World War II and the activity of the Nazis (also published in the book "The last captive of the great war. Poles and Germans after 1945", edition 2002). The author made a thorough study of the history of the objects lost from Polish collections and actually present in German collections (for instance Płock Pontifical). He also described the issue of Albrecht Dürer drawings which till the year 1939 had belonged to The Ossoliński National Institute (Ossolineum) in Lwów and after the war were sold to several West-European and American museums.

Kalicki called attention of Polish public opinion to the issue of stolen Polish art and cultural property which are now located in foreign public collections. The issue was more broadly described in press in the following years. It was connected with restitution of works of art discovered in private and public collections in the USA and Great Britain (among others paintings of Georg Pencz and Adriaen Brouwer).

By the way we have to mention the issue of works of art lost during the war which lately had appeared on the Polish art market. The problem was described by the journalists of "Rzeczpospolita" daily. Thanks to investigation of Jan Bończa-Szabłowski the issue of auction houses selling the paintings lost during the war was presented to wider public. As an example we can mention art stolen from the storage of the National Museum in Warsaw.

Last but not least we want to mention several publications concerning Polish war losses which were edited in the last three years by the Ministry of Culture and National Heritage in the series 'Wartime Losses': 1/Polish Painting. Oil paintings, pastels, watercolours lost between 1939 and 1945 within post-1945 borders of Poland. Prepared by Anna Tyczyńska and Krystyna Znojewska, 1998; 2/Foreign

Painting. Oil paintings, pastels, watercolours lost between 1939 and 1945 within the post-1945 borders of Poland excluding the western and northern territories. Volume 1. Prepared by Maria Romanowska-Zadrożna and Tadeusz Zadrożny, 2000. 3/ Jacob Kobrun's Collection. Prints, History and Documentation. Prepared by Karolina Zabuska, 3 volumes, 2000. 4/ Ancient Art Objects lost in Poland in the years 1939-1945 by Grażyna Mizera, 2 volumes, 2000. 5/ Wartime Losses In Numismatics. Incurred between 1939-1945 within the post-1945 borders of Poland. Introductory Report by Robert Pieńkowski, 2000. All above mentioned editions are Polish-English and can be found on the website of the Polish Embassy in the USA ([www.polandembassy.org](http://www.polandembassy.org)). Only the Polish version contains the last publication belonging to the series, devoted to the losses of public and private libraries on the occupied Polish territories 1939-1945 (without eastern territories). It was prepared by Urszula Paszkiewicz and Janusz Szymański and published 2000 as a second part of a volume published 1998, prepared by Barbara Bieńkowska and concerning the eastern territories of prewar Poland.

Piotr Kosiewski,  
Stefan Batory Foundation,  
Warsaw

## Russia

### Short reference about the State Policy of the Russian Federation in 2001 concerning displaced cultural assets

The activity of the state bodies in the sphere of displaced cultural assets in 2001 was unusually high. The mechanisms of realization of the Federal Law "On Cultural Valuables, Removed to the USSR as a Result of World War II and Located on the Territory of the Russian Federation" were finally established. The Inter-Departmental Council on issues related to cultural assets, removed as a result of WWII was launched by a special decree of the government of the Russian Federation "On measures of realization of the Federal Law" "On Cultural Valuables, Removed to the USSR as a Result of World War II and Located in the Territory of the Russian Federation" # 174 of March 11, 2001. The body of the Council and its status were changed by an additional decree # 617 of the Russian Federation Government, issued on August 22, 2001. The status of the Council became higher, because the representatives of interested government department of higher level joined the Council.

Three meetings of the Council took place in 2001: on May 11, May 23 and August 28. The following decisions were made as a result of these meetings:



- In accordance with the order of the ministry of culture of the Russian Federation, the Russian State Military Archive passed to the authorized representative of the Rothschild family and to the director of the archive of the Rothschild family documents from the archive #637k "The Rothschilds - Vienna bankers". The amount of the documents passed, included 419 files in 29 archival boxes, and also a microfilm (counter type) of the documents of the above mentioned archive in 4 boxes. Simultaneously, the archive accepted archival documents of correspondence of Alexander II with the Princess E.M. Yurievskaja as a payment by the Rothschild family, in number 5107 documents in 8 archival boxes.
- By the decree of the government of the Russian Federation of June 5, 2001, # 437, 22 archival units (1186 files) of Dutch origin, taken by the German troops during the occupation of the Netherlands to Upper Silesia, and then removed to the USSR. The passing took place on December 6, 2001.
- By the decree of the government of the Russian Federation of December 7, 2001, #858, the decision about passing of 40 archival units (20404 files) of Belgian origin to the Kingdom of Belgium, taken by the German troops during the occupation of the Kingdom to Upper Silesia and then removed to the USSR, was taken. At the moment technical problems of passing the archives to the Belgian side are being solved.

Apart from this in the period of 1-7 February, 2001, 4 fragments of the 12<sup>th</sup> century frescos from Mikhailovskij Zlatoverhij Cathedral were passed to the Ukraine. The frescoes were removed by the German troops from Kiev and then after the war were placed at the Novgorod museum, and then, in 1953, at the Hermitage.

In 2001 the ministry of culture of the Russian Federation held a number of negotiations related to the issues of the removed art assets. The most important of them included:

February 8-9, 2001. The next in turn meeting of the Joint Russian-Netherlands working group took place. Two paintings of the Dutch origin, kept in the Fine Arts State Museum named after A.S. Pushkin, were identified and claims for the part of Koenig's collection were confirmed. The protocol meeting of the Co-Chairs of the group was held on June 1.

April 9-10, 2001. The negotiations between two ministers of culture M. Shvydkoj and J. Nida-Rümelin took place in the framework of the summit in St. Petersburg. On April 10, during the visit of the President of the Russian Federation V. Putin and Chancellor of the FRG G. Shroeder to the State museum-reserve "Zarskoe Selo" the Russian citizen Timur Timerbulatov, in the presence of the leaders of two countries and as a good will gesture passed to Minister Nida-Rümelin the painting by Padius Christopher "Hedukey". The painting had disappeared from the collection of the Dresden Gallery during the war times and Timerbulatov bought it from a private owner in 1992.

As a result of negotiations between the ministers of culture of two countries, on June 5, 2001, the agreement about financing the restoration of the Church of Dormition in Volotov Field (Novgorod region), ruined by the German artillery during the war, was signed by the firm "Wintershall AG".

July 3-4, 2001. The next in turn Russian-Polish working meeting took place, where the sides exchanged information about the results of work on detection in their territories of displaced cultural assets, discussed juridical aspects and prospects of further co-operation.

September 6-9, 2001. The negotiations between the ministers of culture of two countries M. Shvydkoj and J. Nida-Rümelin took place in Berlin. To follow up these negotiations, a Russian collector, passed to the museum three paintings, which had disappeared from the Gallery during the war as a good will gesture on September 27, during the visit of the President of the Russian Federation V.V. Putin to the Dresden Gallery: Pieter Mulier (Senior) "On the Seashore" (middle of the 17<sup>th</sup> century), Gerrit Lundens "The Girl on the Knees of the Man" (second half of the 17<sup>th</sup> century) and Max Slevogt "Red Musk Prayer" (1914).

On December 4, 2001, the meeting of the minister of culture M. Shvydkoj with Head of American research organization "The Research Project on Art and Archives, Inc.", Mr Ronald S. Lauder, took place. The agreement on co-operation was reached in conducting the search for cultural assets, stolen and confiscated by the Nazis from Russian museums and libraries, and also for cultural assets, belonging to the members of Resistance, victims of Holocaust and of people, who suffered racial, religious and national discrimination.

The work on the preparation of next volumes of the Joint Catalogue of Cultural Assets, Stolen and Lost by Russian Institutions in the Period of World War II was continued. The following volumes were prepared and passed to the publisher: losses of the State museum-reserve "Peterhof"; the Russian National Library (Book 1); Smolensk State museum-reserve (Book 1), Pskov State museum-reserve; Orel museum of Fine Arts and Orel regional Local Lore museum. The additional circulation of the volumes of losses of the State Tretyakov gallery, State Russian Museum and Ekaterininskij Palace (Book 1) was printed. The electronic version of 5 published books of the Joint Catalogue was prepared.

As a positive fact we should mention the return of the bell, cast in Ljubek in 1672 from the FRG to Russia, on February 18, 2001. This bell had before the war been located in the church of Saint Mina in Staraja Russa. In December, 1942, the soldiers of the 10<sup>th</sup> German Army Corps removed it, and then, on January 19, 1943, it was passed to the representatives of Ljubek and placed in the Cathedral of Saint Ekaterina. After 50 years the bell, accompanied by the German delegation, returned to Staraya Russa.

The work on the creation of the inventory of the displaced cultural assets, being kept in the Russian museums and libraries, was continued. Seven cultural institutions have already accomplished the preliminary works and started to put information into the created database.

Thus, with the beginning of practical implementation of the Federal law "On Cultural Valuables, removed to the USSR as a result of World War II and located in

the territory of the Russian Federation", Russia immediately took an active position in this question and occupied one of the leading places in the system of international relations formed around these historical and cultural monuments.

A.V. Kibovskij,  
Candidate of Historical Sciences,  
Deputy Head of the Department of preservation of cultural assets,  
Head of the Department of displaced cultural assets,  
Ministry of Culture of the Russian Federation,  
Moscow

**Library for Foreign Literature:  
International Information and Documents Center on the  
Problems of Removed Cultural Valuables**

The International Information and Documents Center on the Problems of Removed Cultural Valuables is a new unit of the LFFL and was launched in 2001 on the basis of the Scientific Research Rare Books Department.

The Department accumulated substantial experience, related to the ascription, description and compilation of bibliographic indexes of book collections, removed as a result of World War II. Numerous conferences, exhibitions and various meetings were held on the topic. Since 1996, the employees of the Department participate in editing and publishing of the Russian language version of the international newsletter "Spoils of War".

### **Mission of the Center**

The goal is to furthermore return the historical and artistic valuables, removed during World War II and located in museums, libraries and archives, to the world cultural and scientific circulation.

### **Main activities:**

- Active promotion of creation of information fields on the problems of cultural valuables, removed during World War II;
- Meeting information and research needs of society on the problems of removed cultural valuables;
- Creation on the LFFL web server of the site "Removed Cultural Valuables" for locating information on various aspects of the problem;

- Organization and holding conferences, seminars, round tables and exhibitions recruiting national and international experts;
- Initiation and implementation of international projects, aimed at the providing free access to the information about removed cultural valuables;
- Collecting the materials for the international newsletter "Spoils of War";
- Translation into Russian, publishing and distribution of the international newsletter "Spoils of War" in Russia;
- Involving representatives of state institutions, international commissions, independent experts, media into the Center's activities.

The employees of the Center are doing their best to continue and develop already taken directions of activities and also to realize new programs, further preservation and provision of free access to the cultural valuables, removed as a result of World War II.

Dmitrieva Karina Aleksandrovna,  
Director of the Center,  
109189 Moscow, 1 Nikoloyamskaya St.,  
Moscow  
tel/fax: (095) 915-57-28  
e-mail: kdmitrieva@libfl.ru  
www.libfl.ru/restitution

## Switzerland

### **Looted art, public interest and state of scientific research**

"Looted art" is a lively discussed topic in Switzerland's public at the latest since the end of 1998. In 1998 the first results of taken measures became visible, of which all have to be seen as parts of the debate about "heirless values" since the middle of the 1990s: First of all the publication of 30 pages of the Federal Government on collections of the federal property took place, including the collection Oskar Reinhart at the Römerholz in Winterthur, the Museum of the federal state in Zurich and the federal library in Bern.<sup>1</sup> Thomas Buomberger published «Raubkunst - Kunstraub»<sup>2</sup> for which he had been instructed by the Federal Authority for Culture (BAK) and the National Information Center for the preservation of Cultural goods (NIKE). The «Washington Principles» were then passed on the Washington Conference (December 1998), which in its contents was decisively influenced by the Swiss delegation.<sup>3</sup> A short time before, in November, several museums had passed a detailed declaration of principles which was an initiative of the BAK. The

declaration first of all pronounces the wish to refrain nothing which could be necessary to enlighten the whereabouts of the stocks.<sup>4</sup> As a consequence of all this a place for looted art was set up, in 1999, situated at the BAK which is still answering requests and procuring information.<sup>5</sup> In May 2001, the «Independent Historian Commission Liechtenstein Second World War» was set up in Liechtenstein.<sup>6</sup> In summer 2001, the Independent Expert Commission Switzerland - Second World War (UEK) published among other studies, the volume entitled «Fluchtgut - Raubgut», searching for traces of numerous emigrants with Jewish collections who came to Switzerland and uncovering transports of looted cultural goods.<sup>7</sup>

Since then, only few short notes of returns which took place mainly abroad could be found in Swiss press. Public museums and collections, not to mention the private ones, did indeed refrain from doing detailed researches of their stocks, except for some internal reports which in their quality still have to be proved.

### **State of archives**

The federal archive Bern is of central importance for the research of looted art, like it was already mentioned in the «The AAM Guide to Provenance Research».<sup>8</sup> Museums in Switzerland are mostly underestimated although they have detailed stocks.<sup>9</sup> Since they do not have a professional archive structure, documents are hard to access. Especially in reference to flight goods numerous materials are available which internationally are of great interest. Next to these, files of auctions («Emigrant auctions») of the Gallery Fischer, still stocked in the Gallery in Luzern, are of great importance. The federal court on the other side houses the stock of the «Cases of Robbed Art» 1946-1953. These have already been organized systematically for restitutions in Switzerland.<sup>10</sup>

### **Restitutions of the time immediately following the War**

After the War, robbed art had been restituted in Switzerland according to the decision of the Federal Council of December 10, 1945, the so-called Looted Art-Decision. The decision was made pressured by the Allied restitution politics. The «Looted Art-Decision» gave the frame for a restitution, even if the piece had been purchased in 'good faith', in case the claim was directed until December 31, 1947. Restituted were only paintings and drawings, but no cultural goods such as jewelry, carpets or books. The returns on the other side included only works of art which in classical sense, without reparation fee, were confiscated for example by the "Einsatzstab Reichsleiter Rosenberg" or by the "Devisenschutzkommando". «Aryanized» good was not returned, neither from the German Reich nor from occupied countries. Flight goods, i.e. cultural goods, which were brought to Switzerland by the Jewish owners or in their names and sold there, were not restituted and usually do not have to be restituted. Outside claims, meaning before the appropriate period of time and after the passing of the Looted Art-Decision,

have not been successful: The Swiss Book of Civil Law, the «normal» basis for restitutions protected and protects the «good faith» of the purchasing proprietor.

### **Restitution today**

The restitutions which recently took place have a common element: They were all reached outside of court. The agreements either consisted of returns or reparations, partly even with "transparent showing" of the new relations of property at the «old» place of exhibition of a picture.

Four cases like this were successful in Switzerland in the last few years.

Several further ones still have to be solved or, if a solution was found, it was not made public. The following cases did become public:

Josse Bernheim-Jeunes pictures, which had not been confiscated, but «aryanized» in 1941 were in parts found in Switzerland after 1945, like *Pierre Bonnard's «Vénus de Cyrène. Nature morte au bouquet de fleurs»*. In 1946, 1957 and after 1995 the heirs of this picture tried to get it back. It was situated at the Public Art Collection in Basel since 1957, where it still is today after agreeing of the former museum director Dr. Katharina Schmidt and Michel Dauberville.

*Camille Corots «L'Odalysque»* also originated from the private collection of Josse Bernheim-Jeune. The picture was located in the property of Dr. Fritz Nathan in Zurich in the second half of the 1990s. During wartime it suffered the same fate as the work of Bonnard, but later it came along with one or a number of other pictures in the property of the Zurich family Veraguth, who later sold it to Nathan. A positive agreement for both sides was reached between Dr. Peter Nathan, son of Fritz Nathan, and the heirs of Josse Bernheim-Jeune. The picture was donated to the Public Art Collection Basel as well as also to the Art Museum St. Gallen, whereby the sympathy of the two families was shown.

*Paul Cézanne «L'Estaque»*, also from the property of Josse Bernheim-Jeune, is today situated in a mostly unknown private collection of Dr. Gustav Rau who died in the mean time. The fight for this picture, recently confiscated in France does not seem to be solved yet.

Beside these pictures of family Bernheim-Jeune, several objects of the collection Max Silberberg can be found in Switzerland. The «*Nähsschule-Arbeitssaal im Amsterdamer Waisenhaus*» by *Max Liebermann* came into the property of Adolf Jöhr via the publisher and art dealer Bruno Cassirer, cousin of the well-known and very important Berlin art dealer Paul Cassirer, already in 1934. This was the time in which the first working prohibitions for Jews showed consequences, although even before the Nuremberg Race Law was passed. Adolf Jöhr was the former general director of the Swiss Credit Institute and an important art collector. Because of a gift of the heirs of Jöhr the Liebermann-painting came to the Art Museum in Chur (Bündner Kunstmuseum) in 1992. The only heir of Silberberg, Gerta Silberberg

claimed the picture back in 1998. In the year 2000, the picture was returned. This was the first restitution in Switzerland since the "Discussion on Looted Art" was reinitiated.

The picture of *Ferdinand Hodler* «*Stockhornkette am Thunersee*» also originates from the Wrocław collection of Max Silberberg. Today it is situated at the private collection of Simon Frick in St. Gallen. Frick purchased the picture at an auction in Bern in 1985. Before that, the work had been in the possession of Prof. Dr. Bernhard Walthard for forty years. The question, how the picture by Max Silberberg came to Switzerland is still unknown. It is only known that the painting was offered at a «Jewish auction» in March 1935 and that Fritz Nathan had shown interest in it then.

In the end the parties Ernst Beyeler and Jen Lissitzky agreed in 2002 on to the picture by *Wassily Kandinsky* «*Improvisation 10*». Beyeler bought the questioned object in 1951 from Ferdinand Möller; after selling he purchased it a second time in 1955 from a Swiss collector. In 1937 the picture - being a loan from Sophie Küppers, the mother of Jen Lissitzky - was confiscated in the Province Museum Hannover and shown at the exhibition «Entartete Kunst» (Degenerated Art). Ferdinand Möller came into possession of the picture in 1939. Only twelve years later, he found a purchaser in Ernst Beyeler. The details of the agreement did not become public. But it seems obvious that Beyeler must have given a large sum as preparation to Jen Lissitzky. This way, the picture could remain in Basel.

Esther Tisa Francini,  
Former scientific researcher of the Independent Commission of Experts Switzerland  
Second World War

#### Notes:

<sup>1</sup> Published under <http://www.kultur-schweiz.admin.ch/arkgt/ar/index>, links in the menu under «Publikationen».

<sup>2</sup> Thomas Buomberger, *Raubkunst - Kunstraub. Die Schweiz und der Handel mit gestohlenen Kulturgütern zur Zeit des Zweiten Weltkrieges*, Zurich 1998.

<sup>3</sup> On the «Washington Principles» cf. Andrea F.G. Raschèr, *Richtlinien im Umgang mit Raubkunst. Die Washingtoner Konferenz über Vermögenswerte aus der Zeit des Holocaust*, *Aktuelle juristische Praxis* 2/1999, p. 155-160.

<sup>4</sup> This includes the Aargau Art House, the Public Art Collection Basel, the Art Museum Bern, the Art Museum in Chur, the Musée d'Art et d'Histoire (Geneva), the Art House Glarus, the Musée Cantonal des Beaux-Arts (Lausanne), the Art Museum Luzern, Solothurn, St. Gallen and Winterthur as well as the Art House Zurich.

<sup>5</sup> Information about the «Place for Robbed Art» under <http://www.kultur-schweiz.admin.ch/arkgt>.

<sup>6</sup> For notes on Liechtenstein and Cultural Goods brought there as result of flight, robbery and looting the Independent Historian Commission Liechtenstein Second World War is always thankful. Please direct information to: Unabhängige Historikerkommission Liechtenstein Zweiter Weltkrieg, Bahnhofstrasse 6, Postfach 802, FL-9494 Schaan; email: [historikerkommission@uhk.li](mailto:historikerkommission@uhk.li).

<sup>7</sup> Esther Tisa Francini / Anja Heuss / Georg Kreis, *Fluchtgut - Raubgut. Der Transfer von Kulturgütern in und über die Schweiz 1933-1945 und die Frage der Restitution* (= Publications of

the Independent Commission of Experts Switzerland - Second World War, Vol. 1), Zurich 2001. For other volumes of the Independent Commission of Experts see [www.uek.ch](http://www.uek.ch).

<sup>8</sup> Nancy H. Yeide / Konstantin Akinsha / Amy L. Walsh, *The AAM Guide to Provenance Research*, Washington 2001, p. 131f.

<sup>9</sup> On the state of archive cf. also Tisa Francini / Heuss / Kreis, like footnote 7, p. 28-33.

<sup>10</sup> At the same place, p. 373-415.

## Ukraine

### Coming back to Albrecht Dürer

The destiny of the collection of A. Dürer's drawings, which was saved in Lviv Scientific Library during World War II still worries public opinion and makes us call for fair settlement of restitution of the collection to its legal owner - the Lviv Library.

In fact, there are irrefutable documentary evidences that in July 1941, on the 6<sup>th</sup> day of occupation of Lviv by German troops, the collection was taken by K. Muhlmann, the Special Representative of Goering on occupied territories and moved it to Germany. That fact is supported by receipt given to the library by the representative of the Reich Chancellery.

The further destiny of the collection was reported in various authoritative magazines of the world, which supported lawful demand of the library to return the collection of the great painter to the Stefanik Library. However, together with the said materials others try to prove pretenders to be successors of the collection, contrary to the historical truth. So, taking into account some publishers resort to blunt falsification of the almost 500-year-history of the collection, it is necessary to clarify some of its episodes.

More than 200 years the album of A. Dürer's drawings belonged to the Habsburgs. Early in the 19<sup>th</sup> century they were acquired by a Lviv landowner, aristocrat Prince Henrick Lubomirski. A few years later, after the foundation of one of the first public museums in Europe in Lviv by Prince Uzef Ossolinski in 1823, he granted the drawings to the owner of the library. All the drawings together with the art collection of G. Lubomirski made a part of a library called Ossolineum.

When concluding an agreement with Yu. Ossolonski, G. Lubomirski stated: "Items which once entered to the library shall make a whole of it ... and shall be there forevermore."

On request of the Ossolinski Library's owner in Lviv, it was written: "All my printed books, manuscripts, collections of engravings, maps, medals, paintings, sculptures, all items being pertinent to the science and arts, that is my ownership until my death,



I bequeath and destine for establishing a public library in the capital city of Galychyna Lviv." Thus, both collection and library became forever Lviv's ownership.

It is also necessary to mention how the Ossolineum Library's stock was formed. The question is that some people say the Ossolineum was formed on account of own funds of Ossolinski an Polish authorities. Documents witness that the source of his stock, except for collections of books and manuscripts of the library's founder, were plentiful gatherings of important books and manuscripts of Greco-catholic monasteries on Ukrainian territory of Galychyna, which were closed late in the 18<sup>th</sup> century by the decree of Emperor Joseph II. It is worth noting that during the formation of the Ossolineum Ukrainian cultural workers considered the collection as national institution and granted librarian, museum and architectural values to it. Among those people are names of famous Ukrainian scientists like V. Kompanevych, M. Gerasevych, M. Grynyvetsky. Funds for development of the library were received by Earl Ossolinski predominantly from profits of the estates Zolotnyky, Haivorontsi, Brykul, Rokovets in the Ternopil region and village Mizhgirya in the region of Lviv.

Later on, the library was also partially financed by local budget of the region, which was formed predominantly on account of local Ukrainian population. The government of the Dual Monarchy considered the Ossolineum as an institution acting to the good of the region. All drawings of A. Dürer were registered as collection in the inventory of the Ossolineum under No. 8296-8322.

For a long time the collection was not often thought of, and only in 1928, when it was exposed on the Dürer Memorable Exhibition in Nuremberg, the collection got into focus of public attention.

As mentioned above, in 1941 the collection was moved to Germany and for almost the whole period of the war kept in Hitler's Chancellery in Reich Chancellery, and when allied troops came to Berlin, the drawings were sent in special safe to the salt-mine in Alt Aussee, near to Salzburg in Austria.

The fact of moving Dürer's drawings to Germany was fixed in documents of the Nuremberg Process under No. PIC 1709 (page 68). As it was found later, the collection got into the American occupation area. In 1948, the USA Official Representative for Matters of Restitution of Art Works, Mr. Bernard Teiner, transferred the collection to Prince G. Lubomirski, making record in the book that he believed that "Lubomirski's family will transfer the drawings to Lviv museums". However, G. Lubomirski quickly sold the collection. The drawings were sold by the New York Paul Dray Gallery and the London dealer Colnaghy.

The transfer of the collection to a private person was illegal, as it was to the contrary of the USA, Great Britain and the USSR Joint Declaration, signed January 5, 1943,

which states: "The embezzlers or persons who acquired stolen art works later have to return them after finishing the war to the aggrieved party".

In the post-war period more international documents and legal norms were developed which comply with today's realities of international relations.

Territorial origin of the cultural legacy, which underwent illegal or forced migration during World War II, has the priority importance under settlement of moot points.

We have all reasons to say that the collection of A. Dürer's drawings has to be returned to Lviv.

Today the drawings are saved in various museums and private collections of the world, namely:

- The British Museum, London: "Kidnapping of Europe"
- The Barber Institute at the Birmingham University: "Man with Oar"
- The Boymans-van Beuningen Museum, Rotterdam: "Horse"; "Madonna"
- The Art Institute of Chicago: "Ox"
- The Metropolitan Museum, New York: "Self-Portrait"; "Fortune"; "The Holy Family"
- The Pierpont Morgan Library, New York: one drawing
- The Nelson-Astkins Art Museum, Kansas City: one drawing
- The Boston Art Museum: "Juvenile on Rest"
- The Cleveland Art Museum: "Taking Christ down"; "The Ascension of Christ"
- The Canadian National Gallery: "Nude woman"

In private collections:

- In New York: "Samson with the Gaza Doors"; "Madonna in the Room"
- In London: three drawings
- In Nuremberg: two drawings

Some museums' guides even note that the works come from the Lviv collection. According to the regulations of international law, modern Ukrainian museums, libraries, archives and other institutions of culture and legal successors of museum, librarian and other collections of cultural values which were historically formed in the Lviv region.

Anatoli Volga,  
Department of Control  
for Migration of Cultural Values over State Border of the Ukraine,  
Lviv

## Archival Reports

### Bach is back in Berlin: The return of the Sing-Akademie Archive from Ukraine in the context of displaced cultural treasures and restitution politics<sup>1</sup>

The Berlin Philharmonic provided an impressive venue on 15 May 2002 for the official celebration ("Festakt") of the return from Kyiv of the over 5,100 predominantly manuscript music scores (*Notenarchiv*) from the Sing-Akademie in Berlin.<sup>2</sup> The collection, which includes approximately 500 scores of the Bach family archive, was deposited in the Music Department of the Staatsbibliothek in Berlin on the first of December 2001, although the Sing-Akademie remains the legal owner.<sup>3</sup>

That was the most important act of restitution from Ukraine and the most significant restitution from anywhere in the former Soviet Union since German reunification. That may explain the principal addresses by German Foreign Minister Joschka Fischer and the State Minister Julian Nida-Rümelin, who then headed the Federal Chancellor's Office for Culture and the Media. Symbolically more important than the political speeches were the two long-lost concerti for flute and strings (both in D-Major) - one by Wilhelm Friedemann Bach and the second by Carl Philipp Emanuel Bach - that had been specially arranged for performance from original scores in that collection.<sup>4</sup>



Exhibition following the "Festakt" at the Berlin Philharmonic - with the Ukrainian delegation: (left to right) Valentina Vrublevska (Ministry of Culture of Ukraine), Patricia K. Grimsted (Harvard Ukrainian Research Institute), Konstantyn Novokhads'kyi (Derzhkomarkhiv), and Kai von Jena (Bundesarchiv-Koblenz)

A major segment of the German musical heritage has at last come home from the war. The Sing-Akademie, founded as a choral society in 1791 by Carl Friedrich Christian Fasch (1736-1800), was one of the prestigious performing institutions in

the Prussian capital, closely associated with the court. Carl Friedrich Zelter (1758-1832), who directed the Sing-Akademie from 1800 to 1832, established the basis and significantly enlarged the Notenarchiv. Zelter also developed a related training program for instrumentalists, which accounts for the wide range of instrumental as well as choral works, most of them manuscript or authorized performing part scores. Although most of the original scores of Johann Sebastian Bach were sold in 1854 to the Prussian Royal Library (predecessor of the present Staatsbibliothek), the Sing-Akademie archive retained many scores of Bach's sons and earlier musical relatives, including some copies in the hand of J. S. Bach.<sup>5</sup>

Of special interest is part of the musical estate of C.P.E. Bach, comprising many of his own unpublished compositions, which is identified with the "Old Bach Archive," including music Johann Sebastian Bach collected of his ancestors. Concluding a brief survey of the collection still "lost" to the world of music in 1988, with emphasis on the C.P.E. Bach legacy, Elias Kulukundis lamented, "With the possible exception of his brother Wilhelm Friedemann, the evaluation of the work of no other composer appears to have been so seriously affected by the disappearance of the Singakademie collection."<sup>6</sup> The C.P.E. Bach musical legacy is now being prepared for a comprehensive, scholarly edition under the direction of Harvard Professor Christoph Wolff in conjunction with the Bach Archive in Leipzig and the Packard Humanities Institute in Cambridge, Massachusetts, on the basis of microfilms prepared in Kyiv.

Besides the approximately 500 autograph scores of the Bach family, comprising only about ten percent of the collection, original scores (or authorized performance copies) are found for a vast array of European music from the sixteenth through the early nineteenth centuries, notably works performed at the Prussian court during the eighteenth and early nineteenth centuries. These include vocal and instrumental works - from Passions, oratorios, cantatas, and other choral works to operas, individual arias, and folk songs; from symphonies and concertos to chamber music and solo keyboard pieces. Among compositions of the German and Italian repertoires from the seventeenth century are those by Heinrich Ignaz Franz von Biber, Dietrich Buxtehude, Johann Jakob Froberger, and Johann Rosenmuller, with Italians represented by Antonio Caldara, Antonio Lotti, and Giovanni Battista Pergolesi among many other lesser-known composers. For the eighteenth century, music historians and musicologists will have extensive work ahead to sort out as well the newly available music legacy of Georg Philipp Telemann (over 220 cantatas and 17 instrumental works), the brothers Carl Heinrich and Johann Gottlieb Graun (more than 90 operas, 75 sacred works, and over 420 instrumental scores), Johann Adolf Hasse (ca. 130 vocal and 80 instrumental scores), and the brothers Franz and Georg Anton Benda (ca. 120 compositions), as well as many other important composers of the period, such as Johann Joachim Quantz and King Frederick the Great himself. There are also scores by Franz Josef Haydn and Georg Friedrich Händel, Amadeus Mozart, and even an important score (with performance notations) of Ludwig van Beethoven.

Unfortunately, as of March 2003 none of the restituted Sing-Akademie Notenarchiv is open to the public in Berlin - neither the originals now on deposit in the Staatsbibliothek nor copies of the microfilm prepared in Kyiv, nor even unpublished finding aids. Those close to the Sing-Akademie in Berlin give assurances that this is only a temporary situation, and that access will be possible later in 2003.

Copies of the preservation microfilms of the entire collection, prepared with the support of a generous Packard Foundation grant, were initially intended to be available at Harvard University, in the Bach Archive in Leipzig, as well as at the Sing-Akademie in Berlin. Such was the initial understanding at the Ukrainian Research Institute at Harvard University (the receiving agency for the grant and microfilming project in Kyiv), but those terms and provisions for access were not spelled out in the grant contracts. As things were worked out, only parts of the Kyiv master films were sent to Germany for duplication (priority was on the Bach family materials). As a result, only part of the microfilms was received at Harvard, and currently those copies are available only to the editors of the C.P.E. Bach edition in preparation by the Packard Humanities Institute. Recently, even those editors were unable to get the additional C.P.E. Bach scores they needed (but had not received) on microfilm from Berlin. Librarians in Harvard's Music Library can give no assurances as to when they will be received and open for consultation.<sup>7</sup>

Ironically, as this article goes to press in March 2003, as a sad outcome of the generous Ukrainian act of restitution, musicians and researchers who want to acquaint themselves with more of the manuscripts and printed part scores from the Sing-Akademie collection will still have to journey to Kyiv, where the Ukrainian archival copies of the microfilms and the inventories of the collection prepared after the war at the Kyiv Conservatory are openly available for research in the Central State Archive-Museum of Literature and Art (TsDAMLM - Tsentral'nyi derzhavnyi arkhiv-muzei literatury i mystetstva), where the collection had been housed since 1973. Regrettably, public availability and preliminary cataloguing were not specified components in the generous grants and restitution agreements that made possible preservation microfilming in Kyiv, and the return of the priceless collection to Berlin. The fact that the Sing-Akademie music archive was a private collection may have assured its return, but that same fact at least thus far has been limiting public availability.

The situation is aggravated by the fact that no serious cataloguing had been completed for the last one hundred years that the Sing-Akademie Notenarchiv had been in Berlin. The collection and information about it remained virtually closed to scholars and performers (outside the Sing-Akademie) before World War II. A catalogue prepared after the death of Zelter (1832) in connection with estate evaluation in legal proceedings of his heirs against the Sing-Akademie listed the holdings alphabetically (unusually by composer) in categories by genre with the initial numeration of the materials he had collected. Sequential numbers (through 1949) were added (in a different hand) to the manuscript catalogue later, but it was

never prepared for publication.<sup>8</sup> Apparently materials added later or from other sources were assigned numbers continuing the sequential numbers of the Zelter catalogue, since in the Kyiv inventories we find references to many higher numbers (above 1949). During the years 1928 to 1932, under the direction of Professor Georg Schumann (1866 - 1952), the Sing-Akademie commissioned Friedrich Welter to prepare a preliminary catalogue of the vocal music. However, funding deficiencies led to abandonment of the project before publication. Welter's survey of the archival and printed holdings from his memory of the prewar collection - and based largely on what is known as the "Zelter Catalogue" - was published in 1966, as part of a commemorative volume honoring the 175th anniversary of the Sing-Akademie in Berlin. Today, that is the most detailed description of the collection in print.<sup>9</sup>

Currently, the most complete finding aid is the five-volume inventory prepared by Liubov Fainshtein, who headed the library of the Kyiv State Conservatory in the late 1940s. Her handwritten inventories, which served as an official acquisition register for the Conservatory, provide highly abbreviated titles, mostly in the Latin alphabet in the original language of the scores (where available), with additional notations in Ukrainian. Her short titles and sequence of entries follow the Zelter catalogue for the most part, with a separate column repeating the sequential numbers added to the Zelter catalogue (but not the original Zelter catalogue numbers). Those sequential numbers also appear inscribed on the scores. However, in assigning registration numbers the Conservatory divided the scores into many more folders for individual compositions or parts (many of which the Zelter catalogue recorded under a single number), and hence many of the Fainshtein entries have added primed letters (a, b, v, etc.) to the Zelter numbers cited. The Fainshtein entries also indicate multiple part scores, foliation, and publication data. Individual scores bear the stamp of the Kyiv Conservatory and the registration number assigned (written in by hand) corresponding to the Fainshtein inventory.<sup>10</sup>

Many of the entries covered in the fifth (last) volume, however, are out of sequence, and some of them do not have Zelter catalogue numbers at all. Interestingly enough, the "Zelter" numbers in that last volume extend the Berlin sequence (with some gaps) to numbers as high as 4080, covering several hundred scores that had not been listed in the Zelter catalogue. (This would suggest that in Berlin later acquisitions had been assigned sequential numbers.) Since many of the scores with higher numbers are compositions of later Sing-Akademie directors, including Carl Friedrich Rungenhagen (1778-1851), there can be no question they were part of the same sequentially-numbered Berlin collection, although presumably not part of the original Zelter legacy.<sup>11</sup>

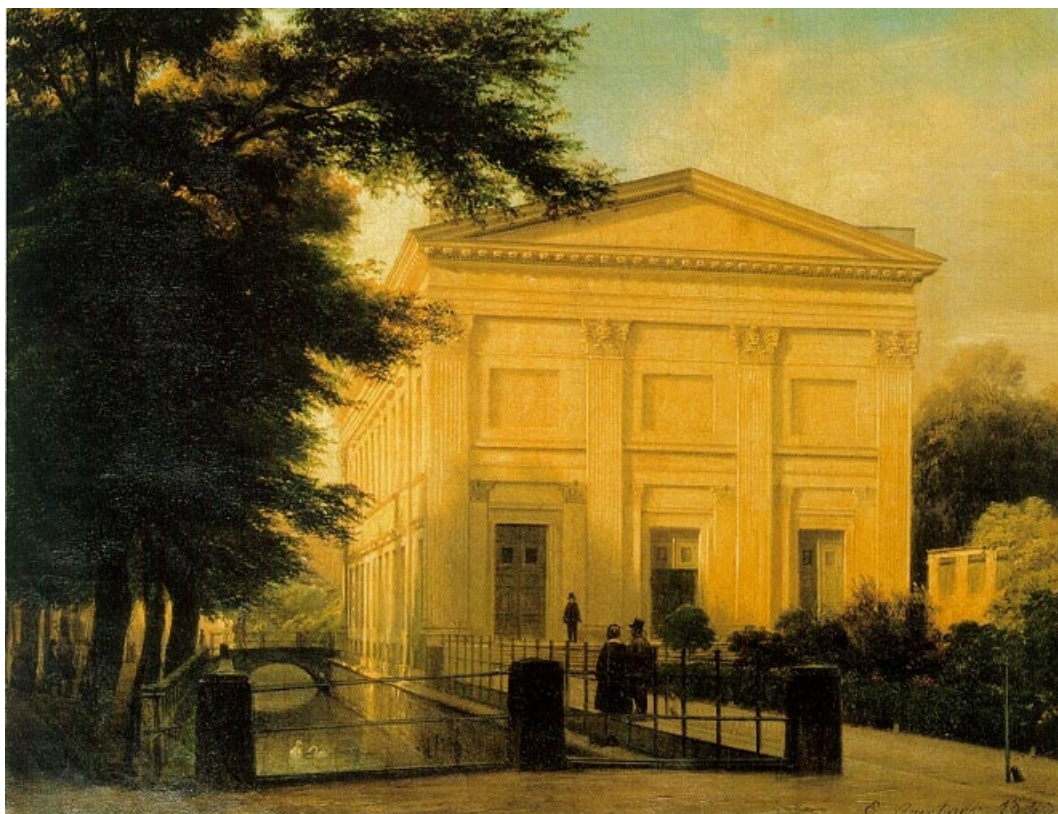
These inventories make it clear that, with some noticeably gaps, almost all of the scores held in Berlin survived their odyssey to the Conservatory in Kyiv. Presumably some of the materials now missing had not been evacuated from Berlin in 1943, although as will be explained below, thirteen entries in the Fainshtein inventories were missing in 1973 when the entire collection was transferred to the

Central State Archive-Museum of Literature and Art (TsDAMLM). After that transfer the original copies of the Fainshtein inventories became the official archival inventories (*opysy*) for what became fond 441 in TsDAMLM.

Following execution of the German-Ukrainian agreement for the return of the Notenarchiv to Berlin, and in preparation for transfer, specialists in the Staatsbibliothek Music Division, headed by Dr. Helmut Hell, prepared an electronic correlation table relating the numbers of the Fainshtein inventories to the Zelter sequential catalogue numbers and providing composer names and short titles to the extent available. Hell's correlation files were prepared in Berlin on the basis of copies of the Fainshtein (by then the TsDAMLM) inventories and served as the official transfer inventory for the collection. Sorting routines and printouts in several sequences make it also possible to establish a provisional list of holdings by different composers, to verify the large extent to which the collection has survived, and to relate the Berlin numbers with the present Kyiv numbers (assigned by the Fainshtein inventories), and also to note the additional items not covered by the Zelter catalogue. Hell's introductory notes explain the organization of the table and the relation of the sequential numbers from the Zelter catalogue to the Kyiv collection. Hell's very helpful descriptive correlation tables, however, have not yet been readied for public use, and still need to be used together with both the Zelter catalogue and the Fainshtein inventories.<sup>12</sup>

The Staatsbibliothek together with the Sing-Akademie, as part of the terms of the initial "deposit" of the collection in the Music Division, agreed to cooperate in comprehensive professional cataloguing to be included in the "International Inventory of Musical Sources" (RISM - *Répertoire internationale des sources musicales/ Internationales Quellenlexikon der Musik*). Cataloguing in Berlin was to continue the cataloguing of the Bach family manuscripts started in Kyiv on RISM standards (in English and Ukrainian).<sup>13</sup> The program in Berlin ideally would have involved the Ukrainian specialists who had started cataloguing the collection in Kyiv. That could have provided further RISM training for Ukrainian music cataloguers and helped them provide a catalogue of the entire collection for TsDAMLM, now retained there only on microfilm. Cataloguing is nonetheless continuing in the archive in Kyiv, and reportedly some preliminary internal cataloguing is proceeding in Berlin in connection with those parts of the collection soon to be released commercially on microfiche (as will be explained below).

Regrettable delays in starting the public cataloguing process in Berlin have been aggravated by the "deposit" status of the collection and delays in working out a formal depository contract with the Stiftung für Preußischer Kulturbesitz, the parent institution of the Staatsbibliothek. While reportedly such an agreement will be signed within the months ahead, without it the Staatsbibliothek could not proceed.



The Sing-Akademie building in Berlin, ca. 1843, from a painting by Eduard Gaertner, (The building now houses the Gorkii Theatre) from a private collection, courtesy Sing-Akademie.

Complicating difficulties are all too indicative of the problems stemming from German reunification. Actually there were two institutions claiming succession: the original Sing-Akademie zu Berlin (established 1791) and the former East Berlin GDR-subsidized Berliner Singakademie (established in 1963). The early nineteenth-century building of the original Sing-Akademie, located in what became the Eastern sector, now still houses the Gorkii Theatre established there under the GDR, while the organization and its choir continued in the West. The current membership of the older Sing-Akademie has resisted the proposed consolidation with the former East German choral society, although it is hard to understand why the two groups have been unable to come together. Several of the younger members of the board of directors, encouraged by the location of the Sing-Akademie music archive, were trying to work out a compromise. Among them within the Sing-Akademie, Michael Rautenberg was active in negotiating the arrangements for the return of the archive and even personally went to Kyiv to accompany the collection home from Ukraine.

Simultaneously, just when the archive was about to return in November 2001, the Berlin Senate announced that, on the basis of less than optimal artistic quality, it would be withdrawing subsidy (starting in mid-2002). Internal discord and even legal disputes reached a crisis during the first half of 2002, all of which are exceedingly difficult to comprehend. Subsequently, the Sing-Akademie has revised its articles of association and elected a new board of directors, effectively removing several members from its ranks, including Michael Rautenberg. In September 2002,



the membership approved the appointment of a new music director, Professor Joshard Daus from the University of Mainz. How unfortunate it is that just when the Sing-Akademie came into world prominence in connection with the location and retrieval of its long-lost music archive, it lost local Berlin government support and has difficulty quelling the discord.<sup>14</sup>

Meanwhile, given the tremendous media interest in the collection and the impasse over public access in Berlin, the international library publisher Primary Source Microfilm (PSM) proposed issuing a microfiche edition of the entire Sing-Akademie music collection. They were already working with Derzhkomarkhiv on other projects, and Kyiv archivists were quite prepared for them to provide wider distribution based on the microfilms held by the Kyiv archive (TsDAMLM). However, according to an agreement worked out by the Sing-Akademie for the return of the collection, the Kyiv archive and Derzhkomarkhiv do not have the right to distribute copies for performance or commercial publication without the permission of the Sing-Akademie in Berlin. Subsequently, PSM through its affiliate K. G. Saur proposed refilming the entire collection in Berlin in order to make it publicly available, but that plan is still under consideration.

As an initial step in January 2003, K. G. Saur announced that it has negotiated an agreement with the Sing-Akademie in conjunction with the Staatsbibliothek for the release of a complete CD-ROM and quality microfiche rendition of the original Bach family manuscripts and printed scores from the Sing-Akademie Notenarchiv. Saur had already released a microfiche edition of the Bach Collection held in the Staatsbibliothek (predominantly J. S. Bach) and had standing orders for any sequels. A recent Supplement I covers the Bach manuscripts from Berlin recovered in Poland after World War II that are now held in Cracow. The new Supplement II to the Bach Collection (to be released in the spring of 2003) is based on refilming the Bach family materials returned from Kyiv.<sup>15</sup> The quality microfiche version should soon make the Bach family holdings from Kyiv available to libraries worldwide for purchase, while the earlier microfilms are now open in Kyiv. Presumably the release of this collection of the unedited texts will not conflict with the critical edition of the C.P.E. Bach legacy underway at Harvard University in cooperation with the Bach Archive (Leipzig) and the Packard Humanities Institute, although lawyers may still struggle with copyright issues (resulting from restrictive complexities in German copyright law for music editions). It will nonetheless increase public availability to the extent that reproductions of the manuscripts will be open to scholars in advance of the critical edition. A "guide" to the supplemental collection is promised, although no plans have been announced to make the "guide" or other cataloguing data available apart from the entire Saur Bach collection.

As part of its "Bach Collection/Bach-Sammlung" offering, K. G. Saur has also announced on its website a "catalogue with register/ Katalog mit Register" for publication in 2003, a revised and updated version of the 1958 published catalogue by Paul Kast of the Bach manuscripts in the Staatsbibliothek. That catalogue - also

to be issued in a printed edition - will not cover any of the Bach family materials in the Sing-Akademie collection, according to the Saur editors.<sup>16</sup> Presumably the badly needed coverage of those holdings, expanding and correcting the data in the Kyiv inventories, will have to await the professional RISM cataloguing of the Sing-Akademie materials in the Staatsbibliothek. Saur has also announced a microfiche edition of all of the Telemann manuscripts in the Staatsbibliothek. Again in this connection, plans call for a supplement to include manuscripts from the Staatsbibliothek now in Cracow and another to cover those in the Sing-Akademie collection returned to Berlin from Kyiv.<sup>17</sup>

The entire Notenarchiv (except for 33 items left in Kyiv) is now back in Berlin, but a more detailed survey of its contents is still badly needed as an interim measure. More open information about the collection, as some of us thought had been agreed upon several years ago, could start with an expansion of the Berlin correlation tables prepared in June 2001, together with a descriptive introduction, and possibly even a quality microfiche edition of the Fainshtein inventories and the Zelter catalogue. Once cataloguing gets underway in the Staatsbibliothek, several years will be required for the whole collection to be catalogued in RISM, but even when all of the items are recorded in RISM, a full catalogue and history of the Sing-Akademie collection would be in order.

The duly celebrated return of the Sing-Akademie archive to Berlin aroused high hopes for a unique musicological impact. A year and a half after its return to Berlin, the collection, regrettably, is even less available in its Berlin home than was the case since its discovery in Kyiv. Aside from the problem of accessibility, the return of the Sing-Akademie archive also raises several other important issues regarding cultural treasures displaced as a result of World War II that ended up in the former Soviet Union. If its return may give hope for more restitution breakthroughs in Eastern Europe, its fate provides an example well demonstrating still inadequately researched problems connected with its odyssey. Major issues to be considered below within the broader context of cultural treasures displaced during and in the aftermath of the Second World War concern:

- 1) The circumstances under which cultural property was removed from Germany;
- 2) How, whence, and under what auspices German cultural assets were transported to the Soviet Union;
- 3) The present location and identification of such treasures now in successor states to the former Soviet Union;
- 4) Restitution policies as affected by economic and political problems in Ukraine;
- 5) The legal eligibility and arrangements for the return of cultural property to Germany; and
- 6) Recent developments in the broader international politics (and diplomacy) of restitution.

## 1. Circumstances of Wartime Displacement

The evacuation of the Sing-Akademie music archive from Berlin in 1943 was relatively easy to document. Colleagues from the Sing-Akademie verified the transport of the collection to Silesia thanks to files held by German restitution authorities, some of them from the U.S. National Archives. Already in 1994 Sing-Akademie representatives Michael Rautenberg and Gerhard Schuchard visited the evacuation site of the castle of Ullersdorf (*Polish* Ołdrzychowicze-Kłodzkie), now in ruins, near Glatz (*Polish* Kłodzko), some 110 km. south of Breslau (*Polish* Wrocław). Before 1945 the castle was owned by the von Magnis family.<sup>18</sup> In fact, in contrast to cultural treasures plundered by Soviet authorities as "cultural compensation" from Germany itself, or those earlier plundered from "enemies" of the Nazi regime that were then plundered a second time and taken to the USSR, the odyssey of the Sing-Akademie archive that ended up in Kyiv represents a different strand in the pattern of displaced cultural property that moved from West to East during World War II and its aftermath.

The Sing-Akademie was one of over 560 predominantly private collections (and a few public ones) from the Berlin area that were evacuated under municipal government auspices in 1943 and early 1944 to preserve them in face of intensified Allied bombing that was reducing German cities to rubble. In the summer of 1943, Nazi leader and Minister of Propaganda, Joseph Goebbels as Gauleiter of Berlin ordered the people of Berlin to protect their cultural assets. The Berlin evacuation program involving the Sing-Akademie was directed by Walther Peschke, who headed the office for preservation and protection of historical monuments in Berlin-Brandenburg during the war. As "Oberbaurat" and "Provinzialkonservator," Peschke was investigated after the war for his role in art transport by U.S. MFA&A officers. Thanks to a file among OMGUS records in the U.S. National Archives, we now know more about the context and contents of those German evacuations.<sup>19</sup> A 250-page inventory in that file provides technical specifications (and in some cases estimated value) of many individual works of art in some 556 private collections. Number 430, the only significant musicalia entry on that list gives no details; it merely indicates that from the Sing-Akademie, "14 crates of manuscript music scores were transferred to Schloss Ullersdorf, 31 August 1943." The Sing-Akademie materials to be shipped out of Berlin were prepared by then director of the Sing-Akademie, Georg Schumann, but no inventory of the content of the 14 crates has been found.<sup>20</sup>

The 31 August 1943 shipment to Ullersdorf also included materials from thirteen other predominantly private art collections from Berlin.<sup>21</sup> Three additional shipments went to Ullersdorf - one earlier in August and two in September. The first (17 August 1943) included an unspecified number of crates from the Berlin School of Fine Arts (Hochschule für bildende Künste). At approximately the same time, five shipments went to the castle of Eckersdorf (*Polish* Bożków), about ten km. northwest of Glatz, also owned by the von Magnis family. Among other institutional

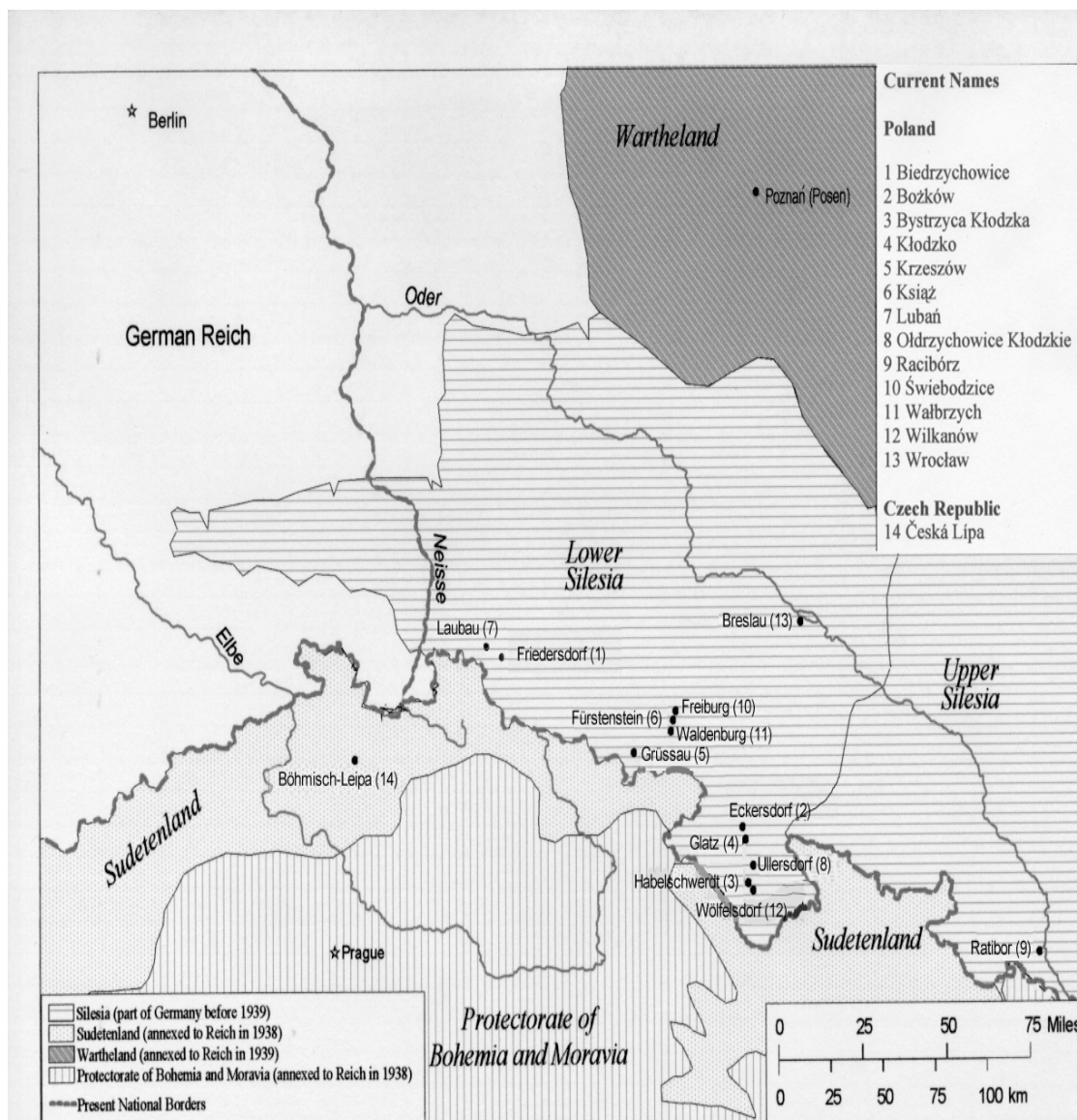
collections shipped to Ullersdorf were part of the Arno-Holz Archive and some crates from the Institute of Oceanography (Institut und Museum für Meereskunde) of Friedrich-Wilhelms University (1828-1946, now Humboldt University) and the Berlin City Library. Parts of those two latter collections also went to Eckersdorf, while other parts of all those collections went to other castles in Silesia.<sup>22</sup>

Additional shipping lists have also been preserved for most of the 70 evacuation transfers (by number and destination) under Peschke's direction, not all of the contents of which are covered by the more detailed item-level inventory. In addition to the shipments to Ullersdorf and nearby Eckersdorf, shipments under Peschke's auspices from Berlin collections went to at least twenty other castles or villas in Silesia and the nearby area of occupied Poland known in English as Wartheland (*German* Warthegau), although some remained in Brandenburg. Since those castles were emptied by different Red Army units, and some found later by Polish authorities, the contents have become widely scattered in public and private custody in the former Soviet Union and Poland. But at least now we know exactly which castles housed what collections, and in many cases what paintings. If that data were to be assembled in an appropriate database, as I would strongly recommend, it could help trace the fate of the many still displaced cultural treasures, alert Russian and Ukrainian repositories to the provenance and points of retrieval of some of their trophy holdings, and also provide legal testimony to their migration. Possibly some works of art of suspicious provenance (e.g. confiscated "degenerate" art or works from Jewish holdings) were amongst the German collections named, but that matter will require more serious provenance research, once more of the individual items and their German owners are identified.

The only other significant music collection on the Peschke evacuation lists was 23 crates from the Music School (Hochschule für Musik) in Berlin in the July 1943 transport (no. XVI) to Schloss Friedersdorf (*now Polish* Biedrzychowice) near Lauban (*now Polish* Lubań), some 200 km further west, much closer to the present German border than Ullersdorf. After the war the contents of that castle were seized by Polish authorities, and the important musicalia treasures from the Hochschule, including the Philipp Spitta collection, later surfaced in Łódź, Poland, having duly enriched the library holdings of a new university established there under the Communist regime. Identified there by Harvard professor and eminent Bach scholar Christoph Wolff in 1988, the Łódź University Library also acquired some books that had been evacuated from the Berlin City Library (Berliner Stadtbibliothek), the library of the Friedrich-Werdersches Gymnasium in Berlin, and the Lübeck City Library (Stadtbibliothek Lübeck). Interestingly enough, according to the Peschke inventories, Schloss Friedersdorf was one of the evacuation sites for part of the holdings from the Berliner Stadtbibliothek.<sup>23</sup> All of these "trophy" receipts have been integrated into the general holdings of several different divisions of the Łódź University Library. While librarians estimate approximately 4,500 volumes from the Hochschule, it will be virtually impossible to identify all of them. Between 1975 and 1987 three volumes of catalogues describing some categories of the musicalia in

Łódź were published, but with no introductory notes about the formation of the musicalia holdings, or where and when they were acquired. Understandable for the Communist period in Poland, none of the listings in those catalogues for items that Wolff identified from the Spitta Collection (or others from the Hochschule) give any indication of their Berlin provenance, despite many extant book markings.<sup>24</sup>

The most famous collection of musicalia from Berlin evacuated to Silesia came from the Prussian State Library (Staatsbibliothek), but the evacuations from that library were not handled by Peschke. The holdings from the Music Division, including many of the J. S. Bach manuscripts that had been acquired from the Sing-Akademie in 1854, together with some of the Orientalia and other manuscript treasures from the Berlin library, were found after the war by Polish authorities in the Abbey of Krzeszów (*earlier German Grüssau*), southwest of Wrocław and are still in Poland. Following a complicated international treasure hunt, they surfaced in 1977 in the Jagiellonian Library in Cracow, at which time Poland presented three symbolic scores (by Bach, Mozart, and Beethoven) to East Germany (GDR).<sup>25</sup> Although subsequent restitution negotiations have been unsuccessful, a scholarly catalogue covering 2500 of the earliest part of that collection was published in 1999, duly attributing their provenance to the Staatsbibliothek in Berlin. The Bach manuscripts in Cracow have been released in a microfiche edition by G. K. Saur in conjunction with the Staatsbibliothek, and a Beethoven Collection on microfiche has been announced that will include the manuscripts held in Cracow.<sup>26</sup>



## 2. Transfer to the USSR

Questions still remain about the postwar odyssey of the Sing-Akademie collection, and the extent to which it may have been accompanied by other German cultural treasures that had been evacuated during the war to Silesia. The majority of the cultural treasures "rescued" by the Red Army in Silesia went to Moscow, where they remained in hiding for half a century. Information about them has been slowly coming to light during the past decade. Most Red Army reports on cultural reconnaissance and seizure, however, are still not openly available to researchers, although a few copies of some that can be found in the records of other receiving agencies have surfaced in Russia and Ukraine. A few others have been referenced by researchers with special access to such sources in the Central Archive of the Ministry of Defense (TsAMO) in Podolsk.

Many reports are now available about the Soviet Archival Administration

(Glavarkhiv pri NKVD [*later* pri SNK/MVD/SM] SSSR) seizures and transports. Of potential importance in the present context were those from another Silesian castle, Schloss Wölfelsdorf (*now Polish* Wilkanów), approximately twenty km. south of Ullersdorf, which housed the archival unit of the Seventh Division (Amt VII) of the Reich Security Main Office (*Reichssicherheitshauptamt* - RSHA).<sup>27</sup> Surviving Nazi documents verify that the castle and surrounding buildings were used for the storage of the vast archival loot plundered from Jewish, Masonic, and socialist organizations and individuals, among other identified "enemies of the Reich" from all over the European continent that the RSHA had amassed in Berlin by 1943. Most of those materials that went to Moscow were deposited in the former Special Archive (TsGOA), now part of the Russian State Military Archive (RGVA), but no musicalia was mentioned, nor materials from other castles.<sup>28</sup>

A Ukrainian colonel, Ivan D. Shevchenko, an instructor in the Agitprop Division of the Central Committee of the Communist Party of Ukraine, was apparently the first to report the RSHA Wölfelsdorf cache in late July 1945. Then assigned to the Trophy Brigade of the Second Ukrainian Front, most of Shevchenko's telegrams addressed to the CP Central Committee in Kyiv describe the Western European socialist archives amassed there. He "regretted that there was no airplane to send samples of some of the most interesting documents home to Nikita Sergeevich [Khrushchev]," who was then First Secretary of the Communist Party in Ukraine! How many freight cars Shevchenko shipped to Kyiv is not clear. One telegram mentions five, but a later one reports he had found and "loaded a wide-wheeled wagon," which was being shipped to Kyiv "through Czech territory on the twentieth of August."<sup>29</sup>

In one telegram Shevchenko reported "the possibility to receive 370 paintings in Glatz transported there from Berlin museums," and adds that he was "waiting for orders."<sup>30</sup> Presumably these were some of the paintings that had been evacuated to the nearby castles of Ullersdorf and Eckersdorf that by then had already been concentrated in Glatz, where there were better possibilities of guarding them and where train service (the same line as Habelswerdt) connects to major East-West railroad lines. No answer from Kyiv has been found nor further details about the shipments, but one of Shevchenko's telegrams recommended "preparation of a large building for sorting archives and material cultural treasures."<sup>31</sup>

Early in September 1945, Ukrainian NKVD archival authorities notified Moscow about "at least seven freight cars of archival materials" from Wölfelsdorf.<sup>32</sup> Thereupon NKVD Chief Lavrentii Beria personally ordered the shipment immediately rerouted to Moscow. Thirteen freight cars (rather than the projected seven) reached Moscow in late October.<sup>33</sup> Archivists sent from Moscow organized another echelon of fifteen freight wagons directly from Habelschwerdt to Moscow at the end of November 1945 - making a total of twenty-eight wagons of archival materials.<sup>34</sup> Although a few Masonic portraits arrived among the Habelswerdt

shipments, none of the reports suggest that the Moscow archivists were transporting other cultural treasures or materials from other castles.

No Soviet documentation has yet been found regarding treasures found in Ullersdorf, neither the recovery of the Sing-Akademie archive, nor its shipment to Kyiv. As an important new clue, however, we recently learned, that the "Director of the Kyiv Conservatory A. M. Lufer" was ordered "to Germany" on 23 October 1945 "at the request of Soviet Occupation Forces [SVAG]," . . . to head a brigade of specialists for expert appraisal of discovered cultural treasures, at the expense of the Central Committee of the Communist Party of Ukraine. " That was ten days before the receipt of the Sing-Akademie collection by the Kyiv Conservatory from the Committee for the Arts of the Ukrainian SSR, as established by the official transfer act dated 2 November 1945.<sup>35</sup> Those two documents released by Derzhkomarkhiv simultaneously with the transfer ceremony to Germany for the Sing-Akademie collection in fall 2001 counteract two earlier mistaken suppositions. First, that the collection was found by a Ukrainian tank driver returning from the war and delivered to the steps of the Conservatory in Kyiv; or second, that it was a benevolent, brotherly "gift" from Moscow to Kyiv. However, none of these documents reveal where in Germany the Kyiv Conservatory director Lufer was sent, which unit found the Sing-Akademie collection where, or how it was taken to Kyiv after Lufer's visit to "Germany" at the end of October, who else was in his brigade, or other treasures they brought to Kyiv. Unfortunately, more secret files still remain classified among the records of the Committee on Culture of the Ukrainian SSR in Kyiv, and undoubtedly related documents of Red Army trophy operations and the Soviet Occupation Administration in Germany (SVAG) may hold additional clues.<sup>36</sup>

We already know from several other sources that the Ukrainian SSR had its own cultural trophy brigades in the field during 1945 and early 1946.<sup>37</sup> Initially it was assumed that most of the art from German private collections still held in Kyiv today had been found by Soviet trophy scouts in Germany itself, together with the paintings from the Dresden Gallery that were shipped directly to Kyiv in the fall of 1945. (The Dresden paintings were returned to the GDR in the 1950s.) But now we discover that much of the art from Berlin private collections still in Kyiv came from Silesian castles, such as Eckersdorf and Ullersdorf, where the Sing-Akademie and probably many of the 370 paintings mentioned by Shevchenko had been found. Recently discovered documents listing the contents of more shipments to Kyiv from the Dresden area in November and December of 1945 (predominantly factories and industrial goods) mention a total of 300 paintings from the Dresden Gallery and 800 unidentified albums of engravings.<sup>38</sup> By that time the Sing-Akademie collection was already in Kyiv. Its transfer was too late for it to have come with Shevchenko's transports from the Habelswerdt/Glatz area, suggesting that Lufer succeeded in arranging his own transport at the end of October. We do not know what other treasures Lufer's brigade "appraised," but according to earlier investigations, the paintings from the Dresden Gallery did not arrive in Kyiv until later in November and December 1945, and at least one batch by plane.



### 3. Identifying the Long-Displaced Treasures in Kyiv

Information has been available since 1977 about the musicalia collection from the Staatsbibliothek in Berlin that ended up in Cracow. Simultaneously published catalogues started appearing of the musicalia treasures that ended up in Łódź after the war. Their Berlin provenance, however, and the fact they included holdings from the Berlin Music School (and Spitta Collection) was not identified until Christoph Wolff's article in the West in 1989. While Poland is treating those treasures as compensation for wartime cultural destruction, and restitution prospects appear bleak, information about the holdings is readily available and they are open to scholarship and performance.

The "long-lost" or "hidden" status of the Sing-Akademie music archive exemplifies the general inadequate identification and description of so-called "trophy" holdings in former Soviet repositories, in this case in Ukraine. Undoubtedly the fact that the music archive had never been properly described in Berlin certainly contributed to the lack of information about it and the possibility that it could remain hidden for so long in its Kyivan exile. Russia is finally beginning an electronic inventory of trophy cultural treasures, with initial samples soon to be available on the Internet, although questions may arise about the extent of coverage, the time frame required, and the adequacy of provenance research. It will be hard to gauge the extent of acceptance of the new, more open policy by repositories still holding displaced cultural treasures, when many curators do not know themselves whence their treasures came. And to be sure, many related documents were destroyed, widely dispersed, or remain classified in Russian archives.<sup>39</sup>

Ukraine seriously lags behind Russia and many other countries (such as Poland) in cataloguing its wartime losses as well as those trophy treasures that still remain in Ukraine. Although Ukraine had proportionately many more losses during World War II than Russia, it received proportionately much less cultural "compensation." Yet little is publicly known about the books, art, and other cultural property of foreign provenance that were received in Ukraine after the war (especially in 1945 and early 1946), apart from the treasures of the Dresden Gallery, most of which were transferred to Moscow for return to the GDR in the 1950s.<sup>40</sup>

When I was conducting extensive research in Ukraine on several occasions in the 1970s to complete my directory of Ukrainian archival holdings, one of Christoff Wolff's graduate students had requested I try to find out if there were any scores of the Bach family hidden somewhere in Kyiv. My requested visit to the Kyiv Conservatory had then been refused, with the reason given they had no archival materials. In the mid-1970s Wolff first heard German suspicions that at least part of the Sing-Akademie collection might be located in Kyiv. One of the lost works of Bach's son Wilhelm Friedemann Bach - the "Flute Concerto in D Minor" - , which Bach specialists knew to have been part of the Sing-Akademie collection, had been performed in Kyiv as early as 1969, and later in Leningrad. The score was never

published, nor was its source ever attributed to the Sing-Akademie, let alone to a collection that was then still held by the Conservatory in Kyiv. Curiously, however, a copy obtained by the Bach Archive in Leipzig (then East Germany) "from an unknown Russian source" was one of the few clues music specialists had that at least part of the collection had survived the war and might be located in the USSR.<sup>41</sup> In Kyiv, no one whom I met was talking, and when I visited TsDAMLM to verify my coverage of their holdings in the 1980s, the only music-related holdings they would admit to were records of Soviet institutions and personal papers of Soviet-period Ukrainian composers. Trophy musicalia was obviously still taboo.

Later, as became apparent in the course of my research on displaced cultural property during the 1990s, I was able to access many newly opened archival sources in Moscow and Kyiv. However, considerable important Soviet documentation regarding "trophy" cultural treasures in Ukraine, and in some cases crucial groups of files are still classified, to say nothing of entire fonds in the archives of the Ministry of Defense (TsAMO) in Podolsk outside of Moscow. My request for access to TsAMO in the summer of 2002 - even when I could cite exact fonds needed and names of officers in "trophy" brigades - was refused, as their letter explained, because "they had no materials relating to the retrieval of books and archives."

The most important clue that led me to the Sing-Akademie collection in Kyiv came from still-classified official All-Union level Ministry of Culture reports to the Communist Party Central Committee from the 1950s surveying "trophy" cultural treasures received from Germany after the war. Several of those reports, obtained when CP files were more open in the early 1990s, were published in German translation in a 1996 scholarly edition. I was following such leads in researching my book, *Trophies of War and Empire* - focusing on the Ukrainian archival legacy (HURI 2001). Most specifically, a report dating from 1957 (earlier published in an article in 1995 by one of the German editors) listed as then held in the Kyiv State Conservatory "part of a Berlin Music Library consisting in 5,170 units (works of early Western European compositions, among them first editions and autograph scores)."<sup>42</sup>

When in 1998 Harvard music Professor Christoph Wolff appealed to the director of the Ukrainian Research Institute, and he in turn to me (since I was working extensively in Kyiv in various archives and had good contacts), I tried to locate the Sing-Akademie collection in Kyiv. I had no more success than I had had a decade or two earlier. The Conservatory - already renamed the National Academy of Music of Ukraine - assured me they had no archival materials and that I was wasting my time. Neither the Music Department of the Vernads'kyi National Library of Ukraine (NBUV), nor several museums that retain significant music manuscripts, held such a collection. And their specialists assured me they knew nothing about it.

At first Ukrainian archivists, when I confronted them with the German published Soviet document, suspected that it was fabricated in Germany in connection with

unsuccessful German restitution negotiations with Russia. After having verified the Russian original of the published Soviet documents with the German editors, I reported the archival source to my Ukrainian colleagues. Following their own unsuccessful efforts to obtain copies of the documents from Moscow, they took the matter more seriously. In the meanwhile my own request to see the original in Moscow was likewise refused, although the files involved - from the Secretariat of the CP Central Committee - had briefly been open for research in 1992 and early 1993. Not only was it impossible to examine the Moscow archival originals of the documents published in Germany, but related documentation about "trophy" cultural treasures referenced in the same files were also "unavailable."<sup>43</sup> Nevertheless in early 1999, I pressed Kyiv archival colleagues to help me determine what had become of the collection listed as being held by the Conservatory in the 1950s. At the time I could not be sure it was the Sing-Akademie archive, and I was only just beginning to learn about that collection. My Kyiv colleagues had never heard of the Sing-Akademie and had no indication that such a collection existed in Kyiv, let alone any Bach manuscripts.

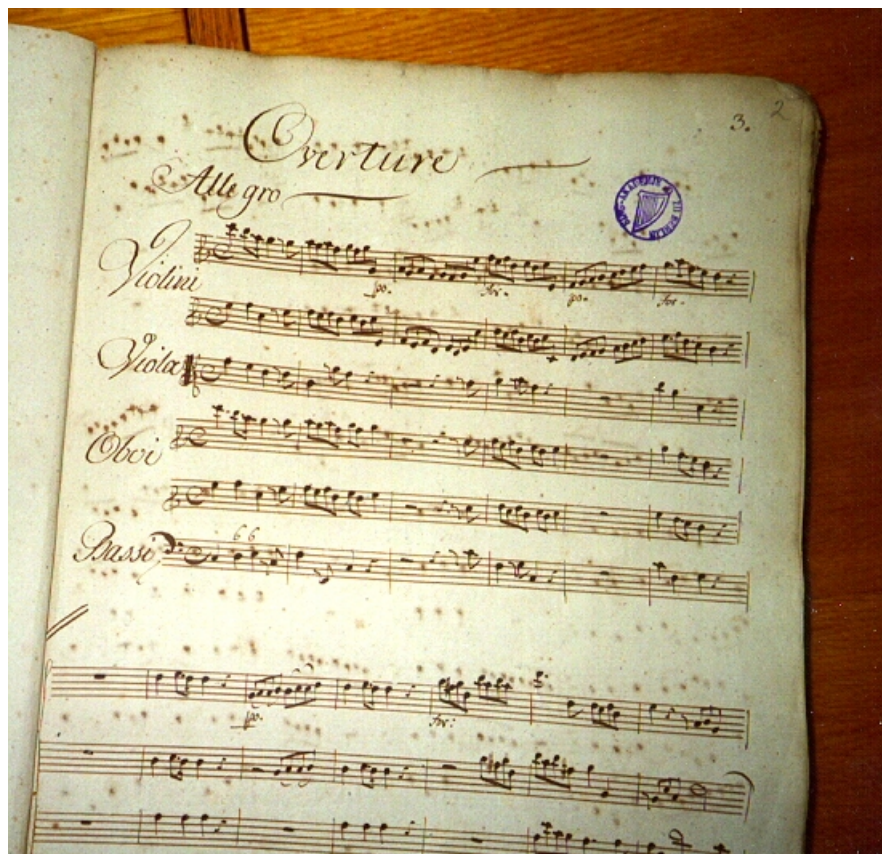
The first clue I had to its present location came when my longtime Ukrainian friend and colleague Hennadii Boriak, with whom I had been researching World War II cultural displacements for a decade, e-mailed me about his chance meeting with a librarian from the Conservatory. She admitted to having seen a report about a large collection of music that had been transferred in the early 1970s to the newly established Central State Archive-Museum of Literature and Art of the Ukrainian SSR (now TsDAMLM Ukraïny). That was the first indication we had of the actual present location of the collection, since the existence of such a German music collection had never been mentioned in any of the available descriptions of that archive. Even an initial "insider" search of the registered fonds in TsDAMLM gave no such indication.

Since TsDAMLM was under pressure from the Archival Administration to complete a guide to its holdings, there was good reason for Boriak to pursue the inquiry. Armed with the librarian's testimony and the German-published document, and with a keen understanding of the delicate diplomatic problems involved, Boriak was able to convince the Ukrainian Archival Administration to pursue the matter. In May 1999 he e-mailed me that he had been told that there was indeed a large collection of music, and (on a follow-up inquiry) reportedly it even contained some Bach, although he was unable to find out more about it. Nor could he even consult the inventories himself, nor determine in what language they had been compiled. No one in TsDAMLM knew (or was willing to admit) the provenance of the collection, nor how it happened to have arrived in Kyiv. I reported back to Christoph Wolff, suggesting he might want to consider packing his bags. When he expressed interest in going to Kyiv, Boriak obligingly arranged invitations through the Institute of Ukrainian Archeography so that Professor Wolff and his wife (a music librarian at Harvard) could obtain visas to join me in Kyiv (my own trip was already scheduled).<sup>44</sup>

Despite assurances from the Archival Administration that arrangements would be in order for our visit to TsDAMLM, we were at first confronted with a stonewall and then a maze of complicated excuses as to why access to the archive and that particular collection was closed. We couldn't have arrived at a less opportune moment, as the archive was under renovation (*remont*), and a new director was being installed the week of our visit. But persistence won out with the pressure of time limitation in Professor Wolff's short visit to Kyiv. First we were permitted to examine the inventories (as I recalled had been mentioned in the German-published documents and the transfer papers), and finally some sample files from the "still unprocessed" collection itself. It was hard to forget Professor Wolff's delight when the director took us up into the stacks to show us how well the collection was being preserved. In the first box the director pulled from the shelf Wolff recognized the signature of Carl Friedrich Rungenhagen, a German composer and director of the Sing-Akademie after Zelter's death, several of whose compositions are found within the collection. That name meant less to me than the blue stamp with a lyre on the top manuscript: "Sing-Akademie zu Berlin." The Fainshtein inventories resolved any further questions about the extent to which the collection had been preserved intact.

I also took special note of the collection name marked on every box in the stacks for fond 441 - "Manuscripts of Luminaries of Western European Art and Literature (17<sup>th</sup>-19<sup>th</sup> cc.): Collection."<sup>45</sup> Since its 1973 transfer from the Kyiv Conservatory the existence of the Sing-Akademie archive was camouflaged under that registered name. The fact that "music" was not even mentioned in the title, let alone the Sing-Akademie or the Bach family, explains why specialists abroad, and even archivists in Kyiv, could never have realized the Sing-Akademie archive was in TsDAMLM. A few scores from the collection had been performed by Igor Blazhkov and others from copies taken from the Conservatory, which led German musicologists to suspect the collection was in Kyiv or elsewhere in the USSR. But even those associated with such performances in Kyiv were not prepared to admit the provenance of the scores they were performing. Furthermore in TsDAMLM, before our visit in July 1999, the collection had never been fully processed and hence not open to researchers during the almost thirty years it was held by the archive. That was one of the excuses given at first why we were refused permission to consult it.

Indeed, even when Professor Wolff was with me in Kyiv in 1999 and I arranged a visit for him to the Conservatory - now the Academy of Music (after we had already seen the Sing-Akademie collection in TsDAMLM), the rector assured us that if they had had any trophy music, it would have long since been returned to Germany. A few minutes after that, however, when my request to visit their library was granted, the librarian showed me - and then gave me copies - of the 1973 transfer documents for the large music collection from the Conservatory to TsDAMLM.



A score from the Sing-Akademie collection with the blue stamp with lyre "Sing-Akademie zu Berlin" (photograph by Patricia K. Grimsted at TsDAMLM in Kyiv, 1999)

Archivists in Kyiv now claim that the Sing-Akademie collection was not classified "secret" per se, nor had it ever been under the control of Soviet security services. They explain that information about the collection was suppressed because they did not want to have to send it to Moscow, as they had been forced to do in the case of the foreign archival loot that came from the RSHA cache in Silesia and with the ERR records that came to Kyiv from Dresden in December 1945.<sup>46</sup>

The recently published act of transfer of the "Archive of the Sing-Akademie in Berlin" to the Conservatory (2 November 1945) and the immediate instructions for its inventorization (5 November 1945) both make clear that at the start at least some specialists in Kyiv were fully aware of its provenance.<sup>47</sup> The five volumes of inventories prepared by Liubov Fainshtein at the Kyiv Conservatory in the late 1940s included a column keying entries to the original Zelter numbers, suggesting that she may have worked from the copy of the Zelter catalogue evacuated from Berlin with the collection.

The initial order for transfer from the Conservatory to TsDAMLM from the State Archival Administration in 1973 specified "a collection of manuscript and published music scores (XVII-XIXth cc.) in foreign languages with approximately 5,000 documents, together with the card catalogues and inventory registers describing the collection." However, when the official act of transfer was executed, the mention of

music was suppressed.<sup>48</sup> Initially TsDAMLM archivists were unable to locate the card catalogues mentioned in the transfer papers; one suggested to me they might have been destroyed, even if they had been the original ones from Berlin (as we had first presumed). Archivists found and showed them to me a year later, but they turned out to have been prepared in Kyiv from the Fainshtein inventories for use in the Conservatory Library where the collection was open to the public (at least partially) until 1973.<sup>49</sup> Apparently there never was a card catalogue in Berlin, at least among the receipts from Ullersdorf.

Most important, on the basis of the Fainshtein inventories and the Zelter catalogue numbers, we could ascertain that the Notenarchiv survived its odyssey essentially in its entirety. Thirteen manuscript units were declared missing from the collection at the time of its transfer from the Conservatory to TsDAMLM, according to the official transfer papers. Two of them have since been located, one is a printed textbook (that might have gone to a library), and all but one of the others are printed part scores. Berlin specialists suggest that seventy-one items were missing from the initial Zelter catalogue sequential numbers, but apparently they had not checked the status of the manuscripts missing at the time of transfer to TsDAMLM from the Kyiv Conservatory.<sup>50</sup> We still do not know about the fate of the epistolary collection from the Sing-Akademie - only one folder of Goethe correspondence is held with the music scores in TsDAMLM, namely a few of his letters the Sing-Akademie director, Carl Zelter. All of the early printed books from the library described in Part A of Zelter's catalogue are still missing, many reportedly with dedicatory autographs and marginal notes. From available sources, most probably the early printed books from the library were not evacuated from Berlin to Ullersdorf in 1943.<sup>51</sup>

Seven or eight later volumes of printed music from the Sing-Akademie (now on deposit in the Staatsbibliothek in Berlin) were returned to the GDR from Moscow in 1957/58, at the time of the restitution of the Dresden Gallery collections to East Germany. At least one of those editions has a Soviet book stamp and accession number, which I have verified as that of the Moscow State Conservatory. However, it has not yet been possible to verify accession registers in the Moscow Conservatory Library, nor to determine if there are still additional books from the Sing-Akademie there. Nor has it been possible to verify further migratory details about those editions returned to Berlin.<sup>52</sup> Some of the paintings from the Sing-Akademie, which had been deposited in the Berlin Mint (together with paintings from the Academy of Art) also ended up in Moscow after the war, including portraits of earlier directors Fasch, Zelter, and Georg Schumann. They were also returned to the GDR with the treasures from the Dresden Gallery in 1957. For decades they were stored in the Old National Gallery (Alte Nationalgalerie) under the auspices of the Academy of Art (Akademie für bildende Künste), but were turned over to the Sing-Akademie in Berlin in 1997.<sup>53</sup>

Even more secrecy in Kyiv still surrounds much of the art works from other Berlin collections that were evacuated to Silesia with the Sing-Akademie archive, despite

increasing evidence that a good bit of it is now in Kyiv. The same 1957 Soviet Ministry of Culture secret report that included the "Berlin Music Library" collection in the Kyiv Conservatory indicated that some 102,000 units of trophy art were held by what was then the Museum of Western and Oriental Art (now the Khenko Museum of Art) in Kyiv, including 665 paintings, graphics, and sculpture from Berlin private collections, and others in the State Historical Museum.<sup>54</sup> A chart prepared of "trophy" German holdings in the USSR published in the same collection of documents gives somewhat differing figures.<sup>55</sup> Although detailed listings for the holdings of the Berlin School of Art sent to Ullersdorf do not appear on the Peschke inventory, paintings of that provenance have been spotted in Kyiv. Recently German specialists have identified over 120 "trophy" paintings of German provenance in the State Historical Museum (48 of them on the Peschke inventory out of 50 examined) and 15 more in the National Academy of Art (8 of them on the Peschke inventory), among them those sent to Ullersdorf and Eckersdorf.<sup>56</sup> Even before the return of the Sing-Akademie collection there were several symbolic transfers of displaced cultural property between Ukraine and Germany.<sup>57</sup> Perhaps now, if a database were to be prepared for public circulation on the basis of the Peschke inventories and other available data, it would help Ukrainian museums get a start towards the identification of those and other still displaced cultural treasures.

#### **4. Ukrainian vs Russian Restitution Politics**

Generally, since independence, Ukraine has pursued a much more Western-oriented and European-friendly approach to matters of cultural restitution than has been the case in Russia, although there are proportionately many fewer "trophies" in Ukraine. Long before Putin's policy of restitution "gestures of goodwill," Ukraine had made a series of restitution exchanges with Germany and negotiations with other countries.<sup>58</sup> Unlike Russia, when Ukraine was accepted for membership in the Council of Europe in November 1995, there were no stipulations. When Russia was accepted two months later, it was forced to sign a series of "intents" that included stipulations for the return of cultural treasures and archives claimed by member European states. That stipulation has never been publicized in Russia, and political forces in the Russian parliament have remained staunchly opposed to restitution, especially to Germany.

The discovery of the Sing-Akademie collection in Kyiv caused a tremendous sensation in the Ukrainian press, as it did worldwide, particularly after German television crews descended. Perhaps even more so because it was identified by foreigners: "What if Christoph Wolff had never come to Kyiv?" queried a correspondent in one of Kyiv's major papers. "Why does it take foreigners to find what is in our archives?" asked another, critical of the Ukrainian archival administration for the great secrecy in which they have operated in the past.<sup>59</sup> Almost immediately after our discovery of the Sing-Akademie was announced in the summer of 1999, negotiations started for microfilming and cooperative projects, and

with several professional visits by specialists from the Bach Archive in Leipzig and Professor Wolff from Harvard University.

Yet extensive Western involvement brought forth some oppositional voices, especially from those who might serve to benefit from the collection remaining in Kyiv. Igor Blazhkov, the Kyiv orchestra conductor who had earlier performed one of the scores from the Sing-Akademie collection, faxed me an angry letter to the effect that he and other musicians in Kyiv had long known about the collection. However, he had never cited the Sing-Akademie by name nor had he ever attributed the appropriate provenance to the music he had performed. Once the news was out in the West, he gave interviews denouncing Christoph Wolff and "American exploitation" while encouraging patriotic opposition to potential restitution. Although his was not the only opposition voice, other Ukrainian press accounts suggested the importance for Ukraine of cooperation with the West and of returning the collection to Germany.<sup>60</sup> Fortunately the latter voices won out, even if there was a significant delay in signing an academic agreement by the Ukrainian Research Institute at Harvard University with Derzhkomarkhiv, TsDAMLM, and potentially other institutions in Kyiv, and supported by a sizable grant from the Packard Humanities Institute.

High-level diplomatic negotiations also started for the prospective return of the archive to Berlin. By November 2000 the German government sponsored a program of "Days of Ukrainian Culture" (at an estimated cost of 250,000 euros), and in the course of the visit of the Ukrainian delegation to Berlin, discussion of the fate of the Sing-Akademie music archive was significantly on the agenda. In Kyiv and in Berlin, there was even talk of barter. Half jokingly, some Ukrainians even speculated that the return of the "Bach Archive" - as it was called in Kyiv - should be worth at least one nuclear power reactor. But others had had enough of nuclear power plants in Ukraine and were less than sympathetic to any such demands. In fact Ukraine resolved to turn the collection over to Germany with no provision for "barter."

Already in January 2001, a Ukrainian-German agreement was executed for the return of the Sing-Akademie collection to Berlin that, although recognized by both sides as a private collection, was being treated as a matter of highest state attention. Plans for restitution were announced with an official protocol signed (19 January 2001) - typically during the visit of President Kuchma to Berlin - and the symbolic return of an initial Bach score. It came at a time when Kuchma was under severe international criticism for human rights violations from the European Community, including allegations regarding the scandalous murder of the opposition journalist Gongadze. In terms of foreign policy - and the hopes for better economic relations with Germany - the restitution agreement also represented a swing on the part of Kuchma towards further integration with Europe with a view towards joining the European Community. Soon after the Kuchma-Schroeder meeting in January 2001, Germany donated a sum of \$200,000 towards reconstruction of a church in Kyiv, but the



German gesture was not considered "compensation" for the archive.

Ukraine immediately came under pressure from Russia, and an article in the Russian official press criticized Ukraine's prospective restitution gesture, suggesting that the Ukrainian parliament (Verkhovna Rada) would never approve it!<sup>61</sup> Other Russian efforts tried to prevent the Ukrainian act of restitution, but even pressure on individual Ukrainian officials involved in the process brought inconclusive results. Subsequently in Ukraine as well, increased political strength for those opposed to unilateral Ukrainian integration with Europe carried with it opposition to restitution to Germany.

## 5. Legal Arrangements for Restitution

Once Ukrainian authorities, with the support of President Kuchma, committed themselves to restitution, legal issues arose. Ukraine had not enacted a law similar to the Russian law nationalizing the "spoils of war," nor, on the other hand, had it established a similar legal mechanism for restitution. Some Russian colleagues have asked me why countries other than Russia do not have a law dealing with World War II restitution. Perhaps I should have answered bluntly that Russia appears to be the only country that really needs one. Armenia and Georgia both returned unneeded 'trophy' books to Germany without any law, and both countries are now benefiting from German assistance for their libraries. Besides, I would also argue, the Russian law was first and foremost not a law for restitution, but a law nationalizing the cultural trophies brought home from the war. Only with the amended version (May 2000) is restitution more clearly provided for, but only to countries that fought against the Nazis or those victimized by the Nazi regime, which would have legally ruled out the return of the Sing-Akademie collection had it been in Russia. Provisions in the law have been established for the return of victimized "private" collections, and cultural property in private custody in Russia is now not supposed to be covered by the law. (Yet none of the Russian archival restitution transfers since 1991 have used the word "restitution" or even "return.")

Thus understandably, when Ukraine opted for restitution of the Sing-Akademie collection, it did so with the incentive of returning a "private" collection, rather than official German state property. Even under the Russian law, that would have opened more possibility for restitution. However, the return of this collection also exemplifies complexities in the legal status of "trophy" archives, both in the former Soviet Union and in Germany, and the ill-defined provisions for the restitution of private collections. Indeed "private" and "state" are hopelessly intertwined.<sup>62</sup>

Since Ukrainian independence, the Sing-Akademie collection remained in "state" archival custody in Ukraine, duly registered in TsDAMLM. Accordingly, under the 1993 Ukrainian archival law, it constituted an official part of the "National Archival Fond" of Ukraine - a legal entity (inherited from the Soviet period) denoting state proprietorship and control, and which meant legally its export or expropriation was

prohibited. Hence, in order to return the Sing-Akademie archive to Germany, a somewhat surreptitious legal procedure was devised of withdrawing the collection from the National Archival Fond of Ukraine and replacing it with microfilmed copies. A "Decree" to that effect was approved 18 September 2001 by the Council of Ministers of Ukraine.<sup>63</sup> The matter was never put before the Verkhovna Rada, undoubtedly because there would have been serious opposition. But the fact that there had been no parliamentary approval also contributed to political opposition, occasioning criticism as an example of government action without due democratic procedures.

Funds for the required microfilming had been provided by a generous grant from the Packard Humanities Institute in California, as part of the academic cooperative agreement mentioned above, with copies to be provided to the participating institutions, including the Bach Archive in Leipzig. However, by the time of the Berlin ceremony, only approximately ten percent of the microfilms (i.e., only the Bach materials) had been received by the Packard Humanities Institute, by then established at Harvard University. When the Packard grant ran out in Kyiv, the German government came up with funds to finish the filming. The Staatsbibliothek provided funds for packing and shipping. No further "barter" or "compensation" was provided by the German side, although the German government did provide some travel and related expenses for Ukrainian colleagues in Germany. With the announcement of the microfiche edition of the Bach collection in January 2003, many of the materials are being refilmed in Germany. Public availability will be assured, even before the full comprehensive edition has been prepared, but not without considerable controversy within the Sing-Akademie and others close to the scene.

Speaking at the Berlin ceremony, the Ukrainian ambassador to Germany acknowledged significant German assistance in the rebuilding of a Kyiv church, and the figure of \$200,000 (received in January 2001) was mentioned in press accounts.<sup>64</sup> Previously, German subsidy for the reconstruction of cathedrals in Kyiv had been announced in appreciation for earlier restitution gestures, including the return of three albums of German graphic art several years ago. Reportedly in that case, however, there were some ill feelings on the German side because Ukraine actually turned over only three albums to Germany rather than the promised five previously shown to German specialists.

On the German side, in order to ensure the return of the music archive, both the German government and the Sing-Akademie in Berlin had to produce legal proof of its private status, which was no problem. There was a bigger problem, however: the Sing-Akademie had no place to house the collection, since its original building had been taken over by the government of East Berlin and still houses the Gorkii Theatre.<sup>65</sup> A choral work could not be performed at the Berlin 2002 ceremony because the Philharmonic had wanted to perform with both the original Sing-Akademie zu Berlin (established 1791) and the Berliner Singakademie (established

in 1963 in East Berlin). The older Sing-Akademie was not prepared for a consolidated performance under the baton of the Berlin Philharmonic with the former East German choral society.<sup>66</sup> Nevertheless, the Sing-Akademie was in the public spotlight with its still private music archive returned to Berlin and a prestigious performance of two of its instrumental scores.

Another major problem of its all too private status was that the Sing-Akademie had no money to pay the packing and transportation charges to bring its archive home. With no building and no funds, in order to enable the return of the collection to Berlin, the Sing-Akademie was obliged to sign a legal agreement for the deposit of its Notenarchiv in the Music Division of the Staatsbibliothek. There it joins the remains of its original collection, namely many scores of Johann Sebastian Bach that the Sing-Akademie had sold to the Prussian Royal Library in 1854 (although ironically again, many of those are now on deposit in Cracow). Symbolically, although it was the private status of the collection as property of the Sing-Akademie that insured its return, at the official Berlin celebration in May 2002, the still private choral society itself was not at center stage. Furthermore, the private status of the Sing-Akademie as legal proprietors of the returned archive is now affecting its access and availability.

## **6. More Politics, Economics, and the International Diplomacy of Restitution**

In terms of international restitution politics, the return of the Sing-Akademie music archive should be viewed in the context of the opposition to restitution that has emerged in Russia during the past ten years since the revelations about the "hidden culture treasures" that were brought to the USSR as "trophies" after Soviet victory over Nazi Germany. A major collection of trophy musicalia that was seized from Germany after the war was returned from Leningrad to Hamburg in 1990. That was the same year that most of the remaining German Hanseatic archives in the USSR went home to Bremen and Lübeck in exchange for the return of the medieval Tallinn City Archive from a reunified Germany. Since the collapse of the Soviet Union, however, strong patriotic forces in Russia have opposed any further restitution to Germany. Likewise in the case of Poland, perhaps ironically for the Sing-Akademie, many of the J. S. Bach manuscripts that were sold to the Prussian State Library in 1854 remain in Cracow where, with strong Polish sentiment against restitution to Germany, they are still considered "compensation."

Much more crucial than political or legal issues (of which indeed there were many) in the return of the Sing-Akademie collection, in my interpretation, was the commendable genuine Ukrainian desire to return that archive to its homeland without barter, freeing it from the status of prisoner-of-war. Some might see this as an all too altruistic or diplomatically naïve policy for Ukraine. But thanks to that true "gesture of goodwill" the collection has been restored to its home in Germany where it could best be catalogued, studied, prepared for performance, and appreciated by music lovers everywhere. The political and legal problems of restitution were simply

stumbling blocks. Because there was a will, Ukrainian colleagues found a way. Unfortunately, however, and perhaps also symbolically, the Ukrainian archivists and cultural leaders who were most closely involved did not attend the German celebration in Berlin, although they were duly invited by the German government (with all expenses paid). Apparently the Ukrainian side decided that it was more politic to send a lower-level delegation, given the considerable criticism of the transfer that had surfaced in Ukraine (and Russia), the fact that Germany sent a low-level delegation to the transfer ceremony in Kyiv, and the disappointment of many in Ukraine that the German side had not come through with more at least symbolic "compensation."

Indeed, even if Ukraine earlier was more favorably disposed to unencumbered restitution than Russia, the restitution to Germany of the largest and most valuable 'trophy' collection yet to have surfaced in Ukraine aroused strong opposition currents in Kyiv.<sup>67</sup> Seemingly, behind the furor in Kyiv and abroad were more commercial or economic interests than political or patriotic ones. Rather than being opposed to the return to Germany per se as the aggressor during World War II, as has been the case of anti-restitution sentiment in Russia, many Ukrainians felt that Ukraine, and especially Ukrainian state archives, should have gotten more "compensation" in the bargain. Some tried to argue on ill-founded legal assumptions that a Potsdam agreement authorized "compensatory" restitution (I know of no such agreement), or that the United Nations charter obviated the return of "trophies" to Germany.<sup>68</sup>

In fact criticism came principally from individuals who served to benefit, or thought they would benefit more, if the collection had remained in Kyiv. By the time of its return to Berlin, Igor Blazhkov had other followers and other competitors at home and abroad interested in performance rights. The Kyiv archive TsDAMLM was presumably not happy about its loss of the original collection and the prospect of further income from performance and publication rights. That archive-museum had already set up a special exhibit and reading room for the collection, so understandably they were not too pleased to lose their chief attraction.

Meanwhile in July 2000 an enterprising Ukrainian publishing group Meta-Art in Kyiv signed an agreement with TsDAMLM to print and sell scores from the collection. Their website featuring a "catalogue of published works" in their "Bach Collection Project" offered various forms of "collaboration." Before their website features were withdrawn under German protest, they had posted RISM-compatible descriptions of some 32 Bach family scores they were offering from the Sing-Akademie collection with prices depending on how many thousand copies a foreign dealer might want to acquire. Approximately two-thirds of the initial website offering featured scores of C.P.E. Bach, which obviously was a threat to the contract for the Wolff-led critical publication in conjunction with the Bach Archive in Leipzig, while another ten featured unpublished or little known compositions of his brother Wilhelm Friedmann Bach. None of the advertised scores indicated the extent to which or by whom they had been edited for performance. Today the

website still advertises the "Bach Collection Project," but while explaining that "Sorry these parts of the site are temporary closed by technical reasons," provides two e-mail addresses, so that interested parties can still "contact us directly."<sup>69</sup>

Even after the agreement had been signed for the return of the collection to Berlin, with performance rights to be approved jointly by the Ukrainian and German sides, \$36,000 was netted by TsDAMLM for the sale of performance rights to Austrian Radio and the Vienna Academy Orchestra without full consultation and agreement with the Sing-Akademie in Berlin. That transfer has already resulted in a number of important première performances of long-forgotten or virtually unknown works from the Sing-Akademie. Although in some cases the Sing-Akademie itself had not approved, TsDAMLM would have like to continue such profitable deals, and was delighted to know that the music it had preserved for so long was finally being appreciated abroad. A report aired in February 2002 on the BBC suggested, among other points of bitter opposition to the restitution to Berlin, considerable displeasure from Austrian sources (and Ukrainians in Austria) about German control, which was allegedly limiting access to the materials and rights to perform. But Harvard Professor Wolff defended the need for scholarly control and the careful preparation of the many unpublished scores, before rushing into print or on the air with previously unedited early treasures of the eighteenth-century Prussian court repertory.<sup>70</sup>

In a larger context the opposition appeared also to reflect a new shift away from Europe in the Ukrainian political climate, or at least a more vocal strain in the political spectrum favoring the so-called "to Europe with Russia" posture. In January 2001, Kuchma had used the restitution "gesture of goodwill" for its political and diplomatic advantage, but by the fall of 2001, perhaps it was too much to expect another such coup.

There were other symbolic political twists whereby Ukraine failed to gain more diplomatic clout and potential international prestige out of the virtually unilateral act of restitution. The transfer was initially scheduled to take place the last week of September 2001, during Chancellor Schroeder's visit to Kyiv and the Crimea. The official decree of the Ukrainian Council of Ministers was rushed through and hastily signed by 18 September in preparation for the Chancellor's visit. An initial part of the music archive was packed and ready for shipment. But, perhaps not without political purpose, that visit was cancelled at the last minute, and the Lufthansa cargo plane went home empty. The attack of September 11 was the diplomatic excuse given for the change of plans, but larger political and diplomatic issues were at stake. Instead of going to Ukraine, on 26 September, Chancellor Schroeder hosted Russian President Putin in Dresden (Putin's first return to the city of his earlier KGB assignment). Putin was accompanied to Dresden by Russian businessman Timur Timerbulatov, director of the construction company "Konti," who presented the Dresden Gallery with three paintings acknowledged to have been held there before the war. Perhaps not entirely coincidentally, the Dresden presentation took place a

week after the Ukrainian Council of Ministers approved the restitution of the Sing-Akademie collection to Berlin. The German side avoided major publicity about the return of the three paintings from Russia because, as the director of the Dresden Gallery told me by telephone, there are still some 400 paintings from his gallery in Russia.<sup>71</sup> It should be stressed that - in contrast to the Ukrainian restitution - the Russian "gesture of goodwill" involved the restitution of art that had been recovered from private collectors in Russia, not from state repositories, and hence was not subject to the new Russian law on cultural treasures. (Curiously, all three paintings reportedly had been purchased in Moscow's Izmailovo flea market in 1992 from a private collector.)

With Russian restitution of cultural treasures from state collections to Germany still legally blocked, Putin has recently been promoting a new policy of "gestures of goodwill," involving well-staged acts of restitution from private Russian collections. Sponsored in part by the Russian Ministry of Culture, which has now assumed a much more important role in restitution matters for the Russian Federation, that policy was the name and subject of a 2001 conference at the All-Russian State Library of Foreign Literature (VGBIL) in Moscow. Unfortunately, however, there were not many "gestures" to report.<sup>72</sup> Timerbulatov's first "gesture of goodwill" involving an earlier return (April 2001) of a Dresden Gallery painting recovered from private Russian sources is now featured on the "Konti" company website.<sup>73</sup> And again perhaps also not entirely coincidentally, Timerbulatov himself spoke at the subsequent VGBIL/Ministry of Culture international conference in Moscow devoted to legal arrangements for the restitution of private collections. It was held at the end of May 2002, just two weeks after the "Festakt" for the return of the Sing-Akademie at the Berlin Philharmonic.<sup>74</sup>

Meanwhile in Kyiv, even without the presence of Chancellor Schroeder, on 29 November 2001 a protocol of transfer was ceremoniously signed for the priceless music archive. Curiously, however, the name of neither the private Sing-Akademie nor the word "music" appeared in the official government-to-government protocol of transfer, nor did the term "return" or "restitution":

The Government (Cabinet of Ministers) of Ukraine presents to the Government of the Federal Republic of Germany, and the Government of the Federal Republic of Germany receives from the Government of Ukraine, materials displaced to Ukraine from Germany as a result of the Second World War consisting of 5,119 files. . . .

In addition to the German ambassador to Ukraine, Germany was represented by Professor Tono Eitel, an ambassadorial-level diplomat who has been handling restitution matters in the German Foreign Office, and Ukraine by Professor Oleksandr Fedoruk, who headed the earlier Ukrainian restitution commission (1992-1999), and now heads the office dealing with such matters in the Ministry of

Culture.<sup>75</sup> A Lufthansa cargo plane left Kyiv for Frankfurt the next day (the space had to be rebooked because of a delay with customs technicalities). The music archive arrived in Berlin on the first of December, having been accompanied all the way by Michael Rautenberg, representing the Sing-Akademie.<sup>76</sup>

The Sing-Akademie agreed to leave some 33 scores from its collection in Kyiv, namely those that had been identified as having some immediate relation to Slavic lands. Most relevant to Ukraine is a first-edition printed choral score "Our Father" and another manuscript composition by the eighteenth-century Ukrainian composer Maksym Berezovs'kyi (1745-1777). Several other items donated to TsDAMLM are of provenance in Warsaw or St. Petersburg, including three manuscript scores by the Italian composer Baldassare Galuppi, who had been associated with the Russian imperial court in St. Petersburg and with whom the Ukrainian composer Dmytro Bortnians'kyi had studied. Also included are two manuscript scores of Giuseppe Sarti who had also provided music for the St. Petersburg court although subsequently exiled to a village in Ukraine.<sup>77</sup>

Perhaps it was too much to expect the German government to have been more generous when a private German collection was involved, and when the Ukrainian side had not insisted on "barter" for the return of the priceless archive. Perhaps the Germans did not understand how much public criticism was involved for those in Kyiv who generously wanted to see the "Bach Archive" (as it is known in Kyiv) return back to its home in Berlin. Undoubtedly, there would have been better feelings in Ukraine if Chancellor Schroeder could have rescheduled his visit to receive the collection in person. Instead, the German chancellor (perhaps unwittingly) helped Russia upstage Ukraine vis-à-vis Germany in international restitution politics, although it was Ukraine that had come through with a greater "gesture of goodwill."

Even before the ink was dry on the protocol, the German delegation was pressing for restitution of more cultural treasures, including some of the art remaining in Kyiv that had accompanied the Sing-Akademie archive to Silesia. And even at the Berlin ceremony, German diplomats were still wondering if there might be any breakthrough with Berlin musicalia collections in Poland. A few months later, German restitution officials were publicly criticizing their "difficulties" in restitution negotiations with Ukraine with no seeming appreciation of the musicalia treasures that had already come home to Berlin.

Recent criticism is understandable, when now that the Sing-Akademie treasures are back in Berlin, they are not being promptly catalogued and opened to the public. The return of this priceless collection has raised further issues of who will control publication and performance rights, and whether its private status will continue to threaten public availability for music scholarship and performance. Quality scholarly editions of crucial unpublished parts of the collection may indeed be a priority, but should that impose restrictions for others or for the rest? Such issues were raised again in January 2003 with the announcement of the release of the K.G. Saur CD and

microfiche edition of the Bach portion of the collection. While musicians may be competing for performance and publication rights, there have already been a number of recordings, and performances of works from the Sing-Akademie treasures nonetheless continue. For example, a recent concert in St. Paul, Minnesota, conducted by Martin Hasselböch, featured several scores from the collection, but in this case, copies had been obtained through Austrian connections with Kyiv rather than Berlin. Some might even go so far as to question the fact that those copies may have been obtained without approval of the Sing-Akademie. Now the Sing-Akademie wants to enforce an agreement that archival authorities in Kyiv no longer have the right to sell copies from the microfilms remaining there for performance or publication without its approval.

In conclusion, let us hope, first, that professional cataloguing of the collection can promptly get underway and that increasingly more scores from the long-lost music treasury will soon be publicly available. Secondly, let us hope that restrictive proprietary traditions in face of the scramble for performance and publication rights will not overshadow the tremendously positive achievement of the discovery and restitution of these priceless components of the European music heritage.

Current Russian, Polish, and Ukrainian political and economic contexts may promote restitution or bring opposition to the fore; national politics of restitution or non-restitution may promote description of captured trophies or keep related documents classified; and international politics and diplomacy may still dictate when and where restitution breakthroughs are possible and with what wording. A more fitting ending to the story, however, is a tribute to the Ukrainian colleagues who opened the archives to our search, and to recall how thrilling it was for me to see the "Sing-Akademie" stamp when the first box was opened, and then a year and a half later to attend the première of a cantata by C.P.E. Bach from that collection performed for the first time in 215 years in Boston's Symphony Hall (23 March 2001) under the baton of Christopher Hogwood. Another performance of the cantata in Berlin (12 September 2001) with the Sing-Akademie and soloists from Kyiv honored the tenth anniversary of Ukrainian independence. Other performances followed in Kyiv and Vienna in early November. The title of the "Hymn of Thanks and Friendship" (Dank-Hymne der Freundschaft) was appropriately symbolic to celebrate the return of that long-displaced cultural prisoner-of-war.<sup>78</sup>

Patricia Kennedy Grimsted,  
Harvard Ukrainian Research Institute,  
USA

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**Notes:**

<sup>1</sup> An earlier version of this report was posted on the website of the Harvard Ukrainian Research Institute (HURI) in August 2002, but the current version is now available there with additional



images: <http://www.huri.harvard.edu/work7.html>. Prepared while I was holding a grant from the National Council for East European and Eurasian Research, an earlier version was issued as a NCEEER Working Paper. It updates, but does not repeat all of the details in my initial account, "Bach Scores in Kyiv: The Long-Lost Sing-Akademie Collection Surfaces in Ukraine," *Spoils of War: International Newsletter*, no. 7 (August 2000): 23-35; available at: <http://www.lostart.de/forum/publikationen.php3?lang=english>, also published by HURI: <http://www.huri.harvard.edu/work2.html>; Russian edition: "Partitury Bakha v Kieve: na Ukraine obnaruzheny davno propavshie noty Berlinskoi Zing-Akademii," *Voennye trofei: Mezhdunarodnyi biulleten'*, no. 7 (August 2000): 16-24; electronically <http://spoils.libfl.ru/spoils/rus>. See also my later Ukrainian report - "Odisseia 'Berlin-Ullersdorf'-Kyiv': Do istorii peremishchennia arkhivu Akademii spivu v Berlini pid chas i pislia Druhoi svitovoi viiny," *Arkhivy Ukraïny*, 2001, no. 3, pp. 25-39: <http://www.archives.gov.ua/Publicat/Archives/2001/au2001-3.ua.html#Patricia>. Developments while the archive was in Kyiv with extensive bibliography of press coverage are at <http://www.archives.gov.ua/Eng/Bach/Bach-Archive.php>. See additional data available at <http://www.sing-akademie.de>. See also Christoph Wolff, "Recovered in Kiev: Bach et al. A Preliminary Report on the Music Collection of the Berlin Sing-Akademie," *Notes* 58:2 (December 2001): 259-71.

<sup>2</sup> Colleagues at the Bundesarchiv and the Staatsbibliothek kindly invited me to attend the Berlin ceremony and consulted with me on various issues. HURI generously supported my trip to Berlin from Moscow and earlier trips to Kyiv in connection with this project. I am particularly grateful for further consultations and editorial advice to Michael Rautenberg of the Sing-Akademie in Berlin; Ulrich Leisinger of the Bach Archive in Leipzig; Hennadii Boriak, now Chief of the State Committee on Archives of Ukraine (Derzhkomarkhiv); and Lubomyr Hajda, Associate Director of HURI. I also appreciate the input of many others with whom I have consulted in the writing and editorial process.

<sup>3</sup> See the well-illustrated historical account of the Sing-Akademie, *Die Sing-Akademie zu Berlin und ihre Direktoren*, ed. Gottfried Eberle and Michael Rautenberg (Berlin: Staatliches Institut für Musikforschung Preussischer Kulturbesitz, 1998), and the earlier anniversary volume, *Sing-Akademie zu Berlin: Festschrift zum 175-jährigen Bestehen*, ed. Werner Bollert (Berlin: Rembrandt Verlag, 1966), which includes an article about the library and Notenarchiv (note 9) and the coverage at <http://www.sing-akademie.de>.

<sup>4</sup> See, for example, the press accounts, Martina Helmig, "Schatztruhe auf wackligen Füßen: Festliche Rückgabe des Singakademie-Archivs," *Berliner Morgenpost*, 16 May 2002, p. 19; and "Namenlose Freude: Bundesaußenminister Joschka Fischer nimmt in der Berliner Philharmonie das zurückgekehrte Singakademie-Archiv entgegen," *Das Tagesspiegel*, 16 May 2002, p. 32 (photo, p. 14), among others. Fischer's speech is available at [http://www.auswaertigesamt.de/www/de/aussenpolitik/ausgabe\\_archiv?archiv\\_id=3145&type\\_id=3&bereich\\_id=9](http://www.auswaertigesamt.de/www/de/aussenpolitik/ausgabe_archiv?archiv_id=3145&type_id=3&bereich_id=9).

<sup>5</sup> A separate manuscript catalogue prepared by S. W. Dehn covered the vocal and instrumental music of Johann Sebastian Bach that was sold to the Royal Library in 1854.

<sup>6</sup> Elias N. Kulukundis, "C.P.E. Bach in the Library of the Singakademie zu Berlin," in *C.P.E. Bach Studies*, ed. Stephen L. Clark (Oxford: Clarendon Press, 1988), p. 168. Dexter Edge, now an editor with the Packard Humanities Institute kindly referred me to Kulukundis' article (pp. 160-75), which provides a brief survey of the collection and a provisional list of "Sources of C.P.E. Bach's Music formerly in the library of the Singakademie zu Berlin," pp. 169-76.

<sup>7</sup> See the recent review of the new Hamburg edition of C.P.E. Bach's rendition of the German Sanctus, *Heilig*, by Virginia Danielson of the Loeb Music Library, in *Harvard Library Bulletin* 13:2 (Summer 2002), pp. 4-5. A concluding paragraph about the C.P.E. Bach musical legacy as part of the Sing-Akademie collection explains, "The Nachlass includes many autograph manuscripts not seen by scholars since the 1930s that should spur a near-total revision of assessments of the compositional processes and intentions of the composer. Microfilm copies of these manuscripts will reside in the Isham Library at Harvard."

<sup>8</sup> A manuscript copy of the Zelter catalogue, "Catalog musikalisch-literarischer und practischer Werke aus dem Nachlasse der Königl. Professors Dr Zelter," survives in the Staatsbibliothek in Berlin. Another copy reportedly had been evacuated with the collection during the war. The

organization and details in the Kyiv inventories suggest Fainshtein may have had that copy, but one has not been located in Kyiv. Christoph Wolff showed me the photocopy he had obtained in Belgium; the Packard Institute in Cambridge has a photocopy of that one.

<sup>9</sup> Friedrich Welter, "Die Musikbibliothek der Sing-Akademie zu Berlin," in *Sing-Akademie zu Berlin*, pp. 33-47. Kulukundis also bases his survey (note 6) on Welter's account and the Zelter catalogue.

<sup>10</sup> This corresponds to registration procedures in Soviet libraries. The Cyrillic stamp bears the words "Kievskaja Ordena Lenina Goskonservatoriia, Biblioteka (Kiev State Conservatory with the Order of Lenin, Library)." The Packard Institute, the Sing-Akademie, the Bach Archive (Leipzig), and the Staatsbibliothek all have less than optimal quality photocopies (from microfilm) of the Fainshtein inventories. I first consulted the originals in Kyiv.

<sup>11</sup> Apparently, the higher numbers (1950-1955, 2832-3097, with a few additional entries to 4080 or without "Zelter" numbers) represent additional materials acquired by the Sing-Akademie after Zelter's death in 1832, or materials acquired from other sources. For example, approximately 40 compositions attributed to the subsequent Sing-Akademie director Carl Friedrich Rungenhagen (1778-1851) among those higher numbers would suggest they were not part of the Zelter legacy.

<sup>12</sup> "Bestand Sing-Akademie zu Berlin: Kollation des Inventars Kiew mit dem Katalog Nachlass Zelter" (June 2001). Michael Rautenberg kindly furnished me a copy of Hell's brief introductory notes, "Zur Kollation des Inventars Fonds 441 des Staatlichen Archiv-Museums Kiew mit dem Zelter-Katalog" (18 June 2001). The correlation tables with Hell's notes (in the version I have seen) constituted Appendix 1 to the Ukrainian-German protocol dated 20 June 2001. These helpful working files prepared by Dr. Hell and his colleagues in Berlin, if used in conjunction with - or expanded to include - additional data in the Zelter catalogue and the Fainshtein inventories, could well serve as the basis for an initial finding aid for the entire collection.

<sup>13</sup> The cataloguing project is noted and sample catalogue entries are shown on the Derzhkomarkhiv website - <http://www.archives.gov.ua/News/Bach.ua.html#Proect1>.

<sup>14</sup> Regarding some of these developments and controversies, see the article by Thomas Otto, "Kulturpolitik: Ein Sängerkrieg, der eigentlich keiner ist: Warum die Sing-Akademie zu Berlin und die Berliner Singakademie nicht zueinander kommen," *Neue Musikzeitung* 51:7-8 (August/September 2002) <<http://www.nmz.de>>. See also, for example, the earlier articles by Martina Helmig, "Noten im Ausverkauf: Die Sing-Akademie hat ihr kostbares Archiv wieder - und muss dennoch um ihr Überleben kämpfen," *Berliner Morgenpost*, 29 January 2002 <<http://berliner-morgenpost.de>>; and "Hochfliegende Pläne und trostlose Realität: Die Berliner Sing-Akademie will jetzt sogar Noten und Musikinstrumente verkaufen," *Die Welt*, 29 January 2002 <<http://welt.de>>; and more recently Alexander Uhl, "Schlechte Noten für Sänger: Senatskulturverwaltung will dem Berliner Konzert-Chor und der Sing-Akademie die Förderung streichen," *Berlin Morgenpost*, 3 January 2003; and by Frederik Hanssen, "Gewonnen, zerronnen: Kein Zugang zu Bach? Die Sing-Akademie zu Berlin ringt um einen künstlerischen Neuanfang - und setzt dabei ihr einzigartiges Notenarchiv aufs Spiel," *Der Tagesspiegel*, 26 February 2003 <<http://archiv.tagesspiegel.de/archiv/26.02.2003/454265.asp>>.

<sup>15</sup> *Die Bach-Sammlung Supplement II: Die Bach-Sammlung aus dem Archiv der Sing-Akademie zu Berlin Depositum Staatsbibliothek zu Berlin* (Supplement II: The Bach Collection from the Archives of the Sing-Akademie, Berlin, Deposit Staatsbibliothek Berlin), edited by the Sing-Akademie zu Berlin (Musikhandschriften der Staatsbibliothek zu Berlin - Preußischer Kulturbesitz, edited by the Staatsbibliothek zu Berlin - Preußischer Kulturbesitz, Part 1), CD-ROM and microfiche edition (Munich: K. G. Saur, 2002 - 2003; contact: <http://www.saur.de>). See below regarding the Bach manuscripts from Berlin that are now in Cracow, filmed as Supplement I to the microfiche Bach Collection. The announced price for Supplement II is EUR 2,890.

<sup>16</sup> Paul Kast, *Die Bach-Handschriften der Berliner Staatsbibliothek* (Trosingen: Hohner, 1958); *Tübinger Bach-Studien*, Heft 2/3.

<sup>17</sup> Part 2 of the G. K. Saur microfiche series (see note 15) covers *Die Georg Philipp Telemann - Sammlung*, with Supplement 1 covering the Telemann manuscripts in the collection of the former Preußische Staatsbibliothek now on deposit in Cracow. A second supplement will include the manuscripts returned from Kyiv: *Die Georg Philipp Telemann - Sammlung aus dem Archiv der*

*Sing-Akademie zu Berlin, Depositum Staatsbibliothek zu Berlin*, edited by the Sing-Akademie zu Berlin. More details are available at <http://www.saur.de/Titel/34420.htm>.

<sup>18</sup> My article published in Kyiv includes a map and my photographs of what are now the ruins of the castle in Ullersdorf taken during my visit in 1999 - "Odisseia 'Berlin-Ullersdorf?-Kyiv'." Since that article appeared several newly found documents were released by Derzhkomarkhiv (see note 36).

<sup>19</sup> U.S. National Archives-College Park, MD (NACP), RG 260, Records of the Office of Military Government for Germany, U.S. (OMGUS), Records of the Property Division, Records Concerning the Central Collecting Points, "Ardelia Hall Collection," Restitution Research and Reference Records, box 191. One of the files in that box has a penciled title, "Art transports - Peschke, Walter," resulting from the postwar U.S. investigation of Peschke.

<sup>20</sup> "Verzeichnis der Kunst- und Kulturwerke, die aus öffentlichem und privatem Besitz Berlins nach auswärts verlagert wurden," Peschke file, NACP, RG 260 (see note 19). On this inventory, the location indicated for the Ullersdorf castle is "Kreis Lauban," but that is a mistake, as other shipping lists (including a copy in the same folder) correctly identify it as "Kreis Glatz." Dr. Petra Kuhn (of the Federal Office for Culture and the Media in Berlin) kindly furnished me with copies of the shipping lists they had, before I later found the full inventory in the OMGUS records. Apparently, most of the copies in Berlin had been obtained from the U.S. National Archives. I also appreciate the assistance of Dr. Uwe Hartmann of the Koordinierungsstelle für Kulturgutverluste in Magdeburg, who confirms that they also have copies of some of the inventories, reports, and declarations of Peschke about the evacuations of cultural property first delivered for safekeeping to the Berlin City Hall (Berliner Stadthaus).

<sup>21</sup> A copy of the shipping list for "Transport XVIII nach Schloss Ullersdorf i/Schlesien" (31.VIII.1943) is also held by the Sing-Akademie in Berlin. In addition to the 14 crates from the Sing-Akademie other components with more than two crates were: Siemens - 6 wooden crates and 2 packages; v.d.Marwitz - 5 crates; Dr. Simon - 3 crates; Hartmann - 3 crates; Gerd Rosen - 12 crates.

<sup>22</sup> Other evacuation shipments to Ullersdorf were dispatched 17 August (Transport XIII), 13 September (Transport XXIV), and 28 September (Transport XXXVI). Among other collections, the first shipment contained three crates owned by the von Magnis family. Evacuations to Eckersdorf went from Berlin 5 July (Transport V), 27 August (Transport XVII), 14 September (Transport XXIII), 23 September (Transport XXV), and 14 October (Transport XXX). I am grateful to the German government office in Berlin for furnishing me a copy of their combined list, "Verlagerte Kulturgüter aus Berlin (1943/1944) (Peschke-Listen)," along with copies of the shipping lists. I later found copies of the latter, along with the large inventory, in the OMGUS file mentioned in notes 19 and 20. The shipping lists include a number of institutions not listed in the larger inventory.

<sup>23</sup> It has not been possible to verify details about other holdings evacuation shipped to Schloss Friedersdorf or all of the evacuation locations for the Lübeck library.

<sup>24</sup> See Christoph Wolff, "From Berlin to Łódź: The Spitta Collection Resurfaces," *Notes* 46:2 (1989): 311-27. The Łódź musicalia catalogue series - *Biblioteka Uniwersytecka w Łodzi, Muzykalia* includes vol. 1: *Katalog nut: Antologie. edycje zbiorowe dzieł, wydawnictwa seryjne (1801-1945)*, comp. Krystyna Bielska (Łódź, 1975); vol. 2: *Opera w partyturach, wyciągach fortepianowych i nagraniach: Katalog*, comp. Krystyna Bielska (1984); and vol. 3: *Libretta operowe: Katalog*, comp. Krystyna Bielska and Jerzy K. Andrzejewski (1987). When Wolff prepared his report he was not aware of the Peschke shipping list for the transport XVI from Berlin that indicates the number of crates sent to Schloss Friedersdorf. Unlike the case of the Sing-Akademie, the more detailed Peschke inventory does not even list that collection.

<sup>25</sup> See the intriguing account by Nigel Lewis, *Paperchase: Mozart, Beethoven, Bach -: The Search for Their Lost Music* (London: Hamish Hamilton, 1981). See also "Bestände aus der früheren Preußischen Staatsbibliothek in Polen," *Jahrbuch für Preußischer Kulturbesitz* 29 (1995): 339-64; and the earlier account by P.J.P. Whitehead, "The Lost Berlin Manuscripts," *Notes* 33:1 (September 1976): 7-15. See the survey of the evacuation operations for the Prussian State Library in *Verlagert, Verschollen, Vernichtet: Das Schicksal der im 2. Weltkrieg ausgelagerten Bestände*

*der Preußischen Staatsbibliothek* (Berlin: Staatsbibliothek zu Berlin - Preußischer Kulturbesitz, 1995). Gudrun Voigt provides capsule reports (with pictures) of many of the known evacuation sites for the Staatsbibliothek, *Die kriegsbedingte Auslagerung von Beständen der Preußischen Staatsbibliothek und ihre Rückführung: Eine historische Skizze auf der Grundlage von Archivmaterialien* (Hannover: Laurentius Verlag, 1995) [=Kleine historische Reihe, 8].

<sup>26</sup> Aleksandra Patalas (ed.), *Catalogue of Early Music Prints from the Collections of the Former Preußische Staatsbibliothek in Berlin/ Katalog starodruków muzycznych ze zbiorów byłej Pruskiej Biblioteki Państwowej w Berlinie. Przechowywanych w Bibliotece Jagiellońskiej w Krakowie* (Cracow: Musica Iagellonica, 1999). See details about the Bach and Beethoven microfiche collections announced by K. G. Saur at <http://www.saur.de/titel/34420.htm>.

<sup>27</sup> Schloss Wölfelsdorf (now Polish Wilkanów), the baroque castle of Count von Althann, also in ruins today, is located eight km. southeast of Habelschwerdt (Polish Bystrzyca-Kłodzka), the closest railroad, on the same rail line and highway as Glatz.

<sup>28</sup> See more details in Grimsted, "Twice Plundered or Twice Saved: Russia's 'Trophy' Archives and the Loot of the Reichssicherheitshauptamt," *Holocaust and Genocide Studies* 15:3 (September 2001): 191-244; available at the IISG website. The Soviet Archival Administration file about the Wölfelsdorf cache is found in the State Archive of the Russian Federation (GA RF), fond 5325, opis' 10, file 2027 (in subsequent citations from Russian and Ukrainian archives, fond, opis' (Ukr. opys), and file numbers are separated by slashes).

<sup>29</sup> Shevchenko's telegrams are preserved in the Central State Archive of Social Organizations of Ukraine (TsDAHO - the former CP archive) in Kyiv, 1/23/1484, with an eight-page composite report "Spravka iz soobshchenii instruktora otdela propagandy i agitatsii TsK KP(b)U tov. Shevchenko, I. D., komandirovannogo v Germaniiu dlia vozvrashcheniia materialov i dokumentov" [n.d.] (fols. 2-9). Shevchenko was attached to the 2d Trophy Brigade of the 3rd Battalion, Second Ukrainian Front. I am very grateful to Ruslan Pyrih (now retired Chief of Derzhkomarkhiv), for informing me about the Shevchenko file in TsDAHO. The quote about Khrushchev is on folio 56; shipments are mentioned on fols. 27-28, among others.

<sup>30</sup> TsDAHO, 1/23/1484, fol. 29.

<sup>31</sup> Ibid.

<sup>32</sup> NKVD UkrSSR Commissar Lt. Gen. Valentin Rasnoi to L. P. Beria (8.IX.1945—by telegram), TsDAVO, 14/7/56, fol. 35 (outgoing copy); Kobulov to Beria (27.IX.1945), GA RF, 5325/10/2027, fols. 9 - 10 (incoming copy; cc fols. 11-12). See also Nikitinskii to Beria (4.X.1945), *ibid.*, fol. 16.

<sup>33</sup> Beria's red-pencil resolution (dated 28.IX.1945) on a memo from B. Kobulov, ordered him to locate the wagons sent to Kyiv, GA RF, 5325/10/2027, fols. 9-10. See also Kobulov to Selivanovskii (29.IX.1945), fol. 13. An "Akt" (24.X.1945) describes the incoming 13 wagons from Kyiv with 1,295 crates - GA RF, 5325/10/2027, fol. 18 - 18v.

<sup>34</sup> Report by Prokopenko (28.XI.1945), GA RF, 5325/10/2027, fol. 25 - 25v.

<sup>35</sup> The referenced documents are published as "Odisseia Arkhivu Akademii spivu v Berlini: lanka, iakoï brakuvalo," *Arkhivy Ukraïny*, 2001, no. 4-5, pp. 133-35; electronically: <http://www.archives.gov.ua/Publicat/Archives/2001/au2001-4-5-7.ua.html#Odiseya>. Lufers travel orders and a copy of the transfer papers were found among the records of the Kyiv State Conservatory (fond R-810) in the Kyiv State City Archive, and the original of the transfer papers are found in the files of the Committee for the Arts of the Council of People's Commissars of the Ukrainian SSR, TsDAVO, fond 4763/1/21, fol. 22.

<sup>36</sup> My search in Kyiv and Moscow for the relevant files and requests for their declassification have as yet been unsuccessful. No reports of his trip or the brigade he headed have surfaced.

<sup>37</sup> See more details about the Ukrainian components in Grimsted, *Trophies of War and Empire: The Archival Heritage of Ukraine, World War II, and the International Politics of Restitution* (Cambridge, MA: Harvard University Press for the Harvard Ukrainian Research Institute, 2001), chapter 7, pp. 248-77. See the first brief mention of Ukrainian trophy brigades by Konstantin Akinsha and Gregorii Kozlov, with Sylvia Hochfield, *Beautiful Loot: The Soviet Plunder of Europe's Art Treasures* (New York: Random House, 1995), pp. 131-32, and "Die Beute lag auf dem Flugplatz im Schnee," *Art* (Hamburg), May 1993, pp. 60-64.

<sup>38</sup> As described in Grimsted, *Trophies of War and Empire*, pp. 251-52, on the basis of files in TsDAHO, 1/28/1481 and 1482.

<sup>39</sup> Provisions of the Ministry of Culture program are discussed by Grimsted, "Russia's Trophy Archives: Still Prisoners of World War II?" published electronically by the Open Society Archive (Central European University), Budapest: <http://www.osa.ceu.hu/publications/index.shtml> (last revised April 2002).

<sup>40</sup> See more details in Grimsted, *Trophies of War and Empire*, chapter 7, and the works cited above by Akinsha and Kozlov.

<sup>41</sup> Following our Harvard press release in August 1999, I received a fax from the conductor Igor Blazhkov, who directs the Perpetuum Mobile Orchestra in Kyiv, claiming that we had not "discovered" the collection, because he was using music scores from the collection already in May of 1969. However, in so far as we have been able to determine, what scores he used and recorded were never identified as to their source. The flute concerto score itself was never published, nor was there ever published mention of the music score collection from the Sing-Akademie in Kyiv. Christoph Wolff mentioned the Leipzig copy in his reply to Blazhkov (25 August 1999).

<sup>42</sup> The German translation of the Soviet list appeared in *Die Trophäenkommissionen der Roten Armee: Eine Dokumentensammlung zur Verschleppung von Büchern aus deutschen Bibliotheken*, comp. and ed. Ingo Kolasa and Klaus-Dieter Lehmann (Frankfurt am Main: Vittorio Klostermann, 1996) [= *Zeitschrift für Bibliothekswesen und Bibliographie*, Sonderheft 64], doc. no. 46, p. 245. That 1957 report ("Mitteilung") prepared by the Ministry of Culture first appeared in the article by Ingo Kolasa, "Sag mir wo die Bücher sind ...," *Zeitschrift für Bibliothekswesen und Bibliographie* 42 (1995): 357-60. That same document listed other German collections in Moscow and Leningrad, and even mentioned the Gutenberg Bible in the Lenin Library.

<sup>43</sup> The document in question was identified by the editors as coming from the records of the CP Central Committee Secretariat (fond 4) in TsKhSD (*now* Rossiiskii gosudarstvennyi arkhiv noveishei istorii [Russian State Archive for Documentation on Contemporary History] - RGANI), among other related documentation. My own requests to have the original documents declassified in the former CP Central Committee archive have gone unanswered as of fall 2002. I am very grateful to the German editors for consulting with me and arranging for me to verify the original texts.

<sup>44</sup> The Archival Administration had approved the visit, and Boriak had argued that if it did turn out to be a German trophy collection, Wolff's expert appraisal would be appropriate. I summarize the facts about our problems in Kyiv and the discovery of the collection here because, while many of the details are available in my earlier articles, some later reports have misrepresented or misconstrued what actually happened.

<sup>45</sup> TsDAMLM, fond 441: "Materialy diiachiv zakhidno-evropeis'koho mystetstva i literatury XVI - XIX st.: Kolektsiia." Now that most of the originals have been returned to Berlin, presumably the inappropriate name of fond 441 will be corrected, so that the remaining scores and microfilms in the collection will be duly identified.

<sup>46</sup> One of the TsDAMLM directors even publicly commented on that point at one of my presentations in Kyiv.

<sup>47</sup> "Odisseia Arkhivu Akademii v Berlini: lanka, iakoï brakuvalo," *Arkhivy Ukraïny*, 2001, no. 5, pp. 133-35.

<sup>48</sup> "Doruchennia" (27.VII.1973), and TsDAMLM Director V. P. Koba to Conservatory Rector I. F. Liashenko (31.VII.1973). The librarian at the Academy of Music kindly furnished me copies of both documents, after my examination of the official Conservatory originals. In the official act of transfer to TsDAMLM, however, the collection had been renamed as noted above, with no mention of music - "Akt No 2 o peredache dokumental'nykh materialov" (14.III.1973).

<sup>49</sup> I am grateful to archivists in Kyiv, and especially Hennadii Boriak for assisting me in this investigation and arranging for me to examine the card catalogues in TsDAMLM. Although there is no indication that any card catalogue from Berlin came with the collection, Kyiv colleagues still have been unable to locate the copy of the Zelter catalogue that may have come to Kyiv with the collection. The official signed act of transfer clearly indicates that the card catalogue had been

turned over to the archive with the collection in 1973, although it recorded that 1,025 of the 5,170 numbered cards were missing.

<sup>50</sup> The official act of transfer - "Akt No 2 o peredache dokumental'nykh materialov" (14.III.1973) - itemizes the 13 missing items from the catalogue numbered entries: nos. 41, 232, 357, 360, 362, 363, 405, 406, 407, [709 - now available], 733, 1462, and 4382. No 41 (Zelter C-335) is listed as several manuscript part scores for a Graun Passsion. Official archival notations at the end of the Fainshtein inventories (used as the official *opysy* in TsDAMLM) list a few other missing items as determined later in TsDAMLM, but it has not been possible to verify them. Hell's introductory notes to his correlation files mention 71 missing numbers from the original Zelter catalogue sequential numbers, but he speculates that these did not arrive in Kyiv. Apparently German specialists had not seen the transfer documents from the Conservatory to TsDAMLM and were not able to verify the numbers later reported missing in TsDAMLM as recorded in TsDAMLM verification notations at the end of the Fainshtein (TsDAMLM) inventories (those are not discernible in the microfilm copies).

<sup>51</sup> As of yet, there is no trace of them in any major Kyiv library with music holdings. Many of the early holdings relating to music theory were included in Section A (nos. 1-288) of the Zelter catalogue (see note 8). There is no evidence that they were delivered to the Kyiv Conservatory after the war, as librarians in the Academy of Music showed me the postwar accession registers for printed books (unless they were not formally accessioned, as was the case of trophy receipts in many Soviet institution). The only copy of those registers covering the manuscripts was transferred to TsDAMLM with the music collection. Sing-Akademie director Georg Schumann mentions only scores [noten] and not books having been sent to Ullersdorf in his report at the end of the war (Berlin, 15 March 1945), nor does he explain if the early printed books were in another large crate that was deposited with the Staatsbibliothek.

<sup>52</sup> In November 2000, I examined seven or eight printed scores that had been returned from Moscow to Berlin, now on deposit in the Staatsbibliothek. German colleagues suspected the books came from the Glinka Central Museum of Musical Culture in Moscow, but in fact the stamp I found was that of the Moscow State Conservatory (MGK). I have spot checked some of the titles suggested by Christoph Wolff in both the Glinka Museum and the former Lenin Library (now RGB). The Moscow Conservatory is starting to investigate its trophy holdings, but as of the fall of 2002 has yet to be forthcoming in tracking down any indications of Sing-Akademie holdings.

<sup>53</sup> Sing-Akademie director Georg Schumann attested to the placement of the paintings in the Berlin Mint in a report he prepared (Berlin, 15 March 1945). He kept some other Sing-Akademie materials in his home in Berlin-Lichterfelde. That house was occupied by Soviets after the war, so possibly some things were removed from there. Michael Rautenberg kindly assisted in verifying these details and furnished me a copy of the 1945 Schumann report.

<sup>54</sup> *Die Trophäenkommissionen der Roten Armee*, doc. no. 46, p. 244.

<sup>55</sup> *Ibid.*, doc. no. 47, pp. 248-49.

<sup>56</sup> These figures have been furnished to me by Petra Kuhn of the Federal Office for Culture and the Media in Berlin. As noted above, many of the institutional collections evacuated were not listed on the longer Peschke inventory with individual listings. Books from the Institute for Oceanography (Institut und Museum für Meereskunde) of Friedrich-Wilhelm University (1828-1946, now Humboldt University) in Berlin have surfaced in the Institute of Oceanography in Moscow. Although some crates from that institute were sent to Eckersdorf and Ullersdorf, others went to other castles.

<sup>57</sup> See more details about the Ukrainian trophy operations and recent Ukrainian-German restitution exchanges in my *Trophies of War and Empire*, especially Chapter 7.

<sup>58</sup> This is one of the themes in my book, *Trophies of War and Empire*, where I document some of these developments and transfers. See especially Chapter 12, pp. 458 - 68.

<sup>59</sup> Elena Cherednichenko, "V Ukraine 54 goda khranilas' unikal'naia kolleksiia Bakha. Sovetskie tankisty okazalis' smyshlencee nashikh uchenykh: Sensatsiia," *Kievskie vedomosti*, 12 August 1999, p. 3.

<sup>60</sup> Blazhkov's interviews appeared in several Ukrainian publications, for example, Nelia Pasichnyk, "Chy zakhystyt' Ukraïna pravo na beztsinnu kolektsiiu? Amerykans'kyi professor 'vidkryvae' davno

vidkryte v Ukraïni," *Polityka i kul'tura*, no. 23 (1-7 October 1999), pp. 42-44. Nataliia Balandiuk, "Komu distanut'sia prava na kolektsiiu syniv Bakha?" *Den'*, no. 217 (24 November 1999, p. 1, 2; and in English "Who Will Get Rights to the Collection of Bach's Sons?" *The Day*, no. 44 (30 November 1999), p. 6. Even the *Air Ukraine Magazine* (Spring 2000) published an article critical of the Harvard discovery and planned microfilming project. See more extensive details of the Ukrainian press coverage and related developments in Kyiv in connection with the so-called "Bach Archive" at the Derzhkomarkhiv website: <http://www.archives.gov.ua/Eng/Bach/Bach-Archive.php>.

<sup>61</sup> See Vladimir Petrov, "Kuchma obeshchal otdat' nemtsam Bakha. . . Tol'ko neizvestno, pozvolit li emu eto sdelat' Verkhovnaia rada," *Parlamentskaia gazeta*, 24 January 2001, p. 7.

<sup>62</sup> See my paper "Patterns of Plunder and Restitution of Private Collections - East and West: Bach Goes Back to Berlin," presented at the Moscow conference in May 2002, published in the proceedings as "Problemy razgrableniia i vozvrashcheniia chastnykh kollektzii: Vostok i Zapad - Bakh vozvrashchaetsia v Berlin"/ "Probleme des Raubs und der Restitution von Privatsammlungen: Ost und West - Bach geht zurück nach Berlin" in *Trudnaia sud'ba kul'turnykh tsennosti: Materialy mezhdunarodnoi konferentsii "Chastnoe pravo i problemy restitutsii peremeshchennykh kul'turnykh tsennosti," Moskva, 27 i 28 maia 2002 g./ Das schwierige Schicksal von Kulturgütern: Materialien der internationalen Konferenz 'Privatrecht und Probleme der Restitution von kriegsbedingt verbrachten Kulturgütern,' Moskau, 27. und 28. Mai 2002* (Berlin: BWV - Berliner Wissenschafts-Verlag/ Moscow: Rudomino, 2002; sponsored by the Ministry of Culture of the Russian Federation, the State Library for Foreign Literature [VGBIL], and the Gesellschaft für Förderung des internationalen Informationsaustausches), pp. 200-15 (Russian), pp. 216-32 (German); soon to be available electronically at <http://www.libfl.ru/restitution/conf02/index.html>, including the English version.

<sup>63</sup> The authorizing directive of the Cabinet of Ministers was entitled "On the exclusion of documents from the National Archival Fond of Ukraine and their transfer to the Government of Germany" ("Pro vyluchennia dokumentiv z Natsional'noho arkhivnoho fondu ta peredachu ikh uriadovi Federatyvnoi Respubliky Nimechchyn"), no. 1202 (18.IX.2001). A press release announcing the transfer (a copy is on the website of Derzhkomarkhiv - <http://www.archives.gov.ua/news>) was picked up by numerous newspapers, for example, "Ukraina nachala restitutsiiu," *Kommersant'*, no. 171 (20 September 2001), p. 13, and the *Herald Tribune*, 21 September 2001.

<sup>64</sup> See, for example, Viktoriia Prykhid, "Nimechchyna diakuie za 'arkhiv Bakha': Restytutsiia," *Postup*, 17 May 2002, p. 4; <<http://postup.brama.com>>.

<sup>65</sup> See the coverage of the Sing-Akademie building at <http://www.sing-akademie.de>.

<sup>66</sup> See the article by Thomas Otto quoted above, note 14.

<sup>67</sup> See, for example, the press criticism, such as Oleh Romanchuk, "Komentar," *Postup*, 17 May 2002, p. 4 (printed together with the article quoted in note 64).

<sup>68</sup> For example, Oleh Romanchuk, in *ibid.* Similar themes were expressed on the BBC program hosted by Ivan Hewitt, "Music Matters," BBC Radio 3 (3 February 2002). I am grateful to the BBC program assistant Fiona Clampin for furnishing me with a recording of the program.

<sup>69</sup> I am grateful to Michael Rautenberg for furnishing me an electronic copy of the earlier 60-page plus website offering from Meta-Art Classics Music Publishing House. It is not clear if or the extent to which the publishing house is still supplying copies in spite of the legal protests from Berlin.

<sup>70</sup> "Music Matters," BBC Radio 3 (3 February 2002). In this program the person interviewed who expressed the strongest opposition was a Ukrainian musician associated with one of the Austrian Radio performances from the collection. Michael Rautenberg kindly filled me in on some of the related developments discussed above.

<sup>71</sup> Reference is to my telephone conversation with Harrod Marx, Director of the Staatliche Kunstsammlung Dresden, who was personally involved in the September transfer, and who confirmed the details to me. There were two 17th-century paintings of the Flemish School and one by Max Slevogt painted in 1914. Regarding the Dresden paintings, see Kira Dolinina, "Trofei s izmailovskoi barakholki privez Vladimir Putin v Drezdenskiu galereiu," *Kommersant'*, 28

September 2001, p. 13. See also the press release from the Russian Information Agency "Novosti," at the website <http://Lenta.ru>.

<sup>72</sup> See the program and reports: <http://www.libfl.ru/restitution/conf01/index.html>, including my own brief contribution, "Gestures of Goodwill and the Unfinished Business of Post-World War II Restitution," available in English and Russian translation. The conference texts are published as "*Zhesty dobroj voli i zakonodatel'stvo*" / "*Gesten des guten Willens und Gesetzgebung*," ed. E. Iu. Genieva, Klaus Michaletz, and Olaf Werner (Berlin: Verlag Arno Spitz; Moscow: Rudomino, 2001).

<sup>73</sup> As a similar "gesture of goodwill" in Putin's presence in April 2001, at the palace of Tsarskoe Selo near St. Petersburg, Timerbulatov presented Germany the 17th-century painting "Heyduke" by Christopher Paudiss, also from the prewar Dresden Gallery and also purchased in the Ismailovo market in 1992; see "Germanii podarili kartinu s izmailovskoi barakholki," *Kommersant*, 12 April 2001, p. 13. A colored photograph of Timerbulatov making the April presentation with President Putin and German Chancellor Schroeder is found at the "Konti" website <http://Konti.ru/photos.index.html>. I am very grateful to Konstantin Akinsha for helping me track down these details.

<sup>74</sup> See the program and reports of the conference at <http://www.libfl.ru/restitution/conf02/index.html>, and the published version cited in note 63.

<sup>75</sup> The pictures of the protocol signing and a news brief appear at the Derzhkomarkhiv website: <http://www.archives.gov.ua/news/archive-Bach-Protocol.ua.html>. Michael Rautenberg kindly furnished me a copy of the official protocol of transfer.

<sup>76</sup> See the press release of the Staatsbibliothek and the Sing-Akademie, "Notenarchiv der Sing-Akademie zu Berlin aus Kiew zurückgekehrt: Erste wissenschaftliche Projekte werden vorbereitet" (2001) at <http://www.sbb.spk-berlin.de/deutsch/aktuelles/pressemitteilungen>.

<sup>77</sup> Michael Rautenberg kindly furnished me a copy of the list of original scores left in TsDAMLM in Kyiv which constituted Appendix 3 to the Protocol with the Sing-Akademie dated 20 June 2001.

<sup>78</sup> News about the Boston performance, the first since the initial premiere in 1785, and the program notes by Ulrich Leisinger from the Bach Archive in Leipzig, who edited the score for the performance, are at <http://www.sing-akademie.de>. My brief pre-concert remarks were posted on the Ukrainian Research Institute website at Harvard University - <http://www.huri.harvard.edu>. See also the tribute by a French journalist who attended the opening in Boston that appeared in *Le printemps* 2001 - [http://scvriptocentris.free.fr/hournal/hiver\\_printemps\\_2000\\_2001/250301.htm](http://scvriptocentris.free.fr/hournal/hiver_printemps_2000_2001/250301.htm).

## Sales records of the Valentine Gallery

Between 1926 and 1947, the Valentine Gallery in New York was a major center for modern European art where works by Picasso, Matisse, Mirò, and Kandinsky were first presented to an American audience. The gallery's complete sales records were discovered in 1997 in the course of my research on the gallery for my master's thesis. A relative of the gallery's founder, Valentine Dudensing, subsequently donated them to the Museum of Modern Art's Archives in New York. The material is important for provenance researchers examining works that came out of Europe and were sold in the United States in the time of the Nationalsozialismus in Germany.

The records are organized by date and buyer's name, and list the artist's name (but unfortunately not the work's title) and price paid. Dudensing cultivated an impressive clientele, many of whom claimed to have made their first School of Paris purchase from the gallery. The records reveal the purchases made by such well-



known American collectors as Chester Dale, Dr. Albert C. Barnes, Duncan Phillips, Walter P. Chrysler, Jr., Katherine Dreier, Joseph Pulitzer, Jr., Wright Ludington, Frederick C. Bartlett, James T. Soby, and William S. Paley, among others.

Julia May Boddewyn,  
New York

## Restitutions

### **The bell of Staraja Russa**

On 18<sup>th</sup> February 2001, a delegation of Lübeck's city administration, accompanied by the Senator of Cultural Affairs Ulrich Meyenborg, officially handed over a historical bell to the citizens of Staraja Russa.

The churchbell is supposed to be ordered by Russian merchants from the Lübeck caster Albert Benning in 1672. The bell had been in use in the St. Mina Church until the Soviet Revolution of 1917. During World War II the bell was found by German soldiers in the damaged church-tower of Staraja Russa. It was brought home to Lübeck after the soldiers of the 30<sup>th</sup> Infantry Regiment took a closer look at the bell which bore the following engraving: "ALBERT BENNINGK ME FECIT LUBECA ANNO 1672". Supposed to be a greeting from the Eastern frontline it was secretly sent to Lübeck on the 19<sup>th</sup> January 1943 where it was inofficially received at the Heiligen Geist Hospital. Against common laws the bell was not officially registered in the council files, probably because the seizure of church property during a war violated international laws even at this time. After the war the bell was taken to the St. Katharinen Kirche without public notice, where it was finally stored. In 1999 a Russian initiative stumbled over German army files which gave evidence about the seizure and the whereabouts of the bell and called the Lübeck city administration for support. After a long search the bell was eventually found still lying unnoticed in the St. Katharinen Kirche. After some repair works and the mediation between the Federal Government of Schleswig-Holstein, German und Russian authorities and the Foreign Office it was decided to send the bell back to Russia. The decision of the German government was in line with multinational agreements with Russia about wartime looting und seized property.

The bell was eagerly greeted during a solemn ceremony in Staraja Russa "(...) for the first time in 57 years there were neither demonstrations at the soldier's graves nor were wreaths laid down on the 18<sup>th</sup> February - the day of the relief of the city of Staraja Russa. The massive audience listened to a German delegation on their marked place which initiated the return of the bell that was illegally seized by German soldiers 57 years ago and was now handed over to the Russian Orthodox church again." As a symbol of the friendly relations between Germany and Russia the German delegation promised to help with the reconstruction of the badly

damaged church in which the returned bells should find a new home in the nearer future. The relations between Staraja Russa und Lübeck were quickly extended: In June 2001 the former forced labourer Maria Shavrid visited Lübeck. In July 2002 a group of Lübeck students made an exchange visit to Staraja Russa in order to perform the musical "East Side Story" that is based on the story of the churchbell. Later that year Staraja Russa's mayor visited Lübeck. We all hope that friendly relations between Lübeck und Staraja Russa will steadily continue and build up a solid bond between Western and Eastern Europe in the future.

Holger Walter,  
High official of the city administration (subdivision culture) of the Hansestadt  
Lübeck,  
Lübeck

### **Return of books to the Karl Marx House Trier**

The "Zentral and Landesbibliothek Berlin" (ZLB) returned 70 books to the Karl Marx House Trier (or rather to its owner the Friedrich-Ebert-Foundation) on the 12<sup>th</sup> of November 2002. The return took place in the framework of a press conference. In connection to these books an interesting story is to be mentioned.

A few months ago a discovery was made within the checking of the stock of the so called "Ausweichmagazin" (a barn at the Mueggelsee) that has not been put in order yet and which for a long time had not been accessible. The discovery was made by an employee of the ZLB who immediately started to search for more details. Three titles with the stamp "Karl Marx House Trier" attracted attention. Following the discovery the Karl Marx House was contacted and in this way we became aware of the fate of these books. The Karl Marx House Trier was bought by the political party SPD in 1928 and the set up of a library and a museum had been planned then. From several collections and libraries of this political party books had been selected for this project. The Social Democrat representative of the Reichstag and editor of the "Vorwärts", Friedrich Stampfer, rendered outstanding services in this planning period.

The books had been exhibited in the library of the SPD in Berlin at the end of 1930. The transport of the books to Trier had not been made possible anymore because at first the opening of the Karl Marx House was delayed because of renovations and later because of the aggravating political situation. In 1933 the Karl Marx House as well as the SPD were expropriated so that even the books meant for the Karl Marx House were confiscated.

In the chronicle of the Friedrich-Wilhelm-University Berlin a note was found that these books had been given to a new founded institute for political education which was meant to spread the National Socialist ideology. After 1945 a great part of the

books was brought to Moscow. Russia then returned a part of them to the Karl Marx House in 1992, except for the interesting works from the own library of Marx (with handwritten notes of Marx and other special features). Obviously the rest of the stock which stayed in Berlin was spread onto various institutions and so there traces are lost.

Because of the uncomplete files of the ZLB archive it is not to be reconstructed in detail when and in which ways these books came to the Berlin State Library (the predecessor of today's ZLB). Stamps and entry numbers (at least for a part) make one assume that the replacement took place before 1945. That means an interesting question is still to be answered.

No library registers provenances (former owners) of its stock and that is why research has always been hard. In one of the three found titles an interesting connection to one of the special collections of the house was discovered because of an additional stamp. A student trainee followed this trace and examined ca. 5000 books in the course of three weeks and she found an additional 67 works with the stamp of the Karl Marx House.

The return of the stocks is a matter of course for the ZLB; the happiness of the employees of the Karl Marx House is comprehensible because in the course of discoveries of stocks of the SPD in different institutions they had to experience a more unfriendly handling of such matters as well.

At the press conference the director of the Friedrich-Ebert-Foundation, the former minister-president Holger Börner, the leader of the research centre, Professor Dr. Dieter Dowe as well as the director of the library of the Karl Marx House, Mr Koenig, were present. The general director of the ZLB, Dr. Lux, symbolically returned three of the titles and all found books were then brought back to Trier.

These works are from the end of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup>, but no seldom works and also no title from the private library of Marx. Next to works by Engels and Marx titles of Clara Zetkin, Eduard Bernstein, Karl Kautsky, Karl Liebknecht, Paul Lafargue, Paul Hirsch, Friedrich Adler, Otto Bauer and others can be seen.

The attention by the ZLB for cultural property confiscated because of persecution will undoubtedly continue. Just 10 years ago the former Berlin State Library undertook intensive research, partly in connection with the "Centrum Judaicum". The result of these researches was the return of more than 800 books to the Centrum Judaicum.

Furthermore, seven titles with unclear stamps of former owners attracted attention in the last few years and were sent to be included in the Internet database "www.lostart.de". In one case it was found out by the employees of the

Koordinierungsstelle für Kulturgutverluste that it is a formerly in Prague rightly maculated doublette. The opportunities given by the "lostart" search and found notes are not just of theoretical nature but prove to be a good way of research in the case of specific practical examples.

Annette Gerlach,  
Zentral- und Landesbibliothek,  
Berlin

### **The Sommerguth case**

In the year 2000 the attorney Joel Levi of Ramat Gan Israel had been contacted by the Ministry of Finances in Germany regarding the restitution of a painting. He represents the heirs of Alfred and Gertrud Sommerguth, a Jewish couple from Berlin, who fled from Germany during the Holocaust to the United States.

The story begins when Alfred Sommerguth, who was born on 23.9.1859 in Magdeburg, started collecting art. He was the director and co owner of the famous tobacco factory Loeser and Wolff, one of the largest if not the largest before the war. In 1920, Mr. Sommerguth sold his shares and became an official in the Ministry of Interior in Berlin in charge of town planning. He held the rank of a Regierungsrat and was prominent within the Berlin Society.

Alfred Sommerguth lived with his wife Gertrude in Berlin and their rich cultural life lead to a remarkable collection of 106 paintings. There were Dutch masterpieces like the Adoration of the Magi as well as paintings on religious subjects and of course those of the artists of the 19<sup>th</sup> centuries like Adolph von Menzel who was born in 1813 in Breslau, Lingelbach, Max Liebermann and the French impressionist Camille Pissaro.

When the Nazis came into power, the Sommerguths were confronted with the horror of leaving their belongings after listing them all in a property declaration. The art collection was brought to the Lange Auction house and on February 9, 1939, all of the paintings were sold for very low prices. The catalogue states a famous Berlin collection ("eine bekannte Berliner Privatsammlung"). This auctionhouse was aryanized by Mr. Lange from the Jewish owner Paul Graupe and absorbed itself in plundering Jewish valuables during all those years of persecution. Alfred Sommerguth had to draw a "Judenvermoegensabgabe" and paid the special tax levied on those who "desired" to leave Germany. Then the Sommerguths lost their civil rights and all their belongings were confiscated by the Nazi Regime. The couple was able to flee in 1940 shortly before being deported.

After an odyssey of travelling through Switzerland to Cuba, the family arrived in New York.

Alfred Sommerguth died there in 1950 and Gertrude died on April 8, 1954.

On the 9<sup>th</sup> of February 2003, 64 years from the day of looting, an agreement was signed between the heirs of the late Alfred Sommerguth and the Federal Republic of Germany determining the restitution of a painting which belonged to this collection.

The painting by Franz von Lenbach, oil on carton "Frau Professor Roubaud with Marion Lenbach's daughter" was in possession of the German Government. At the auction it was sold to the Gallery Almas for the Hitler Museum scheduled to be built in Linz, Austria. Almas paid 3,000.- RM. After the war it was kept by the Federal Republic of Germany as an object belonging to an unknown owner. Mr. Levi who is specialized in restitution matters and the research for lost and looted art, compiled together with Muggenthaler Research, a genealogical institute which is also specialized in Holocaust and lost art research regarding the full documentation and prove of heirship. Now the agreement between the Oberfinanzdirektion for the German government and the attorney representing the heirs to give back the painting, was signed. The agreement stipulates that due to the fact that Alfred Sommerguth was deprived of his property due to persecution, it is returned to his heirs.

Mr. Levi then negotiated with the Museum which held the painting on loan since 1966, i.e. the Darmstaedter Landesmuseum. The museum desired to buy the painting and after careful consideration and evaluation, the painting was sold to the museum for the market price.

This story is similar to 120 family stories of Jewish families living in Germany who were ardent collectors of art and contributed to the cultural life of Germany for more than 60 years since the unification of Germany in 1870. The course of history of two German states did not enable the process of returning looted art until the reunification of 1990. Now, a Co-ordination office for the loss of Cultural Assets was established in Germany and little by little all the art objects are registered on web sites. The international auction houses cooperate and encourage provenance research to be executed by themselves and the museums. Public collections in Germany cooperate with this initiative and so do Governmental agencies in many countries around the world. The notorious galleries are watched carefully by agents and eventually justice, although delayed, is not denied and all of us can close a circle which started in the 19<sup>th</sup> and is nearing its final stage in the 21<sup>st</sup> century.

Joel Levi

Avgad Building. 5 Jabotinski St., Ramat-Gan 52520.  
Fax. 972-03-5754257 Tel. 972-03-5754255. E-mail: levi\_adv@bigfoot.com

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The bibliography has been compiled by Professor Jürgen Krüger (Karlsruhe).

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