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# Introducing the concept of Parrhesia of Traces

**A study on the memory politics of Nazi-looted art restitution or: „*What are we forgetting?*“**



**For the world is not humane just because it is made by human beings, and it does not become humane just because the human voice sounds in it, but only when it has become the object of discourse. However much we are affected by the things of the world, however deeply they may stir and stimulate us, they become human for us only when we can discuss them with our fellows. Whatever cannot become the object of discourse—the truly sublime, the truly horrible or the uncanny—may find a human voice through which to sound into the world, but it is not exactly human. We humanize what is going on in the world and in ourselves only by speaking of it, and in the course of speaking of it, we learn to be human.**

**– Hannah Arendt, *Men in Dark Times*, 1968<sup>1</sup>**

1 Arendt, H., 1986.: "On Humanity in Dark Times: Thoughts about Lessing." In: *Men in Dark Times*. New York: Harcourt Brace .



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## DECLARATION OF ORIGINALITY



## Abstract

Nazi-looted art restitution traditionally envisages the finding of *fair and just solution* for the handling of artefacts in public institutions such as museums that have been looted from individuals in the context of the Holocaust. The specific understanding of Nazi-looted art restitution, that I propose in this thesis, challenges this basic principles and assumptions of the legally framed discourse.

The concept *Parrheisa of Traces*, which I develop in this thesis, enables us to recognize and overcome the ongoing forgetting of social disdain, which I identify as inherent to the dominant discourse on Nazi-looted art restitution discourse. None of the narratives triggers a reflection on what “we” as a current world may have lost.

My concept implies that restitution starts with the reflection of formulated narratives, with language, and the chosen way of talking. The novelty of my restructuring approach to the communication in the context of Nazi-looted art restitution consists mainly of two practical steps. First, authors using the concept of a *Parrhesia of Traces* reflect the dynamics of creating political meaning through remembering and forgetting in their used restitution narratives (e.g. “finding fair and just solutions”). This reflection forms a critical consciousness about the fact that the social meaning we create in the present-time restitution narratives directly influences the societal view on the past, present and future. Based on this subjective reflection, one can – in a second step – examine whether the present narrative’s projection of the past includes and derives from the non-reified subject as well as the reifying social crime. Thusly, one can check if the narrative reflects the misrecognition of forgetting societal subjectivity.

My concept of a *Parrhesia of Traces* seeks to dynamically illuminate and communicate the identified forms of oblivion and to thus tackle the crime of the past in and for the present and future. The basic functions of the concept allow the integration of a *Parrhesia of Traces* into any form of communication of the current Nazi-looted art restitution discourse.

The methodological approach taken in this study is a mixed methodology aiming to obtain data on formulated narratives. As a basis for my claim and conception, I theoretically establish a memory critical framework to the Nazi-looted art restitution discourse to then demonstrate both in a two-folded case study in the French context. The case study consists of an advisory report on the subject by the heritage advisor of the French Cultural Ministry (2018) and the installation of a permanent display of potentially Nazi-looted art works (MNR art-works), recuperated to France after the Second World War, at the Louvre (Dec. 2017).

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## **Pre-memory**

When I was in seventh grade in a school in a small town in Germany, I had a history teacher, Frau Kürpick, who was born in Germany's post-war years. She was very strict, straightforward, intelligent and demanding. In her first class, she explained history as follows: "Memory is identity, amnesia makes us lose ourselves."

Frau Kürpick told us some years later that she had inherited four chairs from her parents, which she knew were expropriated from Jews during the Holocaust. She told us how she first had vehemently refused to take them but then finally had decided to keep the chairs because she felt that otherwise, she would also throw away the memory and the responsibility for this heritage. Now, they are in her living room.

Frau Kürpick was my favorite teacher who, in my perception, always knew what was right or wrong. Still, she was drinking black coffee on the chairs, of which she knew that her parents got them from murdered people, who were deprived of any right to sit on a kitchen chair drinking coffee and who not even play an active part in this story. What exactly was the heritage she felt responsible for? I am still impressed by the fact that she, as the teacher was talking to us, the students, about her moral dilemma. Even now, about 12 years later, I remember this story, and it still makes me think.

My thesis on restitution builds on this story. It is about the societal value of a discussion on contradictions for which no just solutions exist. It is about the social potential of putting the own narrowed narrative for review, although it is uncomfortable. The review enables a reflection and negotiation of how to further write common stories. It aims to enrich them with the voices of all those very different persons who once sat at the round table on those chairs having coffee.



# 1 Introduction

The restitution of Nazi-looted art<sup>2</sup> refers to the return of artefacts<sup>3</sup> to former private, in most cases Jewish owners (or their heirs), who have been expropriated or forced to sale their belongings in context of the Holocaust.<sup>4</sup>

The topic of restitution regained public attention on a European level at the end of the 1990s after having been addressed for a short period in the 1950s in Germany as well as in some previously occupied Western countries, such as Austria, the Netherlands and France.<sup>5</sup>

In the spirit of what the historian Elazar Barkan calls “restitution for historical injustice”<sup>6</sup> 44 countries<sup>7</sup> in 1998 signed the *Washington Principles on Nazi-Confiscated Art*, a moral, legally non-binding agreement with the main purpose: “to find fair and just solutions”<sup>8</sup> “for a still unfinished business”.<sup>9</sup> The rationale behind treating these cases decades after the end of the war was the idea that *artefacts* had to be understood as objects with a special personal value for human beings.<sup>10</sup> The expropriation in context of persecution should be acknowledged, according to the Nuremberg trials in 1949, as “crime against humanity” instead of being treated as basic theft (which is statute-barred in most countries).<sup>11</sup>

The *Washington Principles* are still the main framework for the discussion of returning artefacts, forcefully taken from persecuted individuals in the context of the Holocaust. The principles concern artworks that, at the time of the signing 50 years and now nearly 80 years after the Holocaust, are still present in public institutions, such as museums.

The finding of *fair and just solutions* (*Washington Principles*) in the handling of Nazi-looted artefacts that are present in these collections has become a contro-

2 I use the term “looting” throughout this thesis as a neutral term in reference to the confiscations, expropriations and forced sales of artefacts from private persons. I know looting in general is not a neutral description.

3 The term artefacts as having a special relation to human beings is introduced by: Campens, E., 2017. “A Note in Favour of Clear Standards and Neutral Procedures”. In: *Art Antiquity & Law*, vol.22, no. 4, pp.315 - 346.

4 Campens 2017.

5 Veraart, W. and Winkel, L., 2012 (ed.). *The Post-war Restitution of Property Rights in Europe. Comparative Perspectives*. New York: RVP Publishers Inc.

6 See for a discussion of “restitution for historical injustice”: Barkan, E., 2000. “Between Restitution and International Morality”. In: *Fordham International Law Journal*, vol. 25, no. 6, 2001, pp.46- 63, p.49; Barkan, E., 2000. *The Guilt of Nations. Restitution and negotiating historical injustices*. Johns Hopkins University Press.

7 Beyond those states the declaration was signed by art museums, auction houses and 13 non-governmental organizations.

8 *Washington Conference on Holocaust-Era Assets. Principles with Respect to Nazi-Confiscated Art*, <http://www.state.gov/p/eur/rt/hlcst/122038.htm>, last access 09.06.2019 [herein after *Washington Principles*].

9 The term is coined by the American diplomat and attorney Stuart Eizenstat, adviser to the State Department, who hosted the Washington Conference in 1998 in: Eizenstat, S., 2009. *Imperfect Justice. Looted Assets, Slave Labor, and the Unfinished Business of World War II*. Public Affairs 2009. He again emphasized this term in 2018 at the 20-year anniversary of the Principles in Berlin. See on this Hickley, C., 2018. “Washington Principles: the restitution of Nazi-looted art is still a work in progress, 20 years on. Major conference in Berlin this week marks anniversary of landmark agreement”. In: *THE ART NEWSPAPER*, 26th November, <https://www.theartnewspaper.com/news/restitution-of-nazi-looted-art-a-work-in-progress>, last accessed 09.06.2019.

10 See on the discussion of the human rights rationale of Nazi-looted art restitution: Campens 2017.

11 See on this O'Donnell, T., 2011. “The Restitution of Holocaust Looted Art and Transitional Justice: The Perfect Storm or the Raft of the Medusa?”. In: *European Journal of International Law*, vol. 22, no.1, pp. 49-80, p. 54.

versial and much disputed subject within the field of legal studies.<sup>12</sup> These studies in turn determine political communication and ongoing restitution practice. Scholars outside a legal or legal-philosophical discourse have paid very little attention to the subject of Nazi-looted art restitution and have not been taken part in the discussion within the field.<sup>13</sup>

Academic discourse, political communication and restitution practice of actual return are three different parts that belong together and complement each other. This research focusses on the first two as framework of the latter. The existing academic and political discussion should be conducted more consciously. It should be questioned critically as such because it has an influence on the way we as human beings relate to each other through communication.

My claim is that due to this lack of attention by scholars from other disciplines, in particular from the field of critical heritage studies, the current framework of academic and political discourse on Nazi-looted art restitution is questionable. No previous academic study has critically questioned the dominant narratives of the current Western European dominated Nazi-looted art restitution discourse itself as being a product of dominant socio-political dynamics of memory and forgetting.

I suggest that the legal-philosophically framed political public debate is based on a memory narrative on which it does not reflect. The mainly solution-oriented academic communication does not reflect on the trauma and societal consequences of reification of people. Instead it takes up on an unquestioned memory narrative of the 1990s (Washington Principles). This is a problem since, as I claim, subjective forgetting is inscribed in the crime of the Nazi lootings of artefacts. This form of criminal oblivion is overlaid by those dominant restitution narratives.<sup>14</sup>

My thesis suggests that the central aspect of personal expropriation in the con-

- 12 The latest academic *Research project on international practice in the restitution of Nazi-looted art: "Restatement of Restitution Rules"* is conducted by the legal scholar Matthias Weller with an international research team at the University of Bonn, Germany. The five-year project is funded by the German government with 873,000 Euros. The aim is to draw up an international set of Nazi-looted art restitution rules of what "fair and just solutions are" based on pure procedural justice (the comparison of decisions on similar return cases) in reference to a justice theory by John Rawls. University of Bonn, *Forschungsprojekt „Restatement of Restitution Rules“*, 17.05.2019, <https://www.jura.uni-bonn.de/professur-prof-dr-weller/forschungsprojekt-restatement-of-restitution-rules/>, last access 14.06.2019; See on this Weller, M., 2018. „20 Jahre ‚Washington Principles‘. Zeit für ein Restatement of Restitution Principles?“. In: Peter Mosimann/Beat Schönenberger (edit.): *Kunst & Recht 2018 / Art & Law 2018*. Bern: Stämpfli Verlag, pp. 83–96.; Campfens, E. (edit.), 2015.: *Fair and Just Solutions? Alternatives to Litigation in Nazi-Looted Art Disputes: Status Quo and New Developments*. The Hague: Eleven International Publishing.
- 13 Studies which have discussed the subject as part of a broader historical context: Gaudenzi, B. and Swenson, A., 2017. "Looted Art and the Restitution in the Twentieth Century. Towards a Global Perspective." In: *Journal of Contemporary History. Special Issue. The Restitution of Looted Art*, Nr. 52, pp. 491-518; Savoy, B., 2015. "Plunder, Restitution, Emotion and the Weight of Archives: A Historical Approach". In: Rotermund-Reynard, I.(edit.), *Echoes of Exile. Moscow Archives and the Arts in Paris 1933-1945*. Berlin/Boston, pp. 27-44; Savoy, B., 2013. „Restitution [Einleitung zu den Beiträgen der Sektion 19]“. In: Großmann, G.U. and Krutisch, B. (ed.): *The Challenge of the Object: Congress Proceedings of the 33rd CIHA*, vol. 4, Nürnberg, pp. 1346 - 1350.
- 14 See on the forgetting preconditioning genocide: Assmann, A., 2016. "Looking away in Nazi German". In: Assmann A., Detmers I. (ed.). *Empathy and its Limits*. London: Palgrave Macmillan, pp. 128-148, p.128 f.; her discussion is based on a quote from: Günther Anders: *Wir Eichmannsöhne. Offener Brief an Klaus Eichmann*. München: Beck 1964.

text of the genocide is the “reification” of subjects in public discourse. I use the term reification in the sense of making societal subjects into objects of discourse and thus, forgetting their status as active members of society.<sup>15</sup> In social philosopher Axel Honneth’s (2008) understanding, reification is defined as the forgetting of recognition for the Other<sup>16</sup> and the Self.<sup>17</sup> I see reification therefore as the highest level of societal misrecognition of subjects as thinking, feeling and acting individuals in social, political and cultural society.

My main hypothesis thus is that three forms of oblivion are inscribed in the dominant Nazi-looted art restitution discourse of today. Those forms of oblivion are, firstly, the societal member as such is forgotten. Secondly, the societal dimension of crime as such is forgotten. Thirdly, our capacity as a current society to recreate a connection to the societal member via artefacts is forgotten. The artefacts refer to a fragment of what we as an ongoing world have lost through genocide in the diversity of people we remember and fully recognize as such.<sup>18</sup>

In order to reach this new understanding, I aim to develop and introduce a memory critical concept, which I call *Parrhesia of Traces*, to the field of Nazi-looted art restitution.

In this concept, I defend the view that the absent societal members and dimensions of crime are no subordinate visualization or illustrative side effect of a morally based ownership issue to be resolved. They must form the core of a social discourse; in a relevant Nazi-looted art restitution discourses their encounter is an added value to our idea of a pluralistic society and not a nostalgic by-product to a discussion on looted cultural goods.

I claim that by implementing the concept of *Parrhesia of Traces* in the discussion, the three problematic forms of oblivion become visible, acknowledgeable and correctable. My concept seeks to fight the repetition of misrecognition of the trauma of reification of people and culture. I believe the use of the concept *Parrhesia of Traces* is crucial in creating a fairer and juster discourse on the Nazi-looted art-restitution.

**15** See on the contradiction of *reification* and societal recognition especially the work by the social philosopher Axel Honneth, for example Honneth, A., 2008. *Reification and Recognition. A New Look at an Old Idea*, Oxford/New York.

**16** The Other and the Self instead of other and self as Philosophical concepts underline the structural dialogic relation between both. The term “the Other” in my thesis refers to the fact that the Other is never fully accessible and unchangeable in their nature and dignity.

**17** Honneth 2008.

**18** See on the centrality of “cultural genocide” to the crime of the Holocaust the excellent article by: Bilsky, L. and Klagsbrun, R., 2018. “The Return of Cultural Genocide?”. In: *European Journal of International Law*, vol. 29, no.2, pp.373-396.

## Introduction to the thesis

The overall structure of my thesis takes the form of seven chapters, including this introductory chapter and a conclusion (*chapter seven*). This research splits in two main parts: the development of my concept of a *Parrhesia of Traces* (*chapter 2-3*) and in its demonstration within a two-folded case study in the French context (*chapter 4-6*).

*Chapter one* encompasses a theoretical framework (*chapter two*) in which I embed my hypothesis that the Nazi-looted art restitution discourse lacks substance beyond its legal discourse. The framework combines perspectives from three academic fields I consider relevant for a memory critical perspective on the discourse. Those fields are critical memory studies, critical museology studies and current academic literature on Nazi-looted art restitution.

My critical analysis of *chapter two* forms the basis for the construction of my concept of *Parrhesia of Traces* in *chapter 3*, which aims at overcoming the misleading reference of the discourse. In the development of my concept *Parrhesia of Traces* (*chapter 3*), I seek to restructure the dominant narrative of Nazi-looted art restitution theoretically.

In the second part of the thesis (from *chapter four* onwards), I demonstrate how my concept works and that it is needed in the international Nazi-looted art restitution discourse by conducting a two-fold case study in the context of French Nazi-looted art restitution politics. The case study consists of an advisory report on the subject by the heritage advisor of the French Cultural Ministry (2018) and the installation of a permanent display of potentially Nazi-looted art works (MNR art-works), recuperated to France after the Second World War, at the Louvre (Dec. 2017).

During the course of this demonstration, I first explain my methodology (*chapter four*). In large, I establish four categories based on the earlier discussed theoretical framework by using those to both collect my data as well as to analyse the data on the case-study. Furthermore, I discuss the methods I chose to translate the aspects which are crucial for my concept into an empirical research. In *chapter five* I present my research, first on the report and then on the *salle*<sup>19</sup> under the four categories to then finally analyse the results of the implementation my concept of *Parrhesia of Traces* in *chapter six*.

**19** Throughout this thesis I use the French word *salle* when I refer to the MNR Louvre display.

## 2 Theoretical Framework

In this chapter I present the theoretical framework of my research. Methodologically, this part of the thesis (*chapter 2-3*) consists of a literature-based research (literature review and critical analysis). Based on this critical approach, I develop my theoretical concept of *Parrhesia of Traces* in *chapter 3*.

Although the phenomenon of Nazi-looted art restitution is an international one, the theoretical framework specifies the position and development of the political Nazi-looted art restitution discourse in France and the definition of what is called *Musée Récupération National* MNR (National Museum Recovery) artworks. The position and function of national museums, notably the Louvre, is a focus point. This is the case as national museums are guardians of the objects and one main stakeholder of the discourse.

### 2.1 Memory Politics and Representation of National Narratives

In the following, I accentuate memory and forgetting as political narratives/silences. I point in this context to national museums as one dominant medium for those narratives, to then discuss the three types of forgetting inscribed in the Nazi-looted art restitution narratives.

#### 2.1.1 Memory and Forgetting as dynamics of societal inclusion and exclusion

Throughout this thesis, memory is discussed as a political narrative. In this following part, I explain what exactly I mean by memory political narrative. For my argument it is especially salient to get a concrete understanding of the political dimension of the process of reconstruction of the past in the present through discourse.

I define *politics* in terms of Arendt's understanding as a constant collective discussion on the question of how we as society or group of human beings want to live together.<sup>20</sup>

According to two of the leading experts in the field of critical memory studies, Aleida and Jan Assmann, the relation of memory and forgetting is a correlated and selective dynamic of reconstructing narratives about the past to create meaning for a social framework in the present.<sup>21</sup> Our communication and actions of today, soaked with memories of the past, further bring forth the past in the first place, i.e. insofar as we remember it.<sup>22</sup>

The Assmann's convincingly argue that this active projection of a narrative is always an unconscious or conscious choice of inclusion and exclusion of other narratives. Memory and forgetting are linked, one does not function without the

20 Arendt, H., 2005. *The Promise of Politics*. New York: Schocken Books, p.93.

21 See for example: Assmann, A., 2016. *Das neue Unbehagen an der Erinnerungskultur. Eine Intervention*, C.H. Beck.

22 The meaning of the correlating dynamics of forgetting and remembrance is completely dependent on the context of the present. See on this: Assmann, A., 2016.

other.<sup>23</sup> As soon as we remember one thing, we forget another and thus either confirm an existing idea of this “we” group that remembers or contest and reconstruct a new one.<sup>24</sup>

I support the idea that this construction of narratives thus serves the projection (of a personality, architecture, art, communities, institutions, societies) in the present, which always also opens up an idea of the past and a future.<sup>25</sup> Following the Assmann’s the correlation of memory and forgetting is therefore inherently politically loaded but not ethical by its nature.<sup>26</sup> They therefore suggest that only in constant reflection, reconstruction and renegotiation of pluralistic narratives about the past, societies can tell dynamic, democratic and common stories about themselves.<sup>27</sup>

Jan Assmann first published on this societal dynamic of memory and forgetting in the book: *Das kulturelle Gedächtnis*<sup>28</sup>. For this publication, the Assmanns structurally researched the intergenerational change of group narratives on an event such as the Holocaust.<sup>29</sup>

I define this model as the memory political framework in which the Nazi-looted art restitution debate reoccurs in the 1990s and must be re-negotiated in the year 2019.

In their concept, the Assmanns describe the social vivid passing and exchange of narratives as *communicative memory*, shared through oral and informal exchange (or silence because of trauma or self-confirming denial).<sup>30</sup> Around 40 years after an event, following their model, the sovereignty of interpretation ends to lie with the first memory generation of contemporaries of the event.<sup>31</sup> This next generation at the threshold of 40 years would start to form a *cultural memory* on the event though the establishment of museums and other formal and ritualized formats (for the Holocaust this change of memory started in the 1970s and 1980s and found its peak in the 1990s.)<sup>32</sup> Finally, after a timespan of around 80-100 years (three to four generations) and the disappearance of witnesses an event would be completely transformed into *cultural memory*.<sup>33</sup>

23 See on this especially Assmann, A., 2014. “Forms of Forgetting.” Public Lecture, Castrum Peregrini, Amsterdam, 30 Oct., <http://castrumperegrini.org/2014/10/30/forms-of-forgetting/>, last access 20.07.2019.

24 It is for example a conscious choice of right-wing parties to tell narratives that strengthen a sense of exclusive nationalism based on past narratives, which underpin the static exclusive construct of “the nation” as a glorious idea. See as an example on this, the very successful Austrian right-wing populist FPÖ party’s use of the historic embattlement of Vienna by the Ottomans Wodak, R. and Forchtner, R., 2014. “Embattled Vienna 1683/2010: right-wing populism, collective memory and the fictionalisation of politics.” In: *Visual Communication*, vol. 13, no. 2, pp. 231–255.

25 See a.o.: Anderson, B., 1983. *Imagined communities. Reflections on the origin and spread of nationalism*. London.

26 Assmann 2016, p.207; see as well Margalit, A., 2003. *The Ethics of Memory*. Cambridge: MA.

27 Assmann, A., 2018. *Der Europäische Traum. Vier Lehren aus der Geschichte*. München: C.H. Beck.

28 Assmann, J., 1992. *Das kulturelle Gedächtnis: Schrift, Erinnerung und politische Identität in frühen Hochkulturen*. Beck: Munich; See further Assmann, J., 2011. *Cultural memory and early civilization. Writing, remembrance, and political imagination*. New York.

29 Ibid.

30 Assmann 1992, p.55 f.

31 Assmann 1992, p.51.

32 Assmann, 2018, p.44.

33 Assmann 1992, p.51.

We are right now 76 years after World War II, the Holocaust and, what French historian Anette Wieviorka calls “The Era of the witness”<sup>34</sup> (*L’ère du témoin*) soon comes to an end.<sup>35</sup> Following this thought museums and public institutions preserving and mediating evidences of the Holocaust play an increasingly central political role in triggering forms of democratically relevant communication on this past.

From this paragraph, I conclude that people create politically loaded meaning in and for the present (respectively future) and about themselves when they publicly formulate a past related argument on Nazi-looted art restitution.<sup>36</sup>

Some central questions must therefore be kept in mind during the following discussion: Who remembers in the dominant discourse on Nazi-looted art restitution? What is remembered, who and what are forgotten?<sup>37</sup>

Aleida and Jan Assman describe the complete turn to cultural mediation of memory narratives on the Holocaust through institutions such as museums. This point of complete mediation of the event via institutions not only underlines a special importance and political capacity but likewise a danger of national museums as guardians of cultural memory.<sup>38</sup> In the next paragraph, I therefore make a short excursion to reflect on the special function of the Louvre as one predominant societal representative of those narratives. This excursion plays an important role for the analysis of my case study in *chapter six*.

### 2.1.2 Place and Space of the National Museum of the Louvre

In this paragraph, I create the basis for the claim that national museums as one stakeholder could contribute to the current Nazi-looted art restitution discourse. In order to do so, this paragraph discusses the functioning of the national museum of the Louvre as place. It consists of a critical reflection of the peril and potential of national museums as representatives of social memory narratives. Within my case study the topic of restitution and memory at the museum place is introduced by the Louvre curator, Vincent Delieuvin with whom I conducted an in-depth interview.<sup>39</sup> He calls the permanent display of potentially Nazi-looted artworks in the Louvre *salle 804* in the press and in my interview a *lieu de*

34 Wieviorka, A., 1998. *L’Ère du témoin*. Paris: Plon.

35 One might also say that this turn towards mediation started in 2015

36 See on the museum as representative of changing narratives dependent on the current societal context Crane, S.A., 2006. “The Conundrum of Ephemerality: Time, Memory, and Museums”. In: Sharon McDonald (ed.), *A Companion to Museum Studies*, Blackwell Publishing Ltd, pp.98- 110.

37 On those memory critical questioning see for example the historian Koselleck, R., 2005. “Formen und Traditionen des negativen Gedächtnisses.” In: Knigge, Volkhard and Frei, Norbert (ed.): *Verbrechen erinnern. Die Auseinandersetzung mit Holocaust und Völkermord*. Bonn: Bundeszentrale für politische Bildung, S. 21-32, p. 26.

38 See on the memory difficulties and potential of the Louvre *salle 804* in the context of societal impact of national museums through a discussion of restitution my presentation: Lea Grüter: “Le Musée du Louvre and the Orphan Art Works of Salle 804. A Lieu de Mémoire in the Discourse of Nazi Looted Art Restitution”. Presentation, *Conference Museums as Agents of Memory and Change* from University of Tartu, Department of Ethnology, Estonian National Museum, Tallinn and Tartu, Estonia, 25.04.2019, <http://enmconferences.ee/conference-memory-and-museums-2019/abstracts>, last access 19.05.2019.

39 Delieuvin, Vincent. Interview with Lea Grüter. Expert interview, *83 Minutes*. Paris, Jun 25, 2018.

*mémoire* (site of memory) in the context of Nazi-looted art restitution.<sup>40</sup>

Delieuvin hence verbally introduces a new framework of meaning, separated from the existing meaning-carrying place of the Louvre. I call this introduced commemorative framework “space”. By applying the definition by Aleida Assmann, I differentiate between the terms “space” and “place”.<sup>41</sup> She defines the difference as follows:

*Whereas the notion of ‘space’ is rather abstract, mainly future-directed and related ‘to instruments and goals, to means and ends’ (Lefebvre, 1991 [1974]: 410–411), ‘place’ has acquired a specific physiognomy by acts and experiences in the past that have left their mark; it is quietly shaped and reshaped by those who inhabit, experience, maintain and transform it in the slow continuity of a lived context. (Places, in other words, have an unmistakable profile, as they are saturated with history and linked to memory. In this respect, they are the opposite of so-called ‘non-places’ such as international airports and hotel-chains.)<sup>42</sup>*

National museums and especially the Louvre, in their initial idea, function as representatives of national memory narratives.<sup>43</sup> Accordingly, a physical room such as *salle 804* within the building of the Louvre that I discuss in my case study, is marked by the “place”. Thus, following the above given definition of place and space, the introduced space of a *lieu de mémoire* overlays an initial reflection of the Louvre itself as a *lieu de mémoire*.

The French philosopher Pierre Nora argues that the natural social environments (*milieux de mémoire*) in which people actively and naturally remember and associate (comparative to the concept of communicative memory) in modern times have come to an end.<sup>44</sup> The national material and immaterial *lieux de mémoire* (sites of memory) would create artificial substitute of vivid memory for the institutional or political and educative underpinning of a sense of French national identity.<sup>45</sup> The Louvre in this concept refers to the context of the French revolution and the spirit of enlightenment as a political symbol for the transformation from Monarchy and Christianity towards a secular French Republic; a “civilized” nation state.<sup>46</sup>

40 “Louvre curator Vincent Delieuvin says the display is a symbol to remind people that the museum has not forgotten. ‘Unlike in the regular collections, we’ve hung the paintings closely together to evoke the intimacy of a private home,’ he says. ‘We want to find the rightful owners of these paintings, but we also want these rooms to serve as a place of memory — a place where people can come reflect on this terrible time in history where Jewish families fled or were killed and their artworks were plundered.’ Beardsly, E., 2018. “France Hopes Exhibit Of Nazi-Stolen Art Can Aid Stalled Search For Owners”. In: *National Public Radio*, February 23, <https://www.npr.org/sections/parallels/2018/02/23/588374670/france-hopes-exhibit-of-nazi-stolen-art-can-aid-stalled-search-for-owners?t=1561391106445>, last access 24.06.2019.

41 Assmann, A., 2018. “One land and three narratives. Palestinian sites of memory in Israel.” In: *Memory Studies*, vol. 33, no.3, pp. 287-300.

42 Assmann 2018, p. 289.

43 Anderson 1999; Crane 2006.

44 Nora, P., 1989. “Between Memory and History. Les Lieux de Mémoire”. In: *Représentations*, vol. 26. California: University of California Press Journals, pp. 7-24, p.12.

45 Nora, P., 1984. “Entre Mémoire et Histoire. La Problématique des Lieux”. In : *Les Lieux de Mémoire. La République*, Vol. II. Paris: Gallimard, pp. xv–xlii.

46 Nora, P., 1986. “La Nation. La Gloire”. In: *Les Lieux de Mémoire. La Nation*, Vol. II. Paris: Gallimard.

Assmann's notion of "place" is comparable to Pierre Nora's discussion of the Louvre as a *lieu de mémoire*. However, it must be underlined that while Nora's notion of the Louvre is static, Assmann's definition of place is dynamic: it "*is quietly shaped and reshaped by those who inhabit, experience, maintain and transform it in the slow continuity of a lived context.*"<sup>47</sup>

I conclude from those two different political explanations of a *lieu de mémoire* by Nora and Aleida Assmann that the term as such is unspecific and abstract. A *lieu de mémoire* can only be understood through a clear reference to and reflection of political memory narratives. The latter can either function as an uncritically passed static relic from the past confirming an idea of a fixed "we" group (Nora) or as a potential for a discussion of a dynamic "we" group that remembers in the present (Assmann).<sup>48</sup> The Louvre remains, from both perspectives, a political place. Beyond the representation of artworks and objects in terms of art history, the Louvre's representation is marked by the relic of a strong monologic nation-building narrative.<sup>49</sup> Those narratives "that have left their marks [on the place]"<sup>50</sup> need to be reflected on and broken open when it comes to a memory in the context of the Shoah.

I illustrate the difficulty of representation of artworks with a genocide and war history with a closer look at the idea of French *patrimoine* (national heritage). In terms of memory dynamics, I discuss the ongoing projection of a past narrative on the material artefacts at the Louvre.

### 2.1.3. Two sides of one coin: the conservatism and the potential of the Louvre museum in the context of restitution

During the French revolution, the royal palace in a highly symbolic and political act turned into the national museum of the Louvre. The revolutionaries seized the royal and sacral art collections and opened them up for every citizen of France in the now public national museum of the Louvre.<sup>51</sup>

The new museum display established an art historical chronological narrative with an emphasis on the origin of the aesthetical object.<sup>52</sup> The French museo-

47 Assmann 2018, p. 289. See as well on the notion of museum as place of memory according to Assmann: Assmann, A., 1999. *Erinnerungsräume. Formen und Wandlungen des kulturellen Gedächtnisses*. München: Verlag C. H. Beck.

48 See on this ambiguous political definition of a lieu de mémoire my presentation: Lea Grüter: "Le Musée du Louvre and the Orphan Art Works of Salle 804. A Lieu de Mémoire in the Discourse of Nazi Looted Art Restitution". Presentation, Conference Museums as Agents of Memory and Change from University of Tartu, Department of Ethnology, Estonian National Museum, Tallinn and Tartu, Estonia, 25.04.2019, <http://enmconferences.ee/conference-memory-and-museums-2019/abstracts>, last access 19.05.2019.

49 McClellan, A., 1994. *Inventing the Louvre. Art, Politics, and the Origins of the Modern Museum in Eighteenth-Century Paris*. Cambridge: Cambridge University Press; McClellan, A., 1984. "The Politics and Aesthetics of Display. The Museum in Paris, 1750 – 1800." In: *Art History* 7, no. 4, pp. 438 – 464.

50 Assmann 2018, p. 289.

51 Duncan, C., 2005 (edt.). "From the Princely Gallery to the Art Museum. The Louvre Museum and the National Gallery London". In: *Civilizing Rituals. Inside Public Art Museums*. London and New York: Routledge; Bennett, T., 1995. *The Birth of the Museum. History, Theory, Politics*. London. New York: Routledge.

52 Poulot, D., 2012. "Provenance and Value. The Reception of Ancien Régime works of Art under the French Revolution". In: Feigenbaum, G. (edt.), *Provenance. An Alternate History of Art*. Los Angeles: Getty Research Institute, pp. 61-84.

logist Dominique Poulot in “*Histoire des musées de France*” (2005) discusses the fundamental construction of the relation between the French idea of a nation museum and society as lying in the political notion of art history.<sup>53</sup> This consisted in the idea of *du beau et du bien*<sup>54</sup> as an expression referring to a concept of civil education through moral aesthetics.<sup>55</sup> He defines the political inheritance of the French revolution as the idea of the nation state’s legitimacy as guardian of national “glory”.<sup>56</sup>

The art historian and museologist Carol Duncan specifies: “works of art now became witnesses to the presence of ‘genius’, cultural products marking the course of civilization in nations and individuals.”<sup>57</sup> Poulot adds an aspect on forgetting in this context that is central to my thesis: “the counterpart of this was the erasure of both context and the nonmaterial memories with which the work was invested.”<sup>58</sup> Following Poulot a relic of this idea is inscribed in the idea of the museum collection as *patrimoine nationale* (national heritage).<sup>59</sup> The art historian as well as restitution, museum and provenance expert Bénédicte Savoy, supports this thought by analysing the term *patrimoine* by the logic of language. Le *patrimoine* etymologically derives from the word la patrie, which translates into English as “homeland”.<sup>60</sup> If one were to speak of *patrimoine*, a French speaker would associate it rather with national merit than with negative connotations.<sup>61</sup>

At this point it can be summarized that museums are political places because especially national museums such as the Louvre evolved from the idea to represent one general national, mainly glorious idea of a nation state. As shown, this ongoing memory framework influences the idea of artworks as aesthetic sources of national moral education being still present in the current use of the word.

In this regard, the silently present idea of a national museum place is problematic. The problem is anchored in the fact that the experience of the Holocaust fundamentally and almost cynically contradicts the idea of glorious humankind and absolute national legitimacy expressed in the framework of the national museum of the Louvre.

Nevertheless, one should also state that after the revolution, the Louvre was born to a certain extent in a democratic spirit. Since then the museum has provided a public access to artworks and other artefacts.<sup>62</sup> Although the extent of “democracy” from a current viewpoint is discussable, the basic idea of a possibility to define the democratic character of a museum in terms of a present need

53 Poulot, D., 2005. *Une histoire des musées de France. XVIIIe-XXe siècles*. Paris: La Découverte.

54 Grenier, C. *La Fin des Musées ?* Paris : Editions du Regard 2013, p.22.

55 Poulot 2012, p.65.

56 Poulot 2012.

57 Duncan 2005 (ed.), p. 27.

58 Poulot 2012, p.78.

59 Poulot, D., 2001. *Patrimoine et musées*. L’institution de la culture. Paris : Hachette.

60 Savoy, B., 2003. *Patrimoine annexé. Les biens saisis par la France en Allemagne autour de 1800*. Paris: Éditions de la Maison des Sciences de l’Homme.

61 Savoy, B., 2018. Die Provenienz der Kultur: Von der Trauer des Verlusts zum universalen Menschheitserbe, Fröhliche Wissenschaft; see on this connotation of *patrimoine* as well: Grenier 2013, p.22; Poulot 2005.

62 McClellan 1994.

carries a great potential for the restitution process.<sup>63</sup> To do this, the institutions must be aware of its narratives and must strengthen this awareness within the visitors and the population.

I conclude from this chapter that the museum can contribute memory critical meaning to the discourse on Nazi-looted art restitution. In order to do so, they must be aware of this capacity as well as their narratives of place.

Based on the introduced notion of societal dynamics of memory and forgetting and the different functions of national museums in this respect (further discussed in my case study), I now have a closer look at the narratives which are at stake in the discussion of the Nazi art theft crime and Nazi-looted art restitution. By doing so, I show that the above discussed potential of reflection on political narratives and their representatives (such as museums) is lacking in the current academic communication on Nazi-looted art restitution.

## **2.2. The field of Nazi looted art restitution and the MNR art works in the light of the inherent “crime of Forgetting” of the genocide**

### **2.2.1. The Crime of Forgetting as an outstanding structure of the genocide**

In this following part, I demonstrate that the current European academic and political restitution discourse needs memory critical perspectives in order to address reification as an essential aspect of the Nazi crime of looting artefacts from individuals.

In her article: *Looking away in Nazi Germany* (2016), Aleida Assmann quotes the philosopher Günther Anders, who wrote about the German post-war period:

*In the case of the Nazi crime, amnesia was not an effect of hindsight, a retrospective strategy of disavowal and covering up the traces, but an essential part of the crime itself. He emphasized ‘that repression often does not only start after the deed but already in the doing itself, no,’ Anders went on, ‘it even comes before the act and is its effective precondition’. Forgetting, according to Anders, was thus not just a reaction and coping strategy to protect the perpetrators, it was already inscribed into the crime of the Holocaust itself.<sup>64</sup>*

Through the initial denial of persons as such, their misrecognition is not experienced in the first place. The creation of subjective invisibility is part of the crime. Following this definition of reification as essential aspect of genocide, this thought calls for a restitution process that concerns the societal (not private) individual as a whole. It attempts to not only ensure the return of the object but also and most

63 See on this: Eidelman, J., 2017. *Rapport de la mission Musées du XXI<sup>e</sup> siècle*. Paris : Ministère de la culture, March 2, <https://www.ladocumentationfrancaise.fr/rapports-publics/174000177-inventer-des-musees-pour-demain-rapport-de-la-mission-musees-du-xxie-siecle>, last access 16.08.2019.

64 Assmann, A., 2016, p.128 f.; her discussion is based on a quote from: Anders, G., 1964. *Wir Eichmannsöhne. Offener Brief an Klaus Eichmann*. München: Beck.

importantly to prevent their individual identity from falling into oblivion. I am going to explore this thought in depth in *chapter three* of the thesis.

First, I aim to answer the following questions: what exactly is this forgetting inscribed in the Nazi art lootings from a memory critical perspective? How is it addressed in the current academic discourse on Nazi-looted art restitution? How and why does the forgetting of societal subjectivity reappear in the political communication on Nazi-looted art restitution throughout time?

### 2.2.2. The present discourse on forgetting, restitution and – the reification of the subject

Irwin Cotler, legal scholar and former Minister of Justice and Attorney General of Canada, defines the greatest systematic looting of all times committed by the Nazis, including every kind of cultural assets from a kitchen chair, over silver ware to artworks as *thefticide* – the greatest mass theft on the occasion of the greatest mass murder in history”.<sup>65</sup> By using the term *thefticide*, Cotler amongst other legal scholars and historians underlines the intangible value connected to the mass dispossession in the context of genocide, going beyond the material expropriation of property and monetary values.<sup>66</sup>

The dispossessions were directly linked to the purpose of complete extinction of the Jewish people – who are in this context the defined community by the perpetrator – in this manner liquidating the dispossessed individual into a “profit” for the Nazi regime.<sup>67</sup>

The Dutch legal scholar Wouter Veraart is one of few scholars who concretely discusses the form of juridical forgetting of the person preconditioning this crime in the context of Nazi-looted art restitution when he suggests:

*The objective was to exclude them from public, social, and economic life, and to hit them severely in their capabilities to act as responsible human persons. As Hannah Arendt (1975) and Raul Hilberg (1985) have shown, the targeted “killing” of “the juridical person in man” (Arendt 1975, 447) by a systematic deprivation of property rights (expropriation, in Hilberg’s terms) must be understood as a necessary step in the multilayered process of “destruction” of the European Jewry by the Nazis and their helpers, accompanied or followed by deportation, concentration, and physical annihilation. Popular concepts such as confiscation, looting, theft, robbery, or expropriation do not capture this deliberate assault on the juridical person very well,*

65 Cotler, I., 1998. “The Holocaust, ‘Thefticide’ and Restitution: A Legal Perspective.” In: *Cardozo Law Review*, Vol. 20, pp. 601 –23.

66 One of the first scholars, who described expropriation as a step within the systematic “Destruction of the European Jewry” (1985) was Holocaust scholar Raul Hilberg, in his book with the same name; see as well on the looting of “homes” and furniture as social exclusionary part of the Holocaust and the post-war society in France: Shannon L. Fogg: *Stealing Home Looting, Restitution, and Reconstructing Jewish Lives in France, 1942–1947*. Oxford: Oxford University Press 2017; on the essentiality of cultural destruction and expropriations in the original concept of genocide see: Bilsky, Leora and Rachel Klagsbrun: “The Return of Cultural Genocide?”. In: *European Journal of International Law*, Vol. 29, Nr.2, 2018, pp.373-396.

67 Goschler, C., Ther, P. 2008. “A History without Boundaries: the Robbery and Restitution of Jewish Property in Europe”. In: *Robbery and Restitution. The Conflict over Jewish Property in Europe*. Dean, M.; Goschler, C.; Ther, P.(edt). New York 2008, p.4 f.; Aly, G., 2007. *Hitler’s Beneficiaries. Plunder, Racial War, and the Nazi Welfare State*. New York: Metropolitan.

*as all these notions somehow suggest that material gain, greed, or profit seeking has been the ultimate goal.*<sup>68</sup>

Veraart makes an essential point in this statement when he underlines that the indication of looted art turns the attention wrongfully towards the object level and material result of the crime. However, Veraart's analysis does not take account of the fact that the theft goes beyond the "killing" of "the juridical person in man".<sup>69</sup> We are given no explanation of why "the capabilities to act as responsible human persons"<sup>70</sup> are fully defined by their existence as juridical subjects beyond the information that the author discusses the subjects within his legal academic framework.

Having a closer look at Hannah Arendt's argument that Veraart uses as a basis for the discussion of Nazi-looted art restitution illustrates this point clearly.<sup>71</sup> Hannah Arendt's in her examination of totalitarianism discusses the destruction of the juridical person as one step of annihilation but she ends with the final attempt to destroy a person's unique identity. Arendt writes:

*The killing of man's individuality, of the uniqueness shaped in equal parts by nature, will, and destiny, which has become so self-evident a premise for all human relations that even identical twins inspire a certain uneasiness, creates a horror that vastly overshadows the outrage of the juridical-political person and the despair of the moral person.*<sup>72</sup>

Therese O'Donnell, lecturer in human rights law, as one of very few scholars on the subject of Nazi looted art restitution, puts this destruction of identity aspects in the center of her research on Nazi looted art restitution.<sup>73</sup> The story of Nazi looting following her "offers insights into the route to Auschwitz. However, restitution cases offer perspectives on the road from Auschwitz, notwithstanding the impossible restoration of life."<sup>74</sup> Restitution processes following her had the potential to engage with societal "pre-survivorhood".<sup>75</sup>

At this point, I believe, heritage theories developed by, amongst others, Appadurai (1986)<sup>76</sup>, Gell (1998)<sup>77</sup>, Hooper-Greenhill (2005)<sup>78</sup> and Hoskins (2006)<sup>79</sup>, further add to the understanding of societal identity aspects in *thefticide*. They

68 Veraart, W., 2016. "Two Rounds of Postwar Restitution and Dignity Restoration in the Netherlands and France". In: *Law & Social Inquiry*, vol. 41, no. 4, pp. 956–972, p. 958.

69 Ibid.

70 Ibid.

71 Hannah Arendt: *The Origins of Totalitarianism*. San Diego/New York/London: Harcourt Brace & Company 1973.

72 Arendt 1973, p.454.

73 Thérèse O'Donnell: "The Restitution of Holocaust Looted Art and Transitional Justice: The Perfect Storm or the Raft of the Medusa?". In: *European Journal of International Law*, 22 (2011) 1, pp. 49–80, p.57.

74 O'Donnell 2011, p.56.

75 O'Donnell 2011, p.56.

76 Arpag Appadurai: *The Social Life of Things. Commodities in Cultural Perspective*. Cambridge: Cambridge University Press, 1986.

77 Gell, A., 1998. *Art and Agency. An Anthropological Theory*. Oxford: Oxford University Press.

78 Hooper-Greenhill, E., 2005. "Objects and interpretive processes." In: *Museums and the Interpretation of Visual Culture*, Hooper-Greenhill, E. (ed.). New York: Routledge.

79 Hoskins, J., 2006. "Agency, Biography and Objects". In: *Hand book of Material Culture*, Rowlands, M., Tophfer, C. and Spyer, T. and P.(ed.), pp. 74-84. New York: Sage.

all support the idea of an objects as “distributed personhood”<sup>80</sup> in personal and societal relations. People to a certain degree define their individuality through objects.<sup>81</sup> The objects are embedded in social narratives of the persons who collected them (in the broadest sense of the word collecting).<sup>82</sup>

I argue that the *thefticide* of artefacts in their reference to a person as active and independent thinking, acting and feeling subject in society, goes beyond the “killing” of “the juridical person in man”.<sup>83</sup> As my reference to Arendt shows, the engagement with the dimension of crime against individuality is by no means a discussion of personal stories and values. It is an examination of societal dignity and structure of meaning which is attacked as such.<sup>84</sup>

### **My perspective on the crime and the material aftermath of reification**

My perspective and my position as provenance researcher, art historian and museologist have a framework, which is different from that of legal studies and thus adds different negotiable narratives to the academic political discourse. This perspective reveals that the documents I come across when researching the crimes of Nazi art lootings of individuals go beyond traces of theft as well as traces of legal killing.

An in-depth proof of this claim follows in the second part of this thesis, where I present my research on a painting MNR 451, a self-portrait by the artist Pieter Potter (*paragraph 5.3*). The painting is part of the display in *salle 804* of the Louvre.

If we look at stolen artefacts such as paintings, traces of societal subjects are persistent in marks (for example by the collector, customs, art dealer etc.) on artworks and related documents. The same also applies to other kinds of artefacts such as furniture. However, one rarely finds a table, a book or Judaica whose references to a specific person are still identifiable. It is difficult to find an expropriated kitchen chair of which the references to the previous owner have not been intentionally destroyed through the crime.<sup>85</sup>

While those artefacts therefore rarely display traces that are indicative of their former owners, the recognition value in the research of artworks is higher in their references to subjects and how they were made “invisible” systematically. Both are fragmentarily preserved. This is especially the case since the Nazis systematically documented their art theft on a large scale. Dealers and buyers partially documented transactions, auction and exhibition catalogues are occasionally listed by name.

80 See on this term as well as on the discussion of the characteristics of personhood beyond the body and the agency of objects in this respect especially: Alfred Gell (edit.): “The Distributed Person”. In: *Art and Agency. An Anthropological Theory*. Oxford: Oxford University Press 1998.

81 Shannon L. Fogg, 2017. *Stealing Home Looting, Restitution, and Reconstructing Jewish Lives in France, 1942–194*. Oxford: Oxford University Press, p.6.

82 Hoskins 2006.

83 Veraart 2016, p. 958.

84 Arendt 1973, p.454.

85 See on the challenges of researching objects with a low recognition value for example: Deutsches Zentrum Kulturgutverluste, 2018 (edt.). *Provenienz & Forschung*, vol.2. Dresden: Sandstein Verlag. Notwithstanding, this should not mean that objects with a low recognition value should not be re- searched.

As much as it helps in identifying a theft, the systematic documentation of the Nazis on their lootings silently confronts us with reification. In these documents, often the former owners only appear with the indication “unknown”(Fig. 16; 18). These documents written from the perspective of the perpetrator as well as by the allies (building on the situation after the theft and the documentation and interrogations of the Nazis) mention the “gain” for the Nazis. They describe the aesthetic characteristics of the artwork such as the artist and the creation date. They may name a dealer and an intended location such as “destined for Linz”(Fig. 16) where Hitler intended to build his own art museum.<sup>86</sup> Persons apart from Hitler, Göring other Nazi officials and their dealers are linguistically often already reified in these documents.

For completely different reasons than during the French revolution, the artworks in this situation again are deprived of their former context which was declared null and void. These documents built a core source of evidence for the research into the theft.

However, the crime against the subject as such is in most cases not (any longer) perceivable. Documents which clearly testify the artefacts relation to a person as well as the ownership are by the nature of this crime rare findings. This fragmentary documentation results logically from the intention of complete erasure of persons and their “distributed personhood”<sup>87</sup>.

The documents clarify, however, the aftermath of the crime itself. Inscribed in them is the forgetting of the person and member of society. Those documents are crucial for the identification of looted artworks but must in a relevant restitution discourse be critically reflected and discussed as product of the crime.

The potential of provenance research

The absent making and thus loss of diversity can nevertheless be encountered and followed fragmentarily through provenance research. Researching the traces of ownership may point to preserved documents testifying to the cultural, social or political participation of the expropriated person.

Expropriation is also a form of societal reification of subjectivity, following the definition by Honneth introduced above, which I argue, is also present in a tendency of forgetting this dimension of the crime in the current discourse.<sup>88</sup> It is therefore necessary to add a memory critical view to the discussion, which is at this point completely defined by an academic law philosophical framework.

I conclude two things from this paragraph. First, the memory perspective of the speaker (for example Veraart as legal philosophical scholar or me as a provenance research and museologist) has an influence on which narrative of the crime is discussed. It is therefore problematic that almost every study on Nazi-looted art restitution comes from the field of legal studies. Second, de-subjectification and inherent killing of *distributed personhood* is an intentional act of forgetting the unbroken societal cultural subject as such. In this, likewise the forgetting of the

86 Schwarz, B., 2004. *Hitlers Museum. Die Fotoalben Gemäldegalerie Linz. Dokumente zum „Führermuseum“*. Wien/Koeln/Weimar: Boehlau Verlag.

87 Gell 1998.

88 Honneth 2008.

societal dimension of the theft is prescribed.

In the following paragraph, I elaborate that this form of repression is not undermined in the Nazi-looted art discourse.

### 2.2.3. There are no fair and just solutions for forgetting

In the beginning of this chapter, societal forms of forgetting were described as prescribed in the crime of Nazi art looting and its aftermath. I now show that the existing debate does not address those traumatically inscribed forms of societal oblivion, which are essential parts of the crime of theft in the context of genocide.

#### Fair and Just solutions

By reviewing the literature on Nazi-looted art restitution, it stands out that almost every scholar academically contributing to the discourse of this restitution field has a legal background. The claim for return of Nazi-looted art in many countries causes contradictions between current law and the past crime in context of genocide. A huge part of contributions on the topic therefore researches ways to solve those legal dilemmas.<sup>89</sup>

The discussion is based on different international soft-law declarations under which the so called *Washington Principles* signed by 44 countries in 1998.<sup>90</sup> The *Washington Principles* openly indicate that they are soft-law principles concerning a moral discussion of ownership.<sup>91</sup> This leads to a dominant object-focused debate which is criticized by Wouter Veraart<sup>92</sup>, in Therese O'Donnell's<sup>93</sup> concept on identity aspects (her argument nevertheless aims for the practice of mediation as a form of dispute resolution) or Evelien Campfens, former head of the Dutch Restitution Commission. She looks for clear common European rules for the handling of Nazi-looted art restitution based on the common framework of human rights.<sup>94</sup> Nevertheless, the dominant discussion on restitution takes place with the intention to formulate regularities of the main point of the Washington principles: *finding just and fair solutions*.<sup>95</sup>

The narrative of *solving something* on a material or emotional personal level is a narrative which linguistically ends the conversation. It leads to conversations that aim to *resolve* a problem as a form of justice.<sup>96</sup> Thus, in a solely solution-oriented debate, subjective forgetting is inherent. This includes the forgetting of subjectivity of the speaker as a legal framework by nature looking for common societal rules or norms.

89 See for example: Weller 2019; Campfens 2017.

90 Washington Conference on Holocaust-Era Assets. Principles with Respect to Nazi-Confiscated Art. <http://www.state.gov/p/eur/rt/hlcst/122038.htm>, last accessed 22.04.2019; followed by the Vilnius Forum Declaration 2000, Terezin Declaration 2009.

91 Ibid.

92 Veraart 2016.

93 O'Donnell 2011.

94 Campfens 2017.

95 See for example: Campfens, E. (edit.), 2015. *Fair and Just Solutions?: Alternatives to Litigation in Nazi-Looted Art Disputes: Status Quo and New Developments*. Eleven International Publishing.

96 Weller, M., 2018. „20 Jahre ‚Washington Principles‘. Zeit für ein Restatement of Restitution Principles?“. In: Peter Mosimann/Beat Schönenberger (edit.): *Kunst & Recht 2018 / Art & Law 2018*. Bern: Stämpfli Verlag, pp. 83–96.

Even lawyers emphasize that objective rules are insufficient to acknowledge specific cases of persecution.<sup>97</sup> The *solution* to this increasingly complicated moral disputes in legal structures of the present in most argumentations is therefore: *alternative dispute resolution*.<sup>98</sup> This means that one sits down at a table behind closed doors, discusses and jointly finds a solution to whether the work of art remains in the museum or is returned, or, as favoured and discussed by many scholars, *creative solutions*<sup>99</sup> are negotiated, such as putting a name tag next to a painting or establishing shared ownership.<sup>100</sup>

This form of dialogue is important indeed but it does not reflect the central memory political dynamics of the debate. It positions the person related narrative argumentatively in the solution-oriented approach (especially present in the term *creative solution*). This form of communication still aims to solve a problem about cultural goods at an ownership level referencing a moral argument. It is based on the idea that the references made in the discourse to “memory” and “stories” establish an unpolitical, innocent subcategory of personal emotional value annexed as an argumentative rationale to the ownership dispute.

At this point a discursive gap exists. The job of lawyers and legal scholars is to find or research regulations for our coexistence and general solutions where conflicts arise in the present. In this case a conflict over cultural assets. It needs to be emphasized that it is not the concern of juridical scholars to discuss and tackle specific structures of societal forgetting but of heritage experts. Historians and heritage scholars as well as museum scholars who have published on Holocaust restitution nevertheless integrally understand artefact restitution as part of *Jewish property restitution*<sup>101</sup> and do not get involved in the political Nazi-looted art restitution discourse and practice.<sup>102</sup> Those historical discussions of the emergence of Holocaust restitution debates, conferences and the societal context in which a memory political argument such as *finding fair and just solutions* is formulated, should be considered within the debate I elaborate on this in the next *paragraph 2.2.4*.

There is hardly any academic and political questioning of the dominant narratives of memory and forgetting and about how they shape the rhetoric and meaning

97 See for example Hershkovitch C. and Rykner, D. *La restitution des oeuvres d'art. Solution et impasses*. Paris 2012; Woodhead, C. 2013. “Nazi Era Spoliation: Establishing Procedural and Substantive Approaches”. In: *Art Antiquity and Law*, vol. XVIII, no. 2, July; O'Donnell 2011.

98 Cornu, M. and Renold, M.A.J., 2010. “New Developments in the Restitution of Cultural Property: Alternative means of Dispute Resolution”. In: *International Journal of Cultural Property*, vol. 17, n° 1, p. 1-31. <https://archive-ouverte.unige.ch/unige:45776>, last accessed 09.05. 2019.

99 Ibid.

100 Ibid.

101 See amongst others the historians Gaudenzi, B. and Swenson, A. 2017; the museum scholars Arvanitis, K. and Tythacott, I., 2014 (ed.). *Museums and Restitution, New Practices, New Approaches*, Manchester. Gaudenzi and Swenson nevertheless remark: “Legal histories in particular have traced the emergence of international principles, but the focus is almost exclusively on the development of the law rather than the human agency that produced them.” (Gaudenzi and Swenson 2017, p. 10.)

102 Relevant contributions on the restitution of cultural artefacts in the context of broader memory political discourses comes from the art historian Bénédicte Savoy. See for example: Savoy 2018; “Plunder, Restitution, Emotion and the Weight of Archives: A Historical Approach”. In: Ines Rotermond-Reynard (edit.), *Echoes of Exile. Moscow Archives and the Arts in Paris 1933-1945*. Berlin/ Boston 2015, pp. 27-44.

creation within the discourse on Nazi-looted art restitution.<sup>103</sup> This discourse is created in legal academic literature but determines the actual restitution policies, discussions and practices.<sup>104</sup>

To summarize, the abstract narrative of “justice” and “fairness” contains the danger of building a memory narrative on the forgetting of humiliation of the societal person as such. The problem of unquestioned dominant societal restitution narratives about the past and remembrance politics is discussed in the following paragraph.

#### **2.2.4. A short history of the restitution narratives after World War II**

The following paragraph shows that the dominant restitution narrative is correlated to its meaning for a larger group (the national society, Europe, the global idea). This is not necessarily bad but needs to be critically discussed as a dominant narrative which does not primarily address the traumatizing reification of individuals inherent to the crime as discussed in *paragraph 2.2.2*. I argue that the *fair and just solution* principles are part of a dominant memory political narrative framework of the 1990s which is not reassessed as such.

The discussion of returning Nazi-looted art works from public institutions such as museums is generally divided into two “waves of property restitution” with different dominant societal narratives.<sup>105</sup>

##### **2.2.4.1 First Wave of Restitution - the MNR Art Works and the Nation State Narrative**

After the war the Allies seized artefacts in Germany which they considered as coming from occupied territory. The objects were collected at so-called *Central Collecting Points* to recuperate them to the supposed countries of origin.<sup>106</sup> As the Allies declared every transaction at occupied territory with Germans null and void<sup>107</sup>, those artworks included normal sales but likewise many expropriated or under duress sold artefacts by Jewish private persons.

The historian Claire Andrieu, specialist in the political history of contemporary France through an examination of historical political measures on nationalisations of the Liberation, found out that in the 1940s and 50s around 80 percent of the French electorate was in favour of a nationalization of the Jewish assets to create what was called “social and economic democracy”<sup>108</sup>. In this further described “new vision of economic policy”<sup>109</sup> the French State after the war would have

103 See on the difficulties of rhetoric of law in context of historical injustice Sebok, A. J.: “Reparations, Unjust Enrichment, and the Importance of Knowing the Difference between the Two.” In: *New York University Annual Survey*, No. 58, New York 2003.

104 Ibid.

105 See a.o. Veraart and Winkel, 2012 (edit.).

106 See on the CCP’s Lauterbach, I., 2018. *The Central Collecting Point in Munich. A New Beginning for the Restitution and Protection of Art*. Los Angeles: Getty Research Institute.

107 Andrieu, C., 2012. “Post-war Restitution vs Present-day Reparation in France Towards the Disappearance of Legal and Political Dilemmas?” In: Veraart, W. and Winkel, L., 2012 (ed.). *The Post-war Restitution of Property Rights in Europe. Comparative Perspectives*. New York: RVP Publishers Inc., pp.11-21.

108 Andrieu 2012, p.15 f. ; She quotes her study : C. Andrieu, Le Vab, L. and Prost, A., 1987 (ed.) : *Les nationalisations de la Libération. De l’utopie au compromis*. Paris : Presses de Sciences Po.

109 Andrieu 2012, p. 16.

sold and kept in museum custody a number of unclaimed art works handed over to the State by the US allies as “democratic measure”.<sup>110</sup> The French government declared (with the end of the Art Recovery Commission) in a decree from September 1949 that those works, known under the signatory *Musée Récupération National* M.N.R. (National Museum Recovery) would not belong to the State, which was only their provisional holder.<sup>111</sup> The artefacts did not become part of the State collections but were recorded in special museum inventories (M.N.R.) to enable a possible deaccessioning in case of a reasonable claim by a previous owner.<sup>112</sup> Chosen were according to the decree: “paintings of high quality, worthy of the Louvre, then works by secondary masters but signed and dated or curious and rare works intended for the Louvre’s study salles and storerooms.”<sup>113</sup> Statutes of limitations for reclaiming the works have never been set, although the decree was planned provisionally before the works were to become State property.<sup>114</sup>

Until the present day still 2,100 artworks are placed under the authority of the Ministry of Foreign Affairs, which has entrusted their management to the *Service des musées de France*. They are supposed to present them and the dissemination of information concerning their status to the public. The decree stipulates that the objects must be deposited in national or regional museums.<sup>115</sup>

Veraart argues that the restitution wave of the 1940s and 50s in France served a kind of legal *dignity restorations* assimilating the victims silently in the existing society through the re-installment of legally recognized citizenship.<sup>116</sup> The participation of the French State in the killing and trial of erasure of the French Jewry was nevertheless publicly silenced for several decades, which the historian Henry Rousso popularly described as *Vichy Syndrome*.<sup>117</sup> One reason first described by the German historian Hermann Lübbe as “*communicative silence*”<sup>118</sup> is the fact that after the war the system changed but the people in power remained the same. Although this phenomenon is dominantly discussed for the German society, it was likewise described for the French population.<sup>119</sup> France was (and still is) the European society with the highest population of Jewish citizens, the

110 Ibid.

111 Masne, de Chermont, I. and Schulmann, D., 2000. *Le pillage de l'art en France pendant l'Occupation et la situation des 2000 œuvres confiées aux musées nationaux*. Contribution de la direction des Musées de France et du Centre Georges Pompidou aux travaux de la Mission d'étude sur la spoliation des Juifs de France. Paris, La Documentation française.

112 Ibid.

113 Decree of 30 September 1949, quoted in: Le Masne de Chermont and Schulmann 2000, p.36.; see as well Karlsgodt, E., 2011. *Defending National Treasures. French Art and Heritage under Vichy*. Stanford: Stanford University Press.

114 Karlsgodt 2011.

115 Le Masne de Chermont and Schulmann 2000.

116 Veraart 2016, p. 970.

117 Rousso, H. 1987. *Le syndrome de Vichy (1944-1987)*. Paris: Le Seuil.

118 Lübbe, H., 1983. „Der Nationalsozialismus im politischen Bewußsein der Gegenwart.“ In: Martin Broszat et al. (edt.): *Deutschlands Weg in die Diktatur*. Berlin, pp. 329-349. See a.o. Dessingué, A., 2016. “Remembering, Forgetting and Silence”. In: *Beyond Memory. Silence and the Aesthetics of Remembrance*. London: Routledge.

119 The latest research on the post-war amnesia of the art lootings in context of the Holocaust can be found in the chapter Polack, E., 2019. “Récupérations, Restitutions et Amnésie”. In: *Le Marché de l'art sous l'occupation. 1940-1944*. Paris: Tallandier, pp. 161-200.

people involved in the crimes were still dominantly present in society, the French Jewish citizens often wanted to reintegrate in the French society or/and their testimonies were not acknowledged.<sup>120</sup> The historians Goschler, Dean and Ther in their publication on *robbery and restitution* of Jewish property in Europe summarize what I try to illustrate in the description of the political memory dynamics of the first restitution wave:

[A]fter 1945, the perspective of the Jewish victims, over which the bitter conflicts regarding lost property have cast a dark shadow, cannot simply be integrated within a broader European history of how post-war societies dealt with the legacies of the Nazi past.<sup>121</sup>

Still in 1994, president Francois Mitterrand, who himself turned out to be entangled with the Vichy regime in the begin of his career, underlined: “I will not apolo- gize in the name of France [...] The Republic had nothing to do with this. I do not believe France is responsible.”<sup>122</sup>

#### 2.2.4.2 Second Wave of Restitution – the European Moral Value Narrative

For the first time in 1995<sup>123</sup> Jacques Chirac openly underlined the responsibility of the French state for the Holocaust on the occasion of ceremonies of the 53d anniversary of the *Vel d’hiver*.<sup>124</sup> He declared:

*France, the homeland of the Enlightenment and of the rights of man, a land of welcome and asylum, on that day committed the irreparable. [...] Breaking its word, it handed those who were under its protection over to their executioners [...] we owe them an everlasting debt.*<sup>125</sup>

In the words of sociologist Sarah Gensburger, Chirac switched the State’s reference from a dominant narrative of a pure and glory nation towards the European narrative of a homeland of human rights based on the remembrance of guilt for a crime against humanity.<sup>126</sup>

These *politics of regret*<sup>127</sup> (Jeffrey K. Olick 2007) mark the establishment of a new European Union narrative triggered by the breakdown of the Soviet Union and the end of the cold war. Several authors describe these political expressions of regret for the Holocaust as a construction of a European (dominantly Wes-

120 Shannon L. Fogg, 2017. *Stealing Home. Looting, Restitution, and Reconstructing Jewish Lives in France. 1942–194*. Oxford: Oxford University Press, p.5 f.

121 Dean, M., Goschler, C. and Ther, P., 2007. *Robbery and restitution: the conflict over Jewish property in Europe*. Edt. United States Holocaust Memorial Museum, p. 15 f.

122 Simons, M., 1995. “Chirac Affirms France’s Guilt In Fate”. In: *New York Times*, July 17, <https://www.nytimes.com/1995/07/17/world/chirac-affirms-france-s-guilt-in-fate-of-jews.html>, last access 04.12.2018.

123 Since 2000 the commemoration of the *Vel d’hiver* roundup is an annual national commemoration day in France.

124 In the *Vel d’hiver* roundup, the French police independently from the Germans organized the persecution of Jews.

125 Simons, M., 1995.

126 Gensburger, S., 2002. “Les figures du « Juste » et du résisant et l’évolution de la mémoire historique française de l’occupation”, *Revue française de science politique*, vol. 52pp. 291-322, p. 299.

127 Olick, J., K., 2007. *The Politics of Regret. On Collective Memory and Historical Responsibility*. New York 2007.

tern) we group of common moral values based on a common negatively charged past.<sup>128</sup> The change of societal value system in the 1990s based on a reference to the Holocaust corresponds with the beginning transformation from *communicative* to *cultural memory* mediated through a.o. museums, which the Assmann's describe for the generational shift around 40 years after an event.<sup>129</sup> It stands out in this respect that it was in the 1990s that the first historians and journalists published on the Nazi-art lootings as *Rape of Europe*<sup>130</sup> and created an initial awareness of the "heirless"<sup>131</sup> MNR artworks, which were still present in the storages of the national museums.<sup>132</sup>

The *Washington Principles*<sup>133</sup> on Nazi-looted art restitution were signed in 1998 in what the scholar on historical injustice Elzar Barkan describes as a new "moral paradigm"<sup>134</sup>. He further suggests that restitution for historical injustice might be a societal possibility for reconciliation through the renegotiation of cultural perpetrator and victim identities and the development of a common narrative based on the historical crime.<sup>135</sup> The German historians, Goschler and Ther in 2007 instead critically remark that the discussion of restitution of Jewish cultural property never has provoked an actual societal renegotiation of perpetrator and victim status resulting in a reconciled society. Beyond that, they rightly question how much individual victim voices would have had a saying in this public rewriting of *one* common narrative. As the latter would have been inherently hierarchical in the light of an unequal past.<sup>136</sup>

This point is essential for my argument as it discusses the difficulty of a reconciliation idea resulting from *politics of regret* and property returns. Those politics by their nature do not reflect and negotiate political dominant narratives but reverse

- 128 Levy, N. and Sznajder, N., 2006b. *The Holocaust and Memory in the Global Age*. Philadelphia: Temple University Press.
- 129 On the inheritance of a sense of collective guilt for the Holocaust in Germany and Europe, see especially Karl Jaspers, who already came with the concept of collective guilt in a German context for the first time in the 1940s Jaspers, K., 1947. Ashton, E.B. (trans.): *The Question of German Guilt*. New York : Dial Press.; see further amongst others: Schlink, B., 2013. *Guilt about the Past*. Queensland: University of Queensland Press
- 130 Barkan, E., 2000; Dan Diner and Joel Golb: "On Guilt Discourse and Other Narratives: Epistemological Observations regarding the Holocaust". In: *History and Memory. Passing into History: Nazism and the Holocaust beyond Memory — In Honor of Saul Friedlander on His Sixty Fifth Birthday*, Vol. 9, No. 1/2, 1997, pp. 301-320.
- 131 Nicolas, L., 1994. *The Rape of Europe: The Fate of Europe's Treasures in the Third Reich and the Second World War*. London: MacMillan. For another standard reference on the subject written in the 1990s see as well Petropoulos, J., 1996. *Art as Politics in the Third Reich*. Chapel Hill: University of North Carolina Press.
- 132 See on this term Evelien Campens 2017.
- 133 Feliciano, H. *Le Musée disparu. Enquête sur le pillage des oeuvres d'art en France par le Nazis*. Paris: Austral.
- 134 Washington Conference on Holocaust-Era Assets, *Washington Conference Principles on Nazi-Confiscated Art* (1999), available at <http://fcit.usf.edu/holocaust/resource/assets/heacappe.pdf>, archived at <https://perma.cc/J9PM-FZJS?type=pdf> [hereinafter *Washington Principles*].
- 135 Barkan 2001. The different international conferences on Holocaust restitution which took place between 1997-2001, following the German historian Nietzel, contributed to the affirmation of a national belonging to an international community of values in the sense of cosmopolitanizing or/and re-nationalization. See Nietzel, B., 2013. „Die internationalen Holocaust Konferenzen 1997-2002“. In: José Brunner, Constantin Goschler, Norbert Frei (edt.), *Die Globalisierung der Wiedergutmachung: Politik, Moral, Moralpolitik*. Wallsteinverlag Göttingen, pp. 168.
- 136 Dean, Goschler and Ther, 2007(edt.), p. 14.
- 137 Dean, Goschler and Ther, 2007(edt.), p. 14.

them.<sup>137</sup> They are still based on a perpetrator-victim narrative in which no plural questioning of societal dominant narratives is taking place.

I consider relevant in this respect that the historians Goschler and Ther have found that the general discussion of returning Jewish private property in the 1990s must be seen in a context of new global market structures.<sup>138</sup> They propose that while “the wealthy Jew” had been the main Nazi stigmata, returning property might be a reversed continuity of this mindset with the intention to create a new political European community built on shame for the past.<sup>139</sup>

Recent evidence on the social effect of memory politics gained in a survey conducted by the French sociologists Sandrine Lefranc and Sara Gensburger for the Science Po Paris in 2017, suggests that “victims are not only suffering beings;[...] By drawing attention to [individual] disarray,[one] is likely to divert attention from the complexity of political games [from the era of drama as well as from the era of memory politics]”.<sup>140</sup>

The study comes to the conclusion that memory culture can only produce a societal “moral” effect (resistance against anti-Semitism, pluralistic societal democratic narratives) when it triggers independent thinking and reflection of norms – including memory norms or to come back to the subject of this thesis: Nazi-looted art restitution norms.<sup>141</sup>

In conclusion, a communication about purifying, reconciling memory narratives or sole academic discussion of *fair and just* solutions can never trigger a *restorative* reflection of societal dynamics.

This argument should certainly not lead to a reasoning for not returning the artworks and other artefacts. However, due to the resentment towards Jewish persons and against everything that is perceived as “alien”, which are widespread and extremely rising in Europe again today<sup>142</sup>, there is a need for increased societal clarification and commentary on the return of the stolen assets. The persistent anti-Semitic stereotypical narrative of the “rich Jew”<sup>143</sup> is not undermined in the solution-oriented, object focused *fair and just solution* discourse, although it carries a justice potential within a juridical framework. However, the concept has other difficulties. The historians Levy and Sznajder (2006) discuss the debates concerning the possibility and limits of political forgiveness for the Holocaust through restitution and compensation.<sup>144</sup> The authors critically summarize

138 Toth, M., 2015. “The Myth of the Politics of Regret.” In: Millennium. Journal of International Studies, vol. 43, no.2, pp. 551-566.

139 Dean, Goschler and Ther, 2007(edt.), p. 7.

140 Ibid.

141 Gensburger, S. and Lefranc, S. 2017. *À quoi servent les politiques de mémoire?* Paris: Presses de Sciences Po, p. 93.

142 Gesnburger and Lefranc 2017, p. 93 f.

143 Henley, J., 2019. “Antisemitism rising sharply across Europe, latest figures show. France reports 74% rise in offences against Jews and Germany records 60% surge in violent attacks.” In: *The Guardian*, February 15, <https://www.the-guardian.com/news/2019/feb/15/antisemitism-rising-sharply-across-europe-latest-figures-show>, last access 11.05. 2019.

144 See also: Zweig, Ronald W., 2007. “The Hungarian Gold Train. Fantasies of Wealth and the Madness of Genocide.” In: Dean, M.; Goschler, C. and Ther, P. (edt.): *Robbery and restitution. The conflict over Jewish property in Europe.* United States Holocaust Memorial Museum, pp. 211 – 223.

145 Levy, N. and Sznajder, N., 2006a. “Forgive and Not Forget: Reconciliation Between Forgiveness and Resentment”. In: Barkan, E. and Karn, A. (edt.): *Taking Wrongs Seriously. Apologies and Reconciliation.* California, pp. 83-100.

the attempts for restitution as: “behind all of them lies the alleged power to undo what has been done”<sup>145</sup>. The reconciliatory limits of this concept of property restitution following them lies in its economic value concept.<sup>146</sup>

Those remarks should be kept in mind when we think about the moral statement by 44 governments of the Washington Principles concerning Nazi-looted artefacts. The idea of problem solution without questioning its political framework(s) is linguistically also present in the Washington principles’ call for *fair and just solutions*<sup>147</sup>.

In the preceding paragraph a review of the dominant memory politics in France (and Europe) in relation with restitution practice was presented to demonstrate that the narrative of problem solution occurring in the 1990s is strongly connected to memory political meaning creation for a moral paradigm of common European values. The societal narrative neither in the 1950s nor in the 1990s (ongoing today) addresses and triggers a reflection on the societal dimension of reification and denial of a pluralistic society inherent to the crime. None of the narratives triggers a reflection on what we as a current world have lost through the crime and what we lose in abstract narratives on their reparation.

### **Summarizing the theoretical framework**

Summarizing, the politics of memory and forgetting in general were discussed in the first part of *chapter two*. There, the problem and the potential the Louvre truly conveys as holder of potentially looted artworks and main public representative of national narratives about the past was being dealt with.

After having established my general framework of memory political dynamics, I discussed the dominant academic and political Nazi-looted art restitution narratives in different times after the war as narratives of memory and forgetting creating meaning in the present.

Based on *chapter two*, I conclude that there exists a lack of reflection on the discourse of Nazi-looted art restitution from a memory critical perspective. I argue, that the focus on research and discourse on *fair and just solution* principles are part of a dominant memory political narrative of the 1990s. It does not tackle the main aspect of genocide of which the theft of artefacts is a part: the crime of subjective societal forgetting. Furthermore, the discourse is not reflective of this creation of meaning based on memory narratives redefined from the needs of the present. Just as Jan and Aleida Assmann, I therefore introduce the next chapter of my concept which is going to include that the memory narrative of Nazi-looted art restitution needs to be constantly renegotiated to become relevant for a societal context of the present that formulates the past and opens up ideas for the future.

146 Levy & Sznajder 2006a, p.84.

147 Ibid.

148 Washington Principles 1998.



### 3 My conception of a Parrhesia of Traces in the discourse of Nazi-looted art restitution

„Contradictions are our hope.“<sup>148</sup>  
– Bertolt Brecht

#### 3.1 My Claim

As I showed in the previous part of this thesis, the principle of restitution for historical injustice builds on a heritage argument: the relation between human and object, recognition of persecution, extinction and the opposing human rights ratio.<sup>149</sup> Following O'Donnell, the *thefticide* tells a story of extinction – while restitution offers a story with a transitional justice potential *from Auschwitz*.<sup>150</sup>

I argue that the disclosure of Nazi-looted art restitution might in this have an overseen potential but lacks critical reflection from the perspective of critical museology and heritage studies. This thesis is based on the theories of political notions of memory and forgetting by Jan and Aleida Assmann as a creation of plural narratives within a democratic open society.<sup>151</sup>

Restitution in my concept means the restoration of a destroyed communication that refers to the autonomously thinking and acting (and thus cultural) subject in the world. It is precisely in disregarding this relation, where the *thefticide*'s forgetting is prescribed.

The artefact's *thefticide*, beyond a “legal killing of the person” (Arendt (1973)/ Veraart (2016)) attacks the individuality and autonomy of a spontaneous thinking, feeling/empathetic and acting human being in society. This attack goes beyond the juridical person and intends to make them unrecognizable as such, directing it towards oblivion.<sup>152</sup> Restitution must therefore establish a communication, which addresses the attacked societal person in order to undermine the forgetting of the crime.

The traces of those excluded stories are still there, but as a result of erasure attempts, their concrete absence is still invisible in the societal discussions. Full restitution, i.e. recognition therefore must aim for a communication beyond a legal discourse.

The condition for such communication consists in the linkage between documents and other traces, testifying the “pre-survivorhood”<sup>153</sup> of a societal person with the looted artwork to create an actual reference to the subject. The restoration of this communication system allows a more accurate reflection and remembrance of the societal crime, including the absent stories of the Others<sup>154</sup>,

148 Epigram to Bertolt Brecht: *Threepenny Lawsuit* 1931.

149 Campfens 2017.

150 O'Donnell 2011.

151 Assmann 2018.

152 Arendt 1973; Cotler 1998; O'Donnell 2011.

153 O'Donnell 2011, p.56.

154 The Other and the Self instead of other and self as Philosophical concepts underline the structural dialogic relation between both. The term “the Other” in my thesis refers to the fact that “the Other” is unassailable in their nature and dignity.

of subjects who are still excluded from the ongoing world. It is readable in a way that makes an actual reflection and remembrance of the societal crime possible in the first place.

My concept *Parrhesia of Traces* implies that restitution starts with the reflection of formulated narratives, with language, and the chosen way of talking. The novelty of my restructuring approach to the communication in the context of Nazi-looted art restitution consists mainly of two practical steps.

First, authors using the concept of a *Parrhesia of Traces* reflect the dynamics of creating political meaning through remembering and forgetting in their used restitution narratives (e.g. “finding fair and just solutions”). This reflection forms a critical consciousness about the fact that the social meaning we create in the present-time restitution narratives directly influences the societal view on the past, present and future.

Based on this reflection, one can – in a second step – examine whether the present narrative’s projection of the past includes and derives from the non-reified subject as well as the reifying social crime. Thusly, one can check if the narrative reflects the misrecognition of forgetting societal subjectivity.

The basic functions of my concept allow the integration of a *Parrhesia of Traces* into any form of communication of the current Nazi-looted art restitution discourse. Thus, the concept enables us to recognize and overcome the ongoing forgetting of social disdain, which I identified as inherent to the dominant discourse.

My concept “Parrhesia of Traces” is based on Jacques Derrida theory of *la trace*<sup>155</sup> and Michel Foucault’s definition of a *parrhesia*<sup>156</sup>, the development of which is further explained in the following passages.

### 3.2. My use of Jacques Derrida’s conception of *la trace*

The necessity of a restitution discourse in the context of this thesis derives from the following: The restitution discourse must illuminate and reflect – in its structure – both aspects of the ongoing forgetting, in order to be able to step out of the shadow of crime and thus address the actual crime in its political charge. It must consequently:

A) make the forgetting of the societal dimension and State’s responsibility for the crime recognizable, and

B) be able to address the still absent subject

The existing oblivion can be illuminated by acknowledging the presence of absence, the archive à *la trace*, namely:

A.) *La trace* of the crime

B.) *La trace* of the societal subject

155 Derrida, J., 1983. *Grammatologie*, transl. by Rheinberger, H.J. and Zischler, H. Frankfurt am Main.

156 Foucault, M., 1983. *Discourse and Truth: the Problematization of Parrhesia. Six lectures at University of California at Berkeley*. CA, Oct-Nov.

Derrida explains the human ability to use signs with his concept of *la trace*. *La trace* is that, which cannot be brought into a simple present and thus refers to the structure of the sign in general. Derrida uses this term to refer to the possibility of perceiving something in the sensual present that cannot be recognized within itself, something that points beyond itself.<sup>157</sup>

For him, *la trace* is primarily scripture. Scripture on its own is an entity that is able to render something else, even another person, present. However, this Other presented by scripture, again, is another Other. The Others in scripture are always present in the way scripture represents them. It makes them present “as such”.<sup>158</sup> Scripture exemplarily represents subjects in a manner that allows the audience to conceive them as the Other both temporally and locally (historically and non-presently).

In the here proposed concept, restitution is to be interpreted to take the process of searching for, understanding and reconstructing the individuals on the basis of the traces left by them (artefact, images, texts) seriously. The Other, who has seemingly been lost and distorted forever can, through this foregoing interpretation alone, be understood as the Other in the artefacts and documents in order to be restituted as the Other. *La trace* (the form of relationship) between absence and presence is the smallest unity that cannot be deconstructed – it cannot be dissolved.

Restitution means making this process of retracing visible to the contemporary society: this means exposing the discovery and reconstruction of the Other who has absolutely elapsed<sup>159</sup> and highlighting it in such a way that everyone can recognize their absence. The subject is unbroken because it possesses an inalienable dignity.

Today we do justice to the person as an unbroken subject by making the trace re-readable. Specifically by making it understandable, individually accessible and interpretable for the present time. Using Hannah Arendt’s definition of *the political*, I define this revelation of traces of individual’s acting and thinking in the world and/or about the world (any public space between people) as fundamentally different from exposing private and intimate narratives.<sup>160</sup>

### 3.3. Michel Foucault - the Parrhesia: The talking and recognition of the Other

Only in an active negotiation of the traces of what and whom has been, can restitution policies be understood as a conscious shaping of the present in the face of the past. The concept of *Parrhesia* is ambiguous in its meaning. Translated from Latin it literally means to “speak freely”. In Hebrew the term means as much as “in the public eye”.<sup>161</sup> Both connotations, i.e. free speech and in the public eye, are central to the concept of a *Parrhesia of Traces* developed in this paper.

157 Derrida 1983, p.82.

158 Ibid.

159 Derrida 1983, p. 116.

160 Arendt 2005, p.93.

161 Smit, P.B. and van Urk, E., 2018 (edt.). *Parrhesia. Ancient and Modern Perspectives on Free Speech*. Leiden/Boston: Brill, p.28.

Most prominent, however, was the French philosopher Michel Foucault's formulation of the truth of *parrhesia*, which adds two levels of meaning important to this concept.<sup>162</sup>

*Parrhesia*, according to Foucault, is free speech formulated in the face of public risk. This act of speech is as such also always linked to the sincerely speaking subject itself, who thinks and speaks for his own sake and in the sense of the world around him, although this freedom of speaking might represent a personal risk.<sup>163</sup>

*Parrhesia* in this sense is a speaking out of a necessity of the subjective self-conscious person, which in the broadest sense breaks a public silence or strives towards a dominant position in order to improve it. Corresponding with Honneth's idea of recognition (and again Derrida's *la trace*), reification can be overcome through the recognition of the Self in relation to the Other and vice versa as basis for social coexistence; the Other is in a way part of oneself.<sup>164</sup> In this *parrhesia* is at its core political.

The crime of the Holocaust presupposes forgetting.<sup>165</sup> That includes forgetting one's own subjectivity, not just the subjectivity of the Other. The concept of Nazi-looted art restitution presented in this thesis aims to interlink communication to a system of social signs (traces) to make that, which has been attempted to be extinguished readable and accessible again.

This is the memory critical potential of the concept of restitution, namely, to realize that our self-understanding as a society as well as an individual participating in the society depends on how we deal with history. Restitution in this sense requires the implementation of a communication that facilitates the social ability of considering, that is to say the ability of not looking away. This includes reflecting on individual subjectivity, vulnerability, shame/injury/insecurity and ambiguity in relation to history.

It is based on a confrontation with the individual ability to impartially promote the hearing of diverse views on the narrative. Implementing this into the procedure of art restitution is a matter of paying attention to the forgetting and, while creating awareness for the forgotten, recognizing the political subjectivity of each specific Other, to which the stolen work of art refers. This form of communication is, by its nature, political in the sense that it does not want to expose the private subject, but refers to the thinking and acting individual in the world.<sup>166</sup>

Altogether, the concept of *Parrhesia of Traces* raises the consciousness of the restitution practice prior to and in light of the present narratives. It puts abstract, dominant arguments of memory and moral norms of Nazi-looted art restitution to the test, because reifying forms of forgetting are inscribed in them. By uncovering traces, a recognition of forgetting can take place.

162 Foucault 1983.

163 Foucault 1983, p. 67.

164 Derrida 1983, p. 82 f.

165 Anders 1964; Assmann 2016, pp. 128-148, p.128 f.

166 Arendt 2005, p.93.

## 4 Methodology and Research Design

The first part of this thesis focused on an analysis of the dimensions of political memory and forgetting present in the current academic and political Nazi-looted art restitution discourse. The national museum was separately discussed as guardian a main representative of societal narratives about the past.

Based on the identified lack of discussion of Nazi-looted art restitution from a critical memory perspective, I formulated my concept of *Parrhesia of Traces*. The methodology of this first part was established at the beginning of *chapter 2* as a literature-based research.

The second part of the thesis examines the qualitative fundamental empirical research conducted on a two-folded case study within the French context. The aim of this research is to show how the concept of *Parrhesia of Traces* works in practice. Although the qualitative research concerns a specific case study, the structural design of this study produces relevant data for the international field of Nazi-looted art restitution.

In the following chapter, I first explain the choice of my case study to then describe the research design and methods in greater detail. The methodological approach taken in this study is a mixed methodology aiming to obtain data on formulated narratives. This data is intended to fill the identified research gaps of discussion beyond the legal field. Different theoretical fields thereby demand the use of several methodologies.

Finally, I establish four research categories deriving from my established theoretical framework in *chapter 2*. These categories allow both the structured collection and presentation of data and an analyse in terms of a *Parrhesia of Traces*.

### 4.1. Case study approach

The first part of the two-folded case-study consists of a governmental advice to the French government on Nazi looted art restitution France published in March 2018 (initiated in May 2017). The report discusses the national status quo of the MNR art works and Nazi-looted art restitution. It is written by the heritage advisor of the French government, David Zivie.

Based on his argument<sup>167</sup>, the French Ministry in July 2018 restructured the national approach to Nazi-looted art restitution through the establishment of a commission dedicated to the research and restitution of cultural goods looted in context of the Holocaust under Zivie's direction.<sup>168</sup>

The second part of the case study concerns the establishment of a display at the Louvre of 31 paintings in December 2017. The paintings were recovered by the allies in deposits in Germany and handed over to the State of France after the Second World War . Those so labelled MNR artworks were believed to be

167 Ministère de la Culture 2018. «Création au ministère de la Culture d'une mission consacrée à la recherche et à la restitution des biens culturels spoliés pendant la Seconde Guerre mondiale.» *Ministère de la Culture press release*, July 26. On the Ministère de la Culture website. <http://www.culture.gouv.fr/Presse/Communiqués-de-presse/Creation-au-ministere-de-la-Culture-d-une-mission-consacree-a-la-recherche-et-a-la-restitution-des-biens-culturels-spolies-pendant-la-Seconde-Guerre-mondiale>, last access July 13, 2019.

168 Ibid.

bought or confiscated during the Holocaust from French citizens.<sup>169</sup> What is called by the curator a *lieu de mémoire*, is installed at the national museum with the intend to return those of the paintings, which were confiscated.<sup>170</sup>

I choose these events as they are ideal for the demonstration of the concept of *Parrhesia of Traces*, having in mind the identified lack of contributions from a non-legal field. Both events are implemented by heritage experts. The restructuring of Nazi-looted art restitution politics under the guidance of the heritage expert David Zivie is a new development in the international Nazi-looted art restitution context. It is likewise the first permanent display of potentially Nazi-looted art works in a national art museum.

The report and the *salle* were realized approximately at the same time (2017/2018). Report and *salle* represent two different forms of political public communication on Nazi-looted art restitution in which the concept of *Parrhesia of Traces* is relevant. Both parts: the governmental report and the *salle* at the Louvre present current and internationally recognized communicative contributions by heritage experts to the Nazi-looted art restitution discourse.

It must at this point be kept in mind that report and the *salle* have different media of communication at their disposal (writing - spatial representation) and pursue different expediencies, that is:

- 1.) the report as advice on state behavior regarding MNR restitution and
- 2.) the *salle* as spatial representation of State behavior regarding MNR restitution.

However, the formulated narratives are analyzable as being two different forms of political communication on restitution of MNR art works.

## 4.2 Data Collection Methods

Data for the research was collected through the following methods:

### Literature review

The literature review and theoretical critical analysis was methodologically introduced and implemented at the first part of this thesis.

### Critical Reading of the Report and Thick description of the *salle*

The main methods, I used to collect data on the Zivie report as well as on the Louvre *salle* are critical reading respectively thick description. Both methods allowed me to structurally collect and present the political reasoning and narratives of the report and the *salle*. Both methods produce data on the narratives of the text and the *salle*.

I used the method of critical reading to collect data on David Zivie's argumentation structure concerning the aspects I consider relevant for the discourse on restitution. Critical reading in this context means that I first shortly position the report in a political context as well as place the author in this context. Then, I give an overview of its structure and then present the identified narratives under

169 Direction générale des Patrimoines, Service des musées de France. «Les MNR ou les oeuvres issues de la spoliation artistique confiées aux musées de France.» *Site Rose-Valland Musées Nationaux Récupération*, <http://www2.culture.gouv.fr/documentation/mnr/MnR-pres.htm>, last access July 15, 2019.

170 Beardly 2018.

four categories, which I introduce in this chapter. Critical is this reading in so far as I only pick up arguments that have a direct connection with my developed concept. The central recommendations and necessary background studies for the report are mostly omitted. The narratives built the reasoning on which the recommendations detailed in the report are based. An analysis of the report's recommendations goes beyond the scope of this research.

The method of thick description that I used to collect data on the Louvre salle is very similar to the above given explanation of critical reading. The only difference in the way I apply the thick description, lies in the fact that the *salle* represents a spatial narrative. This difference requires a description of a spatial concept and experience instead of a text reading. The description is thick as it includes references to the interview, I conducted with Vincent Delieuvin (curator of the Louvre's painting department and salle 804). Critical reading and thick description in the way that I applied the methods are already analytical to a certain degree. I identified reasonings and presented narratives, juxtaposed them under categories and, if necessary, commented or transparently related them. Critical reading and thick description thus served me to decipher narratives and argumentation logic of the report and the *salle*, which I present in chapter five and then fully analyze in *chapter six* of this thesis.

#### Provenance research

In the context of the Holocaust, the method of provenance research is used to establish a full ownership chain between 1933-45 in order to verify if an object forcefully was taken from its owner in context of the genocide.

The research mainly draws from evidence such as marks or stamps on the object itself and all sorts of archival documents. I use the method of provenance research to look for *traces* or fragments of subjectivity individuals behind the paintings in *salle* 804 (the biography of the subject, his/her relation to the artwork, and also the restitution process itself). I draw in this research from the already established provenance details on the *Rose Valland database*.<sup>171</sup>

#### Creation of categories as research design for the analysis of a *Parrhesia of Traces*

To analyze my case study in terms of a Parrhesia of Traces, I establish four categories based on the earlier discussed theoretical framework. These specific categories enable me to jointly analyze the dominant narratives used in the communication of the report and the *salle* in *chapter six*.

I defined four categories (*chapter two*) as relevant reference points for an analysis of my case study in terms of a *Parrhesia of Traces*. I deductively grasped among them both the problem-solution-oriented, object-oriented narratives outlined in the theoretical part and the subject-oriented plural memory narratives established in my argument (extended restitution discourse). Therefore, I designed open-ended questions to collect data on the broadly defined categories:

1.) **Memory** – *Narrative(s) about the Past in the present which shape the "I" or*

171 Direction générale des Patrimoines, Service des musées de France. «Les MNR ou les oeuvres issues de la spoliation artistique confiées aux musées de France.» *Site Rose-Valland Musées Nationaux Récupération*, <http://www2.cul-ture.gouv.fr/documentation/mnr/MnR-pres.htm>, last access 15.07.2019.

“we” in the past, present and future, democratic pluralistic and national.

2.) **Restitution** – *Reparation narratives for crimes against societal subjects.*

3.) **Museum/display** – *Societal representation of narrative(s) for everybody.*

4.) **Patrimoine** - *object focussed narrative(s) or subject focussed narrative(s) re- lated to the paintings, patrimoine means also talking about subjects and in doing so about the crime of forgetting (Holocaust).*

As I pointed out in the first part of the thesis, the four discussed topics should be commonly reflected. In the implementation of the categories, this means that they are not strictly separated from each other and doublings of narratives with different “focal lights” may occur.

The closer a coherence and argumentative linkage of the categories can be identified in my analysis, the more the argumentation structure of report and/or salle is in line with a *Parrhesia of Traces*. A logic/illogic entanglement of the four categories indicates a coherent restorative argument respectively misleading references in the communication on Nazi-looted art restitution.

#### Case Study analysis in terms of a Parrhesia of Traces

For an analysis in terms of a *Parrhesia of Traces*, I translate my concept (*chapter three*) into three practical steps by using my collected data.

I first apply those three steps of a *Parrhesia of Traces* on the report, then on the salle and in a third part on both. As I can show, the report corresponds in its communication with my concept of a *Parrhesia of Traces*. Therefore, I apply the results of its analysis in the third part on the *salle* to show why the concept is needed.

Steps:

- 1) Reflection of memory narratives and their societal meaning in the communication of restitution (Category: Restitution & Memory)
- 2) Re-negotiation of the three forms of forgetting based on step 1 (Category: *Patrimoine*)
- 3) Adjustment and restructuring of an approach to communication in and for a current context (Category: Museum)

### **4.3 Presentation of the conducted indepth expert interviews**

An additional source for the critical reading of the report and the thick description of the *salle* are three in-depth interviews I conducted with experts<sup>172</sup> on the MNR art works and Nazi-looted art restitution in the French context.<sup>173</sup>

**Vincent Delieuvin**<sup>174</sup> Chief Conservationist of Italian Renaissance paintings at the Louvre and responsible (together with ??? Sébastien Allard) for the creation of the MNR display at the Louvre.

172 I consciously opted for an exclusion of birthdate and origin of the interviewees as the interviews concern their expert knowledge and involvement in the French/international Nazi-looted art restitution discourse at the time of the interviews (2018).

173 All three were (amongst others) consulted by David Zivie in his report on France’s restitution efforts because of their complementary expertise and experiences on the subject.

174 Musée du Louvre. «La collection et son personnel de recherche.» *Collections, départements et domaine Département des Peintures*, <https://www.louvre.fr/departments/peintures/organisation>, last access 17.08.2019.

**Thierry Bajou**<sup>175</sup> Chief Heritage Curator for the French Ministry of Culture, *Service des Musées de France* and **Alain Prévot**, Senior Documentary Studies Officer, in charge of the files on looted goods and provenance research into the MNR artworks. They conduct the provenance research on the MNR paintings at the Louvre and *salle* 804.

**Corinne Hershkovitch**<sup>176</sup> Restitution lawyer and expert in the field of Nazi looted art restitution in the French context. Hershkovitch published broadly on restitution and won a major case defending heirs against the Louvre for the return of looted art works from the MNR collection (Gentili Case).<sup>177</sup>

The focus of the open-ended questions was adjusted to the interviewees field of expertise and aimed to produce data within the framework of my four research categories. This is especially relevant in the case of the Louvre curator, Vincent Delieuvin. In the conducted interview, I focused on the meaning and narrative of my four established categories concerning the Louvre *salle*.

A full discussion of the three conducted interviews lies beyond the scope of this study. The setting of this research as a practical exploration of my concept turned out to make it difficult to include and depict all three interviews in an adequate way without giving an insufficient idea of the interviewee's argument. I therefore opted to give three separated general overviews of my interview situations. In this context it needs to be kept in mind that I am not neutral in the field and interview situation. I have a background in art history/French, critical Museology and am working as a provenance researcher.

Conducting interviews with stakeholders within a context in which I am positioned as provenance researcher might influence the interviewee's way of talking and my interpretation of their statements. This is an aspect which needs to be kept in mind and another reason why I opted for open-end questions on the four specific categories.

The used references mainly refer to Vincent Delieuvin's explanations of the Louvre *salle*. As indicated, the data presentation does not mirror the whole conversation and cannot be considered as fully representative of Delieuvin's position and thoughts. I transparently reference those statements in which the interviewees specifically formulate narratives on memory, restitution, the museum or *patrimoine* on the Louvre *salle* as defined above to demonstrate the use/need of my concept of a *Parrhesia of Traces*.

Even though, the interviews only peripherally reappear in my data presentation, all interviews gave me differentiated and complex insights into the discussion of the MNR artworks in the French Nazi-looted art restitution and museums context. Additionally, all four interviewees agreed for an interview right away and all interviewees took more than one and a half hour of their time to discuss and answer my questions with a remarkable welcoming attitude, self-criticism and

175 Central Registry of Information on Looted Cultural Property 1933-1945. "Gifts From Hitler? Pompidou Admits Harboring Three Nazi-Looted Paintings Since 1973." *Artinfo*, 15, Dec 2011, accessible via *Central Registry of Information on Looted Cultural Property 1933-1945*, <https://www.lootedart.com/news.php?r=P7A5LE515421>, last access 09.08.2019.

176 Cabinet Corinne Hershkovitch, <http://cabinet-corinne-hershkovitch.fr/>, last access 09.08.2019.

177 Parisot, V., 2001. "The Gentili di Giuseppe Case in France." In: *International Journal of Cultural Property*, vol. 10, pp. 264 – 275.

very alert expert reflections, which in their difference broadened my perspective on the subject and context immensely.

#### Place and Language of the Interviews

No less important significant than my positioning and that of my interviewees in the discourse, is a discussion of language and place of where the interviews took place. The conversation took place in French in a professional register. My education in French, art history and provenance research enabled an understanding of all three kinds of different “languages”.

I consciously conducted the interviews in French. Language is loaded with cultural meaning. I want at this point critically discuss my choice of translating the interview parts into English throughout the text, as this translation process works to some extent against the indicated understanding of cultural notions throughout the text. I solve this problem throughout the text by citing the terms *salle*, *patrimoine* or *lieu de mémoire* in French.

#### Interviewee: Vincent Delieuvin, curator of the MNR display

The woman at the entrance is extremely friendly, the curator Vincent Delieuvin picks me up at the staircase— right away the feeling of insecurity disappears within a very honestly welcoming atmosphere.

The interview takes place at the painting department of the Louvre, in the office of Vincent Delieuvin and a colleague. The atmosphere is unexpectedly relaxed and very pleasant, I recognize that I expected the opposite – 15 minutes earlier: I am sitting on the grass in front of the building – it is gigantic, I am a little bit nervous only by looking at the architecture. I am sitting there right at the court of the *Jardins Tuileries* with a view on the glass pyramid and the huge museum behind it.

It is relevant for the use of the interview material to be aware of the interview partners agenda or what I would call different communication levels. This is especially relevant when it comes to the interview with Vincent Delieuvin, who curated the Louvre display of MNR artworks in *salle* 804. Obviously, his involvement in the conception of the *salle* influences a specific insight but likewise perspective on the display.

I differentiate at this point between two levels of communication:

- 1.) the communication of personal reflections and
- 2.) the communication as State and Louvre representative.

On this first level Vincent Delieuvin interacts with me interested and attentively. He listens carefully, makes jokes and answers my questions as accurately and sharply as possible, follows up if he doesn't understand a question and reflects noticeably on the subject and himself as he speaks. He pauses, thinks, searches for the right words, speaks self-critical and gets emotionally involved.

On a second level being the representative of the museum, the curator's statements are strongly nourished by his knowledge of public points of criticism. A possible expectation of my criticism from a position of a museologist and provenance researcher towards the *salle* might have an influence on some of his explanations. At several points he reacts as chief curator of the institution and

State employee, especially when it comes to the function and possibilities of the Louvre as institution. This is best illustrated in the phrase: *“It is maybe not perfect but at least it already exists”*<sup>178</sup> as one phrase Delieuvin repeats throughout the interview without me indicating any criticism on the display.

Thierry Bajou, Head conservator for the National Heritage of French Museums and Alain Prévét, head of the Archives of French National Museums

My second interview took place at the *Palais Royal*, where the *Service des Musées de France* is located next to the Louvre. In a small office with many books, Thierry Bajou and Alain Prévét conduct the provenance research on the MNR artworks for the French Ministry of Culture.

Interviewing Thierry Bajou and Alain Prévét turned out to be a completely different interview situation than the conversation with Vincent Delieuvin. Their relation to the Louvre *salle* is already more distanced from the curator’s position. Although they are in contact with the curator concerning the research on the MNR artworks (which they provide on the website: *Rose Valland database*<sup>179</sup>) and on the *salle*, their perspective on the Louvre installation is the perspective of academics conducting research on the MNR works and writing academic provenance research reports for the government.

They have an extended knowledge about provenance research and the proceeding of restitution on an administrative level but keep a very distanced and technical view on the Louvre *salle* when it came to the topic of memory (politics). I therefore started with open ended questions on the categories but changed the subject during the interview towards the discussion of specific provenance cases and challenges concerning the research into the MNR artworks.<sup>180</sup>

Corinne Hershkovitsh, restitution lawyer and expert

The interview takes place in Corinne Hershkovitsh’s office at St. Germain des Près. I wait in the front room in a chic but welcoming entrance area. Two women write busily at the entrance desk, they talk on the phone and smile nicely. One of the women wrote down my name *“Madame Hershkovitsh will pick you up right away”*.

Corinne Hershkovitsh is very welcoming, friendly and passionate. She tells me that she is interested in getting to know new people who are interested in the field:

*We have to get out of the system and take responsibility as an individual. One might take an example from the people who went into resistance – going out of the system and networking with the individuals who take responsibility for what they are really good at in the world.*<sup>181</sup>

We are in her office and like the other interviewees she takes one and a half hour to talk to me. She is very reflective on missing interdisciplinarity in the field: There are debates but they quickly turn into polemics, everyone is placed in her

178 Interview Vincent Delieuvin, 25.07.2018, *Min.* #00:18:17-1# - #00:22:02-3#.

179 Direction générale des Patrimoines, <http://www2.cul-ture.gouv.fr/documentation/mnr/MnR-pres.htm>, last access 15.07.2019.

180 Ibid.

181 Interview Corinne Hershkovitch 29.06.2019, *Min.* #00:40:08 – 00:40:33#.

or his position, the debate revolves around the position of everyone, not the subject itself and that is a real problem. We can't have a dialogue. So, we don't move forward.<sup>182</sup>

Exchange and listening, she underlines, would be the most important thing.<sup>183</sup> According to her experience nevertheless one should get the MNR art works out of the system of the national museums to create an interdisciplinary laboratory of research. *"like an bioethical scientific research center, where the MNR would be accessible for academics."*<sup>184</sup>

In the previous chapter, I presented the research design and the methodology, I used to conduct my research on the case study. In the next chapter, I present my data on the Zivie report and the Louvre *salle*.

182 Interview Corinne Hershkovitsh, 29.06.2019, *Min. #00:02:15:15-8# - 00:04:26#*.

183 Interview Corinne Hershkovitsh, 29.06.2019, *Min. #00:59 :56 – 01:01:00#*.

184 Interview Corinne Hershkovitsh, 29.06.2019, *Min. #00:59 :56 – 01:01:00#*.

## 5 Narratives of the Zivie report & salle 804; a two-folded case study

In the first part of this thesis I developed the concept *Parrhesia of Traces*. It claims the need to reflect and publicly defend the subjective societal traces of people connected to art works, as well as the ongoing silent trial of their eradication within the world.

In this chapter, I focus on a two-folded case study in order to show how my concept of a *Parrhesia of Traces* works in practice. I start with a critical reading of the advisory governmental report written by David Zivie. Subsequently, I give a thick description of the display in *salle 804* at the Louvre.

### I. 5.1 Critical Reading of the Zivie report: «DES TRACES SUBSISTENT DANS DES REGISTRES... »

The aim of this chapter is to give a detailed presentation and reflection of David Zivie's central arguments and formulated narratives on memory, restitution, museum and *patrimoine*. A full discussion and evaluation of those narratives in terms of a *Parrhesia of Traces* takes place in *chapter six*. The same applies to the thick description of the Louvre *salle*. As introduced in the methodology chapter, I first contextualize the report, shortly present its author and give a brief overview of its structure to then present the identified narratives.

#### I. 5.1.1. Introduction to the Zivie report

##### I. 5.1.1.1 Context Report

It was in May 2017 that the then Cultural Minister Audrey Azoulay commissioned an official report from her heritage advisor David Zivie.<sup>185</sup> The aim of the research was to assess France's progress in World War II art restitution, the handling of Nazi looted art and its organization within the State and especially within the national museums as guardians of art works reassembled under the sign MNR (as discussed in the theoretical framework).<sup>186</sup> Zivie handed in the report in March 2018 to the current French Cultural Minister Françoise Nyssen.<sup>187</sup>

The advice got first public attention in December 2017. The press focused on a statement of strong criticism of ongoing French restitution politics and a procee-

185 Online Documentation of the French Cultural Ministry, <http://www.culture.gouv.fr/Espace-documentation/Rapports/Rapport-de-David-Zivie-Des-traces-subsistent-dans-des-registres-Biens-culturels-spolies-pendant-la-Seconde-Guerre-mondiale-une-ambition-pour-rechercher-retrouver-restituer-et-expliquer>, last accessed 26.03.2019.

186 Ibid.

187 Gignoux, S., 2019. «Une mission sur les spoliations créée au ministère de la culture. Avec une équipe étoffée et un budget de 200 000 €, cette mission, créée en avril, entend œuvrer avec plus d'efficacité en faveur de restitutions.» In: *La Croix*, May 7, [https://www.la-croix.com/Culture/Expositions/mission-spoliations-creee-ministere-culture-2019-05-07-1201020154?from\\_univers=lacroix](https://www.la-croix.com/Culture/Expositions/mission-spoliations-creee-ministere-culture-2019-05-07-1201020154?from_univers=lacroix), last access 11.05.2019.

ding of “40 years of inaction” which Zivie’s report would denounce.<sup>188</sup> The report itself was at that time classified as an internal and confidential governmental advice and not accessible to the broader public. As the data presentation shows, it is remarkable that the focus narrowed the content of the report to this criticism. In July 2018, the French government announced in an online press release, the creation of a new commission for the research and restitution of cultural looted artefacts during the Second World War as a consequence from the submitted report.<sup>189</sup> Together with the press release, the report was published openly accessible on the website of the French Cultural Ministry.<sup>190</sup>

On the 22nd July 2018, four days before this announcement, France’s Prime Minister Édouard Philippe had referred to David Zivie’s advice in the context of the 1942 *Vél d’Hiv* roundup commemoration day on France’s responsibility for the persecution of Jews during the Second World War.<sup>191</sup> Philippe referenced the report and announced the new commission under David Zivie’s leadership by declaring that France had betrayed its values and citizens.<sup>192</sup>

The Zivie report was published within this framework of this rhetorical action.<sup>193</sup> With the term “rhetorical action”<sup>194</sup>, I refer in this context to the governmental press release, which positioned the report as basis for the political establishment of a new restitution Commission. It further manifested a new French memory political agenda in terms of Nazi-looted art restitution, introduced through the political Holocaust commemoration of the Prime Minister.<sup>195</sup>

### I. 5.1.1.2 Classification of his report

David Zivie holds a master’s degree in contemporary history, is a graduate of Sciences Po (2000) and a former student of the *École Nationale d’Administration* (2002 - 2004). He is a senior civil administrator in the Ministry of Culture

188 See a. o.: Froidefond, A., 2018. “Report lashes France’s ‘lack of ambition’ to return looted Jewish art. Government paper blasts ‘40 years of inaction’ over thousands of artworks that were either confiscated by the Nazis or forced to be sold for less than their real value.” In: *The Times of Israel*, 3 April, <https://www.timesofisrael.com/report-lashes-frances-lack-of-ambition-to-return-looted-jewish-art/>, last access 09.08.2019.

189 Breeden, A., 2019. “We are amplifying the work’. France starts Task Force on Art looted Under Nazis.”. In: *New York Times*, April 15, 2019, <https://www.nytimes.com/2019/04/15/arts/design/france-art-looted.html>, last access 17.08.2019.

190 Zivie, D., 2018. «Des traces subsistent dans des registres...». Biens culturels spoliés pendant la Seconde Guerre mondiale. Une ambition pour rechercher, retrouver, restituer et expliquer, Mission sur le traitement des œuvres et biens culturels ayant fait l’objet de spoliations pendant la Seconde Guerre mondiale. Paris : Ministère de la Culture February, <http://www.culture.gouv.fr/Espace-documentation/Rapports/Rapport-de-David-Zivie-Des-traces-subsistent-dans-des-registres-Biens-culturels-spolies-pendant-la-Seconde-Guerre-mondiale-une-ambition-pour-rechercher-retrouver-restituer-et-expliquer>, last access 03.06.2019. February.

191 Philippe, É., 2018. *Discours à l’occasion de la commémoration du Vel’ d’Hiv*. Paris: Ministère de la Culture, July 22, 2018, <https://www.gouvernement.fr/partage/10418-discours-a-l-occasion-de-la-commemoration-du-vel-d-hiv>, last access 29.09.2018.

192 Ibid.

193 Editorial office LCI 2018. «Edouard Philippe commémore la rafle du Vél d’Hiv.’Les coupables sont Français.» LCI, July 22, <https://www.lci.fr/politique/rafle-du-vel-d-hiv-les-coupables-sont-francais-discours-d-edouard-philippe-civ-spoliation-biens-culturels-juifs-2093940.html>, last access 07.04.2019.

194 Frank Schimmelfennig establishes the concept of “rhetorical action” as normatively loaded arguments for strategic use in a political discussion. Schimmelfennig, F., 1997. “Rhetorisches Handeln in der internationalen Politik.” In: *Zeitschrift für Internationale Beziehungen*, vol. 219, pp. 227-235.

195 Editorial office LCI 2018.

and Communication.<sup>196</sup> Appointed on 12 January 2015 as advisor in charge of heritage and architecture at Fleur Pellerin's cabinet, he remained in charge of Audrey Azoulay, former Minister of Culture and Communication as well as today with Françoise Nyssen.<sup>197</sup>

The research can be classified as an academic study on the French government's dealing with Nazi looted art and books in French guardianship (especially the MNR works). It is written as an advice to the government and therefore formulated in French language.<sup>198</sup>

Right from the start, it must be considered that David Zivie is the heritage advisor of the French government and as such an employee of the State but that his research is based on interdisciplinary discussions with over 50 stakeholders from very different fields, analyses of the State's action, literature, research reports and exhibitions, museum and university work as well as conferences.<sup>199</sup> Furthermore, Zivie critically discusses his position as part of the French Ministry.<sup>200</sup>

At a subordinated level, the advice is commissioned by the government itself to get an understanding and possibly improve their practice in reaction to constant public criticism. Thus, commanding a report by the heritage advisor to the government already aims for criticism and proposal for progress.<sup>201</sup> Deriving from the described arguments, the Zivie report can be classified as critique and advice on the State's action, which only in a second step was published to advertise the State's action and improvement. It is therefore even more useful as a case study on the political Nazi looted art discourse in France.

### I. 5.1.1.3 Structure of the Report

To get a better understanding for the aim of the research conducted by David Zivie, I introduce my analysis with a short overview on the report's structure and proposal. After a summary and list of propositions to the government, the report is based on an academic analysis of the status quo in French administration and execution of provenance research, restitution and its public communication (chapters I.-IV.). The second part of the study is a clear political advice and detailed practical plan of governmental proceeding, based on his analysis (chapter V.).

The report is structured as following:

Synthesis	7
List of propositions	9
Introduction	11
The context - A loaded present	15
Progress - A new commitment to the identification of works and their	

196 Ministère de la Culture 2016. «David Zivie, conseiller chargé du patrimoine et de l'architecture.» *Archives Azoulay*, <http://www.culture.gouv.fr/Archives-Ministres/Archives-Azoulay/David-Zivie-conseiller-charge-du-patrimoine-et-de-l-architecture>, last access 11. 02.2019.

197 Ibid.

198 All translations of the report, which is originally written in French, are made by the author of this thesis if not stated differently.

199 Zivie 2018, *Annexe 2. Personnes rencontrées*, p.102.

200 Zivie 2018, *SYNTHESE*, p.7; *Introduction*, p.12.

201 Ibid.

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Difficulties - A fragmented landscape and obstacles to effective and serene research	39
The issues - A series of outstanding questions	63
Proposals	79
Conclusion	95
Annexes	97
Remerciements	141
Table des matières	143 <sup>202</sup>

It needs to be emphasized that within the context of this research a discussion of the practical advice is excluded from the critical reading. My critical reading focusses on the report's reasoning through narratives and their underlying ratios of dealing with the MNR collection relevant for my concept of a *Parrhesia of Traces*.<sup>203</sup> To discuss this argumentation line, I in the following 'read' parts of the report which give arguments for the constructed four categories.

## I. 5.2 Report: Memory – Narrative(s) about the Past in the Zivie report

### I. 5.2.1.1 Memory: The Memory of Dora Bruder

A quotation always sets the mood of the following. It sums up the core of the statement or triggers an intended direction of thought. It stands therefore out that Zivie sets the focus of his argument with a reference to the well-known French novel *Dora Bruder* by Patrick Modiano. David Zivie introduces his report as follows:

« *DES TRACES SUBSISTENT DANS DES REGISTRES...* »

[*Traces survive in register*]

*"It takes time for what has been erased to resurface. Traces survive in registers, and nobody knows where these registers are hidden, and who has custody of them, and whether or not these custodians are willing to let you see them. Or perhaps they have quite simply forgotten that these registers exist.*

*All it takes is a little patience."*

– Patrick Modiano, *Dora Bruder* <sup>204</sup>

In the non-fictional text based on historical facts, the author Patrick Modiano tries to reestablish the identity of the 15-year-old Jewish girl, Dora Bruder. The author stumbled over her missing person's report written by her parents in a newspaper from 1941 and for almost one decade, he followed several documents such as school records to testify the existence of Dora in Paris until the day that her

<sup>202</sup> A whole list of very specific proposals based on Zivie's evaluation can be found on page 9 of the report. They include changes on the following subjects: General governance, provenance research, tools and visibility, Research teams and capacities, Mediation and valorisation, Legal issues, Training, Books and libraries (Zivie 2018, *Liste de propositions*, p.9.).

<sup>203</sup> Ibid.

<sup>204</sup> Modiano, P., 1999. *Dora Bruder*, translated by Kilmartin, J. University of California Press, <https://www.jstor.org/stable/10.1525/j.ctt14jxvc8#>, last access 17.08.2019; Zivie 2018, p. 3.

tracks get lost in 1941 and only reappear as a note on her murder in the concentration camp.<sup>205</sup> Before, Dora for several winter weeks apparently had managed to escape the police.

*Dora Bruder* is broadly discussed as a study on the possibilities and limits of reconstructing memorability.<sup>206</sup> Modiano himself reflects within the book on the fact of not being able to reconstruct Dora's identity, he experiences the absence of her life story and an impossibility of a representative memory: the actual person Dora Bruder can never be brought back.<sup>207</sup> Traces of her life and subjectivity are nevertheless inscribed in those documents and even more in buildings and places of Paris as well as in the writing of Patrick Modiano's book.<sup>208</sup>

It is relevant to note that the quote from *Dora Bruder* which Zivie uses as introduction to his argument on Nazi-looted art restitution has nothing to do with the possession of artworks or even objects. It does not talk about theft, the breaking of laws, the deprivation of rights or a moral duty of remembrance. The quote on the surviving of Dora Bruder's traces in registers fully concerns the eradication and forgetting of people in ongoing society. The traces survived while the people who left them in most cases did not or not anymore.

#### I. 5.2.1.2 Memory: The societal fear narrative of forgetting

In a next step, Zivie applies the person oriented, relational *Dora Bruder* perspective to the Nazi-looted art restitution discourse. His introduction to the debate clearly reflects the perspective of a heritage expert. Zivie is conscious of the social memory/forgetting dynamics and their impact on the debate (which I have underlined in part one of this thesis), when he states:

That is how the subject of looted goods, which had been forgotten for almost 40 years, came to the fore in the mid-1990s, as part of the broader new interest in the Second World War and the Holocaust, at a time when people were starting to fear the disappearance of the last survivors and to reflect on memory and its transformation. At the same time, thus, the question of looted cultural property emerged; the objects created the link - they were the link - with the generation that had experienced the war.<sup>209</sup>

Based on the establishment of a completely human oriented narrative of restitution, Zivie explains in a second step the still sensitive narrative of trauma. He writes: "However, the psychological stakes are high in these cases, which awaken memories and traces of the past for families, which are often difficult to deal with."<sup>210</sup>

205 Yadavshem, THE CENTRAL DATABASE OF SHOAH VICTIMS' NAMES, *Dora Bruder*, <https://yvng.yadvashem.org/nameDetails.html?language=en&itemId=3165167&ind=1>, last accessed 9.02.2019.

206 For a discussion of Dora Bruder in context of collective memory discussion see for example: Rose 2008; Schlachter, B., 2006. *Spellings of Absence. Jewish-French literature after the Shoah*. Cologne: Böhlau Verlag.

207 Patrick Modiano: *Dora Bruder*. Paris: Gallimard 1997, a.o. p. 27, p.34, p.51.

208 Ibid.

209 Zivie 2018, *Introduction*, p. 13.

210 Zivie 2018, *Une organisation floue et peu visible. Un dispositif très discret*, p.56.

### I. 5.2.1.3 Memory: The forgetting narratives of *fear*

In his report, David Zivie identifies two reasons why people do hesitate to talk about the past and to thus implement restitution as a narrative more strongly. According to him, two narratives echo in the present, which reduce restitution in the developed sense. He introduces: "This reluctance to highlight the issue of cultural works looted and claimed by families exists and can be explained by two fears, which must be heard."<sup>211</sup>

This statement is a very relevant remark on memory critical reflection to this research because Zivie indicates an importance of discussing different narratives dominating the debate. What follows is a distinguished and precise confrontation of different memory narratives.

The first *fear*, which Zivie mentions concerns the fact that the Nazi art theft attracts enormous attention through its "spectacular character, its clandestine transports, its hideaways in salt mines and its Monuments men"<sup>212</sup>.<sup>213</sup> It thus may overshadow the human destruction at the core of the Shoah, "of Jews in Europe, men and women, from almost any country, from any background, with their language(s), their culture"<sup>214</sup> and even more the identification of their names.<sup>215</sup>

The second narrative which Zivie reformulates as a *fear* is still the most dominant antisemitic narrative "leaving the ill-intentioned and feeble-minded to "think" that all victims possessed incomparable treasures and wealth, and that the search for justice would in fact only hide the lure of the gain attached to these artworks."<sup>216</sup> Zivie adds to this obviously uncomfortable description again: "While anti-Semitism is far from being extinguished, this fear must also be heard."<sup>217</sup>

At this point, I note that both dominant *fear* narratives are connected to an aesthetic or economic value idea of an artwork - first in a reasonable, second in an unreasonable narrative.

I illustrate in the following how Zivie now defends the human and as such a societal crime-related narrative. He does this in a concrete reflection of those two differently legitimate memory narratives as a reaction to a discourse focusing on Nazi-looted artworks. This very specific reflection of narratives shows that remembering and forgetting only in their concrete negotiation develop relevance and logic within a restitution argument. Zivie accordingly reflects:

*The first concern highlights a real difficulty. Does this mean that it is easier to be moved by the fate of a masterpiece of modern art, Impressionism or Flemish primitives, than by that of millions of unknown individuals whose*

211 Zivie 2018, *Réflexions adjacentes. Le pillage des œuvres d'art replacé dans l'histoire de la Shoah*, p.75.

212 The Monuments Men were troupe of seven art historians and soldiers sent by the US army's Monuments, Fine Arts, and Archives Section to Europe to recover looted art works in the end of the Second World War. The story got major public attention through the blockbuster movie with the same name by George Clooney in 2014.

213 Zivie 2018, *Réflexions adjacentes. Le pillage des œuvres d'art replacé dans l'histoire de la Shoah*, p. 75.

214 Ibid.

215 Zivie 2018, *Réflexions adjacentes. Le pillage des œuvres d'art replacé dans l'histoire de la Shoah*, p. 75 f.

216 Zivie 2018, *Réflexions adjacentes. Le pillage des œuvres d'art replacé dans l'histoire de la Shoah*, p.76.

217 Ibid.

*individual destiny has not been retained by history?*<sup>218</sup>

I want to point out that Zivie emphasizes at this point his own difficulties in answering the obviously occurring ambiguity of a general Nazi-looted art restitution memorization. His further discussion shows the need to verbalize and endure this uncomfortable lack of abstract universality. By transparently building on this uncomfortable ambiguity, he can in a next step uphold a memory narrative deriving from the actual crime. In this way he underlines what tends to be forgotten in the looted artwork-focused discussion and overlaid by the first dominant *fear* narrative:

*The answer to this question is certainly not easy. But perhaps it is necessary to remember the scope and meaning of the looting of works of art: the desire to completely eradicate a category of men and women, going so far as to monopolize what belonged to them and singularize them as individuals. Looting is a form of destruction, a way to complete eradication [...] Stolen goods do not only carry their market or aesthetic value with them; they are, like the apartments looted from top to bottom in which they were found, the trace of the crime.*<sup>219</sup>

Zivie defends in this reflection the invisible narrative of crime inherent to the lootings. He actively establishes the theft as part of intentional societal singularization and eradication of people. He underpins the need for this defense in his answer to the second less reasonable but likewise present and uncomfortable antisemitic *fear* narrative:

*The obstacles pointed out by the second concern seem unfortunately unavoidable and only untiring historical explanations, clarifications and reminders can be modestly, and without much illusion, opposed to bad faith and perfidy...*<sup>220</sup>

## **I. 5.2.2 Report: Restitution – Reparative Narratives in the Zivie report**

### **I. 5.2.2.1 Restitution: The Ratio of Nazi looted Art Restitution and the current discourse in France**

I argue that the defense of invisible subject related narratives now builds a main point on David Zivie's analysis and perspective on restitution. Restitution in his statements fully addresses the trial of erasure of people and at no point the wrongful transaction of objects:

*The theft and looting of works of art and other cultural goods is one of the elements of Nazi persecution of Jews, and it is for the reparation of these crimes that a general policy of compensation and, in the case of cultural goods in public institutions, restitution to the dispossessed owners or their families has been put in place.*<sup>221</sup>

<sup>218</sup> Zivie 2018, *Réflexions adjacentes. Le pillage des œuvres d'art replacé dans l'histoire de la Shoah*, p. 75.

<sup>219</sup> Ibid.

<sup>220</sup> Zivie 2018, p.67.

<sup>221</sup> Zivie 2018, *Introduction*, p. 13.

As shown in the short illustration on different memory narratives, Zivie takes up on the need for constant reflection on the crime to create and discuss an understanding and definition of restitution for historical injustice when he writes:

*Therefore, it is necessary to invest more resources and create a space that is still lacking today: a space for which it would be the raison d'être to seek, retribute and make known. Because there is much to do, and in particular, in addition to examining the works, to deal with real fundamental questions, which are not asked - or little, or badly.* <sup>222</sup>

In what follows to this statement, Zivie introduces amongst others the two above mentioned *fear* narratives. The discussion and defense of the purpose of restitution is thus claimed as a central aspect of restitution politics itself. When Zivie switches to the discussion of the French political status quo of Nazi looted art restitution he describes it nevertheless quite differently: Several times in the texts he mentions a climate of mistrust towards the State's and museum's behaviour in terms of restitution.<sup>223</sup> He summarizes: "The challenge is very much about organization, discourse and clarity, the demonstration of will and action, or in short, the legitimization of State action."<sup>224</sup>

As indicated, I argue that Zivie's concrete questioning of memory narratives changes the way of communication on restitution. I demonstrate this in reference to David Zivie's further argument on the issues of the current discourse concerning Nazi looted art restitution in France.

#### **I. 5.2.2.2 Restitution: Responsibility and Missing self-evident Legitimacy**

Looking from a memory critical perspective makes it possible for Zivie to formulate the occurring paradox of State responsibility within the existing discourse of Nazi looted art restitution, which can best be illustrated through the following statement:

*[I]t is up to States to lead and carry out the work of research and restitution, because these are States that have presided over the crime, or have been accomplices in it, that have brought stolen works into their collections, or that have simply not carried out the research that allows restitution. It would therefore be normal for the rightful claimants not to have to pay to find their belongings.* <sup>225</sup>

*Thus, representatives of the State following Zivie must reflect and communicate their own role in the established collective framework of memory as part of the restitution discourse.* <sup>226</sup>

*For in this role, there is a silenced paradox between the State's co-responsibility in the crime and/or benefit from the looting and its legitimacy of deci-*

<sup>222</sup> Zivie 2018, *Une légitimité prise en défaut. Au final. un sentiment diffus de méfiance*, p.61.

<sup>223</sup> Zivie 2018, *SYNTHESE*, p.7; *Au final. Un sentiment diffus de méfiance*, p.60 f.; *Le pillage des œuvres d'art replacé dans l'histoire de la Shoah*, p.76; *Un nouveau lieu de pilotage et d'animation de la recherche sur les œuvres spoliées. Pourquoi ?*, p. 82; *CONCLUSION*, p.95.

<sup>224</sup> Zivie 2018, *Une légitimité prise en défaut. Au final. un sentiment diffus de méfiance*, p.61.

<sup>225</sup> Zivie 2018, *Des acteurs multiples et dispersés. Un véritable circuit économique*, p.54.

<sup>226</sup> *Ibid.*

*ding on the handling of stolen artefacts in public collections.*<sup>227</sup>

*If the State authorities do not understand, explain and show what they are doing and why they are doing it, this legitimacy is be difficult to establish. It is therefore the very legitimacy of its action and decisions that, for lack of clarity and a place for debate and reflection, are called into question.*<sup>228</sup>

Zivie's description of the paradox illustrates the inherent traumatic hierarchy of narratives within the discussion of Nazi looted art restitution, which needs to be discussed to undermine the initial crime beyond the return of the object.<sup>229</sup> The author underpins the importance of a reflection on the present discourse above any deriving discussion on possession when he writes:

*This does not prevent a restitution from being refused if ownership is not established; and not all MNR works are looted, as has been said several times. Nevertheless, the positioning and discourse of the State are important. For if, very often, due to a lack of evidence, nothing allows to say if a work is looted, nor anything allows to say if the same work is not looted. It's a matter of perspective, and positioning. The research must be neutral and accurate, but requests from families must be received with kindness, and the good faith of the applicants must be presumed.*<sup>230</sup>

This argument underlines the importance of a discourse deriving from a societal reflection of a structural crime against people and its aftermath in State structures. The reflection testifies to a lack of undermining the dynamics of the crime of reification.

### **I. 5.2.2.3 Restitution: State responsibility and legitimacy through Empathy, reflection and its discourse**

Zivie thus calls for a change in reflection towards a perspective on perpetrator and trauma narratives in a current restitution discourse. The reflection of different memory narratives can be described as essential part of Zivie's formulation of restitution politics.

After "40 years of oblivion"<sup>231</sup> the State and museums actively must deal with the inherited paradox position of the collaborator or/and benefiter of the crime. The State and its museums following Zivie's argument have to create a self-reflective discourse.<sup>232</sup>

*[W]hat is still missing, despite good will, is proof of the empathy of government services and museums. Much has been done, important speeches have been made. But the State must show that it hears the demands of families, it must show its good will, and trust the requesters.*<sup>233</sup>

This reasoning and way of taking the people as well as the crime and the trauma

227 Zivie 2018, *Des procédures floues et fragiles*, p.54.

228 Zivie 2018, *Conclusion*, p.95.

229 Zivie 2018.

230 Zivie 2018, *Conclusion*, p.95.

231 Zivie 2018, *SYNTHESE*, p.7; *Au final. Un sentiment diffus de méfiance*, p.60 f.; *Le pillage des œuvres d'art replacé dans l'histoire de la Shoah*, p.76; *Un nouveau lieu de pilotage et d'animation de la recherche sur les œuvres spoliées. Pourquoi?*, p. 82; *CONCLUSION*, p.95

232 Zivie 2018, *Conclusion*, p.95.

233 Ibid.

seriously on eye level is at this point of the advice defined by Zivie as one core element of restitution politics.

### **I. 5.2.3 Report: Museum Display – Representation of Narratives in the Zivie Report**

#### **I. 5.2.3.1 Museum: Traces survive in registers**

In the introductory quote from *Dora Bruder*, Zivie points out a paragraph on a willingly or unwillingly act of forgetting of people's traces remaining in registers, where they might eventually be found back: "*all it takes is a little patience*".<sup>234</sup> Zivie obviously refers in this quote to his advice for more visibility of the discourse on Nazi-looted art communicated by the State and national museums.<sup>235</sup> He elaborates:

*[M]useums, beyond the objects themselves, tell something about history, about the time when they were constituted; the museums as well as the libraries - which house looted books attributed to them after the war - are of their time.*

*If they are or want to be universal, they are also closely tied to their time and perhaps tell us much more than the objects themselves. The museum is also, in the words of Bénédicte Savoy, "like an archive of itself, of our time, of our history."<sup>236</sup>*

Thus, Zivie discusses the museological potential to engage with different times and the historical knowledge stored in museums related to the artworks and the museum history itself. He does this remarkably through a clear reference to provenances by quoting the provenance research and museum expert, Bénédicte Savoy.<sup>237</sup>

#### **I.5 Museum: The identification of the dispossessed person lies at the heart of the museum task**

Further Zivie states:

*The museum shows us something else than the works: this is particularly true in the case of looted objects, whether they are works gathered under the acronym "MNR" or works from public collections: the looted objects have no homogeneity, no period, no style, no support, no artistic school; they do not reflect a particular taste [...] what remains of the looted property is precisely a relic, that of collections, important or simple, that of family libraries without much particularity.<sup>238</sup>*

Museums (and libraries) for Zivie thus take up a very concrete role as current guardians of the art works (and books). When Zivie talks about this function he concretely distinguishes it from a sole function of the museum as a material storage or temporally holder of aesthetic objects.

234 Zivie, p. 3.

235 Zivie, *Conclusion*, p. 95.

236 Zivie 2018, *Introduction*, p. 13.

237 Savoy, B., 2018.

238 Zivie 2018, *Introduction*, p. 13.

To summarize, he does within this term of guardianship not only refer to the non-ownership of the museum. His idea of the museum's task can be directly linked to his definition of restitution. To recall his argument, Zivie defines restitution as being based on the memory dynamical idea of creating a link to the war generation and/or in modified contemporary version in creating a relationship with the heirs (likewise proof of State's empathy).<sup>239</sup>

So when it comes to the museum as a guardian of the discussed objects and even more their meaning in this contexts, Zivie summarizes the task of the museum according to his formulated ratio of relationships and proven empathy as follows:

*The task public libraries and museums are facing when it comes to spoliations is first and foremost a research task aimed at identifying the owners at the time of spoliation and then at finding their heirs, with a view to restitution. If restitution is not possible, if the search for heirs proves difficult, or even in some cases impossible, the identification of the dispossessed owner is the essential point; more broadly, it is the history of the work and its journey from owner to owner, or from owner to temporary guardian, that must be known and understood. [...] For those who are in the process of identification, the main issue is indeed that of the speech and explanation delivered to the public.*<sup>240</sup>

Zivie's statement focuses on the argument that the identification of the (dispossessed) person lies at the heart of the museum's task, both when it comes to the identification of heirs and the restitution (relationship in the present) as well as the will for understanding of the same when a return proves to be difficult (empathy). I underline this explanation because within this parallelism lies a very subtle centrality of Zivie's argument which can be best illustrated in comparison with a very similar statement by one of the two researchers of the MNR artworks, Alain Prévet.

Reacting to the question whether museums were also guardians of the (provenance) stories and if so, how they should deal with this task, Prévet splits up the subject of restitution and guardianship of immaterial value as follows:

*First of all, everything that can be restituted must be restituted, the paintings are not there to be a witness of history, it is above all private looted property, if we can retribute, we retribute. Now, we know very well that in the MNRs there are works coming back from Germany that are not necessarily looted. So, for some of them, we are sure - the ones we are sure of is a very small percentage - and then there are a lot of them of which we don't know. That can very well change from one day to the other.*<sup>241</sup>  
*Unfortunately, we don't have new historical witnesses to switch them to one side or the other, so the artworks in the museum remain a witness of this problem if I can say that.*<sup>242</sup>

239 Zivie 2018, *Introduction*, p. 13.

240 Zivie 2018, *LES ENJEUX. UNE SERIE DE QUESTIONS EN SUSPENS*, p.63.

241 Bajou, Thierry and Alain Prévet. Interview with Lea Grüter. Expert interview, *98 Minutes*. Paris, Jun 26, 2018, Prévet, A. *Minute #00:07:21-8# - #00:08:03-3#*.

242 Bajou and Prévet 2018. Prévet, *Min. #00:08:03-3# - #00:08:31-3#*.

*Those which cannot be restituted, which is probably a small percentage or works, which have not been looted, might be used to illustrate their historical path but then again the latter are another group, where it is about making profit from the opportunity to sell things for high prices - to sell them to the Germans.<sup>243</sup>*

Thierry Bajou adds:

*Although this is a very specific context, research into the history of the painting is principally normal work of a conservator: to establish the course of a work. At least, it should be something normal.<sup>244</sup>*

The perspective of Prévet and Bajou argumentatively leads to a very similar result and restitution practice as Zivie's statement. Nevertheless, their focus of discussion clearly distinguishes between the private property return as main task and a possible discussion of provenance (by Prévet mentioned as "illustration of historical path"<sup>245</sup>).

The aim is the rightful return by museums of wrongfully hold property (*object as witness of the problem*) thus the focus, differently from Zivie's statement, lies at the object and its identification of either being looted (and thus restitutable) or being non-looted. Eyewitnesses in this narrative are sources for the identification of the status of the object.

Although both procedures lead to restitution, this comparison shows that Zivie's communication puts the identification of the person, thus the subjectivity of a person at the centre of (the reparative research and likewise) the museum work when it comes to the MNR works. It demonstrates at the same time that this form of communication neither hinders the practice of object return nor does it exploit or subordinate the discussion of the subject-related societal narrative.

### **I. 5.2.3.3 Museum: How does the following generation remember?**

This specific communicative role Zivie attaches to the museum in the discourse on the MNR artworks and his established restitution argument is most evident, when he writes:

*These works are reminiscent of this story. They are not insignificant. And their presence in museums, for the reasons that are now well known - discovery in Germany, return to France, non-return after the war because they were unclaimed or not linked to a claim, etc. does not take away their status as both witnesses and objects torn apart by history. And if they are in museums, it is for lack of anything better. There is certainly a worse place to stay, but in the end, the State does not own it; or if it does, it is without having shed light on the past of these objects. Is it normal for the State to keep what is not its own? At the very least, should it not explain to the public what it holds, where it comes from and by whom the goods were, it presents to everyone?<sup>246</sup>*

[...]

243 Bajou and Prévet 2018. Prévet, *Min.* #00:08:31-3# - #00:08:52-0#.

244 Bajou and Prévet 2018. Bajou, *Min.* #00:08:52-0# - #00:09:25-5#.

245 Bajou and Prévet 2018. Prévet, *Min.* #00:08:31-3# - #00:08:52-0#.

246 Zivie 2018, *Quelques doutes ? Pourquoi déployer tant d'efforts après tant de temps?*, p.74.

*More, perhaps, than the objects themselves, what remains of these looted works in museums and libraries shows an epoch and its dramas, it also shows how the following era remembers it.*<sup>247</sup>

When it comes to the specific place of the Louvre, Zivie mentions the establishment of *salle 804* in a slightly different way as follows:

*Progress in the management of MNR works is therefore very real. Among the notable developments that should be highlighted, the most recent is undoubtedly the opening in December 2017 by the Louvre Museum, within the Painting Department, in the Richelieu wing, of two cabinets specifically dedicated to MNR paintings [...] They present, in a hanging that will be regularly renewed, about thirty paintings, with an explanation of what MNRs are, the quantities in question and the current state of research and restitution.*<sup>248</sup>

He explicitly says process in management of MNR work and not exhibition.

### **I. 5.2.4 Report: Patrimoine Objects/Provenances in the Zivie Report**

Through the category of *patrimoine* I can very well illustrate how David Zivie concretely defines the *traces which survive in registers* such as museums. This category shows further that the report itself uses an empathetic communication of a political restitution argument. The report therefore goes beyond a purely technical and administrative advice.

#### **I. 5.2.4.1 Patrimoine: People's traces and the crime committed against them**

The concrete definition of *patrimoine* or national heritage is constantly brought in line by Zivie with the memory narrative and argumentation he bases the discussion on. It is an essential part of his rhetorical structure to defend the meaning of the object in context of restitution.

This discussion of different levels of meaning of the object is in line with the defence against the mentioned *fear* narratives. So, several times in the text, Zivie expands on the discussion of an artefact beyond aesthetic, monetary and art historical values, which were in the beginning shown to dominate specific *fears* concerning a debate on Nazi-looted art restitution in the context of Holocaust remembrance. He specifies: "Stolen goods do not only carry their market or aesthetic value with them; they are, like the apartments looted from top to bottom in which they were found, the trace of crime."<sup>249</sup> The totality of this crime is precisely specified by him as: "the desire to annihilate not only men and women, but also their thoughts, their traces, and culture."<sup>250</sup>

247 Zivie 2018, *Introduction*, p.13.

248 Zivie 2018, *Une évolution favorable de la recherche et de la formation. Nouveaux programmes de formation*, p. 38.

249 Zivie 2018, *Réflexions adjacentes. Le pillage des œuvres d'art replacé dans l'histoire de la Shoah*, p.76.

250 Zivie 2018, *Une organisation floue et peu visible. Une absence de coordination entre œuvres d'art et livres et bibliothèques*, p.58.

The MNR works would “embody the beauty and refinement sought by criminals, both for their value and because they had to be taken away from those who had to be eliminated”<sup>251</sup>. Relating the categories of memory and restitution, he adds concerning paintings with a low aesthetic or monetary value: “These works testify, as much as those of the most famous or considered artists today, to the crime. Reparation due to families is just as necessary for these works as for the high-rated masterpieces.”<sup>252</sup>

The way in which Zivie formulates a dominant artwork-subject relation is essential to the notion he gives to the MNR paintings as *patrimoine* in the context of restitution. The object is a reference to the subjects and the societal crimes committed against them. This concrete perspective on the functioning of the object in the context of restitution can be found back in the synonyms Zivie uses to describe the paintings throughout the whole text. He uses the terms: “testimony”<sup>253</sup>, “secondary documents”<sup>254</sup>, “trace”<sup>255</sup> or “annexes”<sup>256</sup> of the crime of persecution of Jews by the Nazis and genocide<sup>257</sup> as well as “witnesses to history”<sup>258</sup>. His definition of the objects is further perfectly illustrated by the following quote:

*Not all the MNR works belonged to Jews, not all of them were stolen or ripped from their owners, some were sold in normal forms and at market prices, but a very large part - the largest part? - suffered the fate imposed by the Germans' desire to eradicate a category of the population and, beyond that, to destroy what made them individuals in their own right, with their own sensitivity and personality. As the Mattéoli mission pointed out in 2000, eliminating men involved eliminating, or appropriating, their possessions, material traces of their passage in this world.*<sup>259</sup>

#### **I. 5.2.4.2 Patrimoine: The *patrimoine* of forgetting**

Zivie finally introduces his conclusion chapter accordingly, and thereby closes the parenthesis. While he opens this parenthesis with the quote title and quote from *Dora Bruder*, he ends the report with the concrete description of a movie scene in direct relation to the subject of the MNR art works:

*At the beginning of Joseph Losey's Mr. Klein, released in 1976, Robert Klein, played by Alain Delon, receives a man who comes to offer him a painting by Adriaen van Ostade, Dutch master of the 17th century. It is 1942, the visitor, interpreted by Jean Bouise, is Jewish, he must flee and tries to sell the painting, which has been in his family “since forever”. When*

251 Zivie 2018, *Concernant la gestion des MNR. Rassembler les MNR?*, p.63.

252 Zivie 2018, *Des acteurs multiples et dispersés. Un véritable circuit économique*, p.54.

253 Zivie 2018, *Quelques doutes? Pourquoi déployer tant d'efforts après tant de temps?*, p. 73 f.

254 Ibid.

255 Zivie 2018, *Une organisation floue et peu visible. Un manque de communication*, p.56; *Concernant la gestion des MNR, Rassembler les MNR?*, p.63 f.; *Réflexions adjacentes. La restitution des biens pillés pendant la Seconde Guerre mondiale au regard des autres revendications*, p.76 ; *Gouvernance générale. Envisager l'affectation. Administrative. Des MNR au musée d'art et d'histoire du judaïsme*, p.83.

256 Zivie 2018, *Quelques doutes? Pourquoi déployer tant d'efforts après tant de temps?*, p.73.

257 Zivie 2018, *Quelques doutes? Pourquoi déployer tant d'efforts après tant de temps?*, p.76; p.83.

258 Zivie 2018, *Quelques doutes? Pourquoi déployer tant d'efforts après tant de temps?*, p.73.

259 Zivie 2018, *Quelques doutes? Pourquoi déployer tant d'efforts après tant de temps?*, p.73.

*Klein offers him only half of the 600 louis<sup>260</sup> requested, the seller makes the following remark: “Easy, with someone who is obliged to sell, isn’t it?”; to which Klein replies: “I am not obliged to buy”.*

*Everything is said, one of the forms of looting is clearly depicted: a sophisticated interior, a sale, an owner forced to sell at a vile price, a smiling cynical buyer, who is in some way doing the seller a service, but takes the precaution of requesting a receipt whereby the seller accepts the fixed amount, “as being adequate for him”.<sup>261</sup>*

Zivie concretely refers here to the prescribed forgetting of the crime as part of the same. He hence illustrates the aspect of forgetting in a strong rhetorical way. The described scene is set in the past. However, the meaning of forgetting as part of the crime is made clear by the fact that the scene of the past presents itself differently in the evidences of the present. The predicament is not told by the painting.

What is intended by the fictional buyer to remain of the transaction is a receipt verifying a legal sale for an adequate price. The phrase: *Easy, with someone who is obliged to sell, isn’t it?*<sup>262</sup>, the seller's name and the cynical smile are all forgotten in the present. What remains as *patrimoine* in the museum is a Dutch painting by Ardiaen van Ostade, Dutch master of the 17th century, sold to Mr. Robert Klein for an adequate price.

Zivie thus illustrates the selective remembering shaped by the crime. He does this to create a final understanding of the MNR works still present in the national museums:

*The film does not say what could have happened to the painting afterwards. Yet many MNR works, or works in public collections, have had a similar history. This form of sale at a fraction of the price, to buyers “who were not obliged to buy”, was belatedly recognized as a form of looting.*

*Would the seller’s rightful heirs look for the Portrait of the Dutch gentleman of van Ostade today? (There are by the way two Adriaen van Ostade among the MNRs!) Or would the State and the museums do the necessary research to find the owner - who has no name in the film, like an echo of these MNR paintings without a known owner?<sup>263</sup>*

This means, according to David Zivie, *patrimoine* refers to making the subjects behind the objects visible and, in addition to a general art and cultural history, telling the story of societal member’s fates and thus the forgotten dimension of crime. A final evaluation and discussion of the report’s communication in the sense of *Parrhesia of Traces* will follow in *Chapter 6*.

## I. 5 Report concluding remarks

As a closing remark on the four categories as they appear in Zivie’s argumentation structure, it is evident that they are entangled in a coherent way of categories A) Memory, B) Restitution, C) Museum/display towards a with a very domi-

260 The twenty-franc coin was called louis.

261 Zivie 2018, *Conclusion*, p. 95.

262 Ibid.

263 Zivie 2018, p.95.

nant C) *Patrimoine*, subject- focussed view on the material heritage of the MNR works.

The traces of people and the crime committed against them are a constant center of Zivie's argumentation structure on which he logically bases his argumentation for a State's restitution practice.

## II. 5. Thick Description of Salle 804

### 5.1 Introduction to the Louvre Case and Context

The aim of this paragraph is to describe the *salle* and the curator's (Vincent De-lieuvin) intentions expressed in our interview. A full analysis and evaluation in the sense of *Parrhesia of Traces* follows in *chapter six*. In the following part of my research I give a thick description of the two small connected exhibitions spaces: *salle 804* of the Louvre and the permanent display of 31 MNR paintings, opened in December 2017 by the *services des musées de France* and the Cultural Ministry.<sup>264</sup>

The previous critical reading began with the category of 'Memory'. In order to facilitate a clearer understanding, I introduce the thick description of the museum space with the category the Display/ The Museum Space. It should be emphasized, however, that although the order has changed, the categorization system does not change.<sup>265</sup>

### II.5.2 Thick Description of Salle 804 along the categories

#### II.5.1 Category Museum: The Display of Salle 804 And the Place of the Louvre

##### II.5.2.1.1 The National Museum of the Louvre

It is around 20:00 o'clock, the Louvre is open until 22 o'clock on Mondays. By the time I enter the gigantic museum building through the oldest of the three palaces wings, which is called *Sully*. The sun already dawns a little on the horizon. To the left of the entrance, a French flag flutters in the wind. On the other side a flag with the European stars adorns the entrance.

Behind me flows the Seine. I like to refer at this point to the notion of place and space as introduced in the theoretical framework of this research. The visual indication of the National and European symbolism makes it obviously experiential that one enters a political place, the main National Museum of France as part of the European Union (Fig. 1).

I am walking over the inner court, behind the *Porte des Arts*, through the building's passages right into the Pyramid (Fig. 2). Walking over the court I have my art history classes on the architecture of French castles in mind ordered through principles of hierarchy and representation.

The whole museum was built by different kings and emperors leaving an eclectic royal palace. I feel like entering into another time, in fact various other eras of kings and their insignia still visible at the decor, such as Napoleon's ornate "N", which appears now and then under the roof. I enter the "Richelieu wing" passing under another French flag.

I wander through big Flemish paintings in the salles of the *Richelieu* wing, where *salle 804* is situated. The wing is indicated as: *Europe/peinture 1600-1700* (Fig.3). I walk through "*Grande peinture religieuse flamande du XVIIe siècle*" sal-

264 Musée du Louvre 2018. *Rapport d'activité*, [https://www.louvre.fr/sites/default/files/medias/medias\\_fichiers/fichiers/pdf/louvre-rapport-d-activites-2018.pdf](https://www.louvre.fr/sites/default/files/medias/medias_fichiers/fichiers/pdf/louvre-rapport-d-activites-2018.pdf), last access 10.08.2019.

265 The copyright of photos made by the author is in the following not further indicated.

le 800 (Fig. 4) and the huge Rubens gallery, “*Rubens: la Galerie Médicis*” salle 801 (Fig.4; 5). The following pictures visualize the path through the museum towards *salle* 804.

Here at this point I am - and on this photo you are looking right at the entrance of the MNR display of *salle* 804 (Fig.6) - right at the transition between the general Louvre context intended to show the splendor of art history and a conception that Vincent Delieuvin describes as an intended “rupture of hanging”:

*These salles are to be seen differently, we do not see the works as witnesses of an art history but we see them as witnesses of a history, of the tragic history of the middle of the 20th century and therefore, it is a rupture with the hangings, these paintings are part of a unique discourse, we saw that discourse classified outside a history of art.*<sup>266</sup>

Looking from this perspective we are - following this thought - at a point of break, or *rupture in hanging* with the display systematic of an art historical narrative.

*There are many MNRs that are exhibited in the salle but they are exhibited because it is an important painting of the renaissance because it is an important painting of the 18th century in France etc. So, they are in the permanent path, but you don't realize that they are paintings that are the result of artistic recovery.*

*So, we thought it was a problem, we really wanted to create a place where we talk about this historical subject, where this painting is not for questions of art history but for a question of history and therefore the history of the Second World War and the plundering that took place during that period.*<sup>267</sup>

### **II. 5.2.1.2 The Display/ Hanging - Salle 804 at the Louvre**

At the doorway into the *salle* 804, the *salle* as within the general museum path is introduced by a small tag, which differently from the other tags indicates in French: *Peinture/Europe/1500-1900* and in a second smaller headline: *Tableaux récupérés après la seconde guerre mondiale* (Fig. 7).

The *Salle* 804 is one of the small mansard rooms on the second floor of the *Richelieu* wing, actually *salle* 804 are two square rooms connected with a doorway. Both rooms have daylight illumination through the ceiling and a big window. Within the *salle* are 31 paintings from the MNR artworks. All walls are covered with paintings, portraits, landscapes, genre paintings and above the doorway hangs a huge boat.

Entering the *salle*, I look directly at one of the windows over the roofs of Paris. To the right, two girls are smiling at me from a painting, next to the window hangs a Dutch looking portrait of a man. I turn to the left and again a boy painted on a huge canvas glances in my direction. I recognize without having read any of the texts in the room, that I am entering with a specific expectation. My knowledge

266 Delieuvin, Vincent. Interview with Lea Grüter. Expert interview, 83 Minutes. Paris, Jun 25, 2018., *Min. #00:47:24-4# - #00:48:30-6#.*

267 Delieuvin, V., 2018, *Min. #00:00:31-9# - #00:03:00-1#.*

of those artworks as objects which at least in part have been expropriated from persecuted individuals influences my experience of the *salle*.

Being alone in *salle* 804 this summer evening, I get shivers as a bodily reaction from the impression that the paintings were not expropriated from those invisible persons but that the latter have been taken away from the artworks, especially because the people on the paintings keep on looking at me (Fig. 8; Fig. 9; Fig. 10; Fig. 11).

*For us it is rather an approach - I would say - more aesthetic to evoke, yes, to create a hanging that evokes this association of a private collection, which was the object of spoliation during the Second World War but once again when you look at the history of these 31 works, it is very representative of the situations that we find.*<sup>268</sup>

*We adapted the hanging to this two salles there, so we could not use very large formats and as we wanted to evoke a type of hanging, which is the hanging of a private collection, we wanted to implement these principles - which are old principles - of hanging. Symmetric hanging with paintings which respond to each other, landscapes and others and by doing that we realized that it made it possible to highlight quite varied histories, paintings bought for Göring, Hitler, Ribbentrop. There are all different types of situations, there are also paintings for which we suspect that they were not looted.*<sup>269</sup>

The used hanging is also known as *salon hanging* or *Petersburger hanging* (Fig. 11). It was still used in the 19th century, also in the Louvre, but is much less common nowadays in classical art museums. The individual labels of the paintings are in line with a traditional art historical description. In the headline, the artist of the work is named, under it the artistic school and the title. In contrast to an art historical description, the following sentence is added only in French at the end of the sign (Fig. 12).

*Peinture / Europe / 1500-1900 . Oeuvre récupérée à la fin de la Seconde Guerre mondiale, déposée en [year] par l'office des Biens et Intérêts privés, en attente de sa restitution à ses légitimes propriétaires. MNR [Numer of the MNR work].*

Right from the entrance of the *salle* one can find a big general description of the subject as introduced by Vincent Delieuvin (Fig.10). It is written in French, English and Spanish. The exact same text describes the *salle* and MNR works on the website of the Louvre.<sup>270</sup>

*Between 1940 and 1945, approximately 100,000 objects of all kinds (including many artworks) were looted in France by the Nazis, mostly from Jewish families, or sold under duress and transferred to Germany. The Com-*

268 Delieuvin, V., 2018, *Min.* 00:48:35-4# - #00:51:39-6#.

269 Ibid.

270 Musée du Louvre. "Two New Rooms at the Louvre for Stolen Paintings Recovered after WWII." Musée du Louvre's Press Room, <http://presse.louvre.fr/two-new-rooms-at-the-louvre-for-stolen-paintings-recovered-after-wwii/>, last accessed 10.02.2019.

*mission de Récupération artistique, a French commission for the recovery of artworks, was created in 1944 to retrieve these stolen goods and return them to their rightful owners. Thanks to the commission, active until 1949, more than 61,000 objects found their way back to France. Of those, more than 45,000 were returned to their owners at the demand of the victims themselves or their direct heirs. Unclaimed works were, for the most part (approximately 13,000), sold, and the administration kept 2,143 objects, which were registered in special inventories labeled “MNR.” The Musée du Louvre houses 1,752 MNR works in its collections, including 807 paintings. Of those, 296 are in the museum itself while the rest were sent to different museums on long-term loans around France. Currently, a working group set up by the French Ministry of Culture who works with the Commission for the Compensation of Victims of Spoliation (CIVS), created in 1999, is in charge of tracking the provenance of these works, in order to determine which were spoliated and which were not. If a work was spoliated, the group tries to identify its rightful owner at the time of the confiscation so that it may be returned to the appropriate beneficiaries. When it comes to paintings, more than 50 works have been returned since 1951. The complete catalogue of these paintings was published in 2004: *Catalogue des peintures MNR*, by Claude Lesné and Anne Roquebert. The catalogue is also available online, thanks to the Rose-Valland site (<http://www.culture.gouv.fr/documentation/mnr>).<sup>271</sup>*

## **II. 5.2.2 Memory – Narratives about the past into the present Salle 804**

### **II. 5.2.2.1 Two visible narratives in the *salle***

Having a look at the described *salle*, two narratives are dominant. The first narrative is present in art historical principles and labels accentuating the artist, the place of creation in Europe and the timeframe in which the paintings were painted: 15-19th century. The different hanging of the artworks is a rupture with the art historical order of the other *salles* but stays within an aesthetically framed narrative of the place.

The second narrative present in the display defines the MNR artworks and tells the status of the State’s restitution efforts to return them. This second narrative shapes the content of the general text board. It further shows in the sentence “*waiting for restitution to their original heirs*” (Fig.9) added on each label. This second restitution narrative thus is a rupture of the explained Louvre place.<sup>272</sup>

### **II. 5.2.2.2 The narratives of a *lieu de mémoire***

The concrete classification of the *salle* as a *lieu de mémoire* (site of memory) is introduced by Vincent Delieuvin in our conversation. He states:

271 Musée du Louvre: “Two New Rooms at the Louvre for Stolen Paintings Recovered after WWII.” *Musée du Louvre’s Press Room*, <http://presse.louvre.fr/two-new-rooms-at-the-louvre-for-stolen-paintings-recovered-after-wwii/>, last accessed 10.02.2019.

272 Delieuvin, V., 2018. *Min. #00:47:24-4# - #00:48:30-6#*.

*I feel very far from the Second World War, I was born much later but not to the unknown, on the contrary. Now, we have a real historical perspective, I think we have a different gaze. We weren't actors in any of those periods. I would say that there is this willingness to do so, to create a lieu de mémoire that reminds us of these dark periods in the history of France and then to be a place where we talk about the subject and where we can expect people to be made aware, we have a little more than 10 million visitors per year, who can be interested in this.<sup>273</sup>*

As he introduces the classification himself, I tried to understand how exactly this *lieu de mémoire* can be specified. What is this “memory” according to the curator, how does it function in the *salle* and for whom? Delieuvin uses different narratives to further define his classification of *salle* 804 as a site of memory. During the interview he gives very different explanations of narratives about the past in the present in this respect. The curator answers my question of what he means, when he talks about memory in relation to the room as follows:

*I repeat myself, for me, the memory at last in relation to what we have here, memory for us; the most important thing is: the question of this patrimoine that we are guardians of and of which we have the agreement and even a responsibility to try to reconstitute, for me this is the most important thing, it is the most fundamental thing. In the end you can't tell everything, you can't highlight everything.<sup>274</sup>*

*[LG: What do you mean with patrimoine, the object, the story or both?<sup>275</sup>]*  
*Now, what I meant was really the material heritage. We are still a places of material conservation, we still have artworks and people also come for that, to see oeuvres – only, these *salle* are about looking differently. Here the artworks are no witnesses of art history, but we see them as witnesses of a history, of the tragic history of the middle of the 20th century. Therefore, we opted for a rupture in hanging. It is a unique discourse; we would always see it classified outside of art history with its chronological classification. In this *salle*, everything is mixed including all the schools: Flemish, Nordic, German, all that, Italian and so on - the only reason for the paintings to be here, is that they are paintings recovered after the Second World War. So, that seems strong to me, and I hope it is.<sup>276</sup>*

What stands out in this statement is the fact that Delieuvin in his explanation refers to three very different narratives as one definition of “memory” in the *salle*. The narrative of responsibility to return objects (first), by the place of the museum as a guardian and representative of aesthetic objects in a chronological art historical narrative (second) and then the Holocaust narrative witnessed by the objects (third). Delieuvin describes in his statement a contradiction of the narrative of history of art and the history of Holocaust and a need for looking at the object's meaning from another perspective. The latter is indicated through an object return narrative and a different hanging of artworks.

273 Delieuvin, V., 2018. *Min. #00:05:19-2# - #00:07:39-3#*.

274 Delieuvin, V., 2018. *Min. #00:46:31-5# - #00:46:05-2#*.

275 Delieuvin, V., 2018. *Min. #00:47:24-4# - #00:47:24-4#*.

276 Delieuvin, V., 2018. *Min. #00:47:24-4# - #00:48:30-6#*.

### **Lieu de mémoire of the museum place**

I give a quite long paragraph from the interview now because it illustrates the narratives of the Louvre place as presented in my theoretical framework. In the statement the curator answers the question if what he calls “*the drama of salle 804*” would poses any questions to its visitor<sup>277</sup>

*Well, there is the understanding of the historical fact and then there is the understanding, I would say of humanity behind this very serious historical fact. It is the question of humanity that is asked and what humanity is capable of. This means the worst of cruelty; it really means the extinction of another - of humanity itself for various reasons. So, indeed, those are questions that come up regularly, or at least what these questions of extermination in the history of humanity mean. Those questions are regular in a recurring way.*

*So, indeed, it is an opportunity to ask these questions but those are questions that are asked by the art works themselves as well. If you go to see the Delacroix exhibition, well, you have very political paintings that Delacroix painted on these issues, indeed from other historical situations, from the 19th century, but which are the same problematic in a certain way: of the human who is a wolf to himself and this salle marks art in a very strong way. However, it's a historical situation that poses - which is broader, more universal, unfortunately - a more universal thing that we probably still have traces of.*

*So, it is the lesson that we must remember and especially in places of civilization such as museums where people distance from the world a little and look at things. I think it is important to be able to bring this kind of discourse because the museum is still a particular place, it is a place that has success, especially that of Louvre. It is a place where we abstract us a little from this life - I hope - it does not work with all visitors, but it can work with several and a few thousands is already great. Voilà:<sup>278</sup>*

Delieuvin in his answer creates a bridge between the idea of the moral aesthetics narratives of the museum place and the introduced *lieu de mémoire* of space (*salle 804*). He opens a very strong argument on the museum as reflective space, but it is remarkable that he does not explain specifically how the museum concretely triggers this kind of discourse on what human beings are capable of.

### **Lieu de mémoire of the drama of the 20th century part of a larger existing discourse, “trigger of sensitivity of something people know”, place and trigger of interest and dialogue**

Delieuvin verbally places the *salle* in what he calls a “unique discourse”<sup>279</sup> and “the tragic history of the middle of the 20th century”<sup>280</sup> as a context of the mu-

277 Although this follow up question must be strongly criticised as a leading question, the answer is insightful beyond the intended issues concerning the Holocaust.

278 Delieuvin, V., 2018. *Min. #01:13:59-6# - #01:17:21-2#.*

279 Delieuvin, V., 2018. *Min. #00:47:24-4# - #00:48:30-6#.*

280 Ibid.

seum display. This context in the *salle* is indicated in one phrase of the general textboard. It states that the objects “were looted in France by the Nazis, mostly from Jewish families, or sold under duress and transferred to Germany”<sup>281</sup>.

Vincent Delieuvin goes into detail on what he sees as the context of the display, when he states that it would: “addresses sensitivities, which are very varied. [...] This story that is very, very violent for us - I would say it’s something that touched us all over France that collaborated - and likewise whole Europe.”<sup>282</sup> We can see here that this reference to France as a collaborationist is clearly mentioned by Delieuvin but not indicated as such in the *salle* such as the common reference to the effect on Europe. The critical reflection of the State or the museum in the *salle* is invisible.<sup>283</sup>

Delieuvin further describes the context of the European Holocaust remembrance narrative (third memory narrative) as an obvious context for the *salle* when he says:

*I would say that this situation, I think is still in people’s minds: we still have very regular commemorations, we also have a lot in documentary television about that period, about the dramas of that period. So, I think that the sensitivities remain, it is something that the human being knows. We learn it in history, in school, I think it’s something we know, so when this discourse - when you read the general text board which is quite general and presents the situation, I think it responds to something you understand. For the wider public - for example, I don’t know Asian, Chinese, American, South American - it’s perhaps more complex.* <sup>284</sup>

To the question of for whom he thinks the *salle* is important, Delieuvin answers in direct relation to an intended correlation of memory narrative and societal value creation when he says:

*Well, for me, it [the *salle*] is important for everyone, not just for Jewish families who or whose ancestors were robbed. I think that for them it probably resonates very strongly but in my opinion the *salle* is important for all of us because we all must look at history. At least I as a historian, I am passionate about history because I believe that the teaching of history is something very important, as we are always the fruit of a history, and we are here today because there was this drama. We live in Europa, in a certain Europe because of this drama of the Second World War. We have sensitivities towards everyone, towards racist positions because there was this terrible tragedy. Unfortunately, there were others, but this was so violent that I think it had an overturn effect on something and ‘fortunately’ there was some virtue in this terrible episode.* <sup>285</sup>

281 Delieuvin, V., 2018. *Min. #00:18:17-1# - #00:22:02-3#.*

282 Delieuvin, V., 2018. *Min. #00:14:06-9# - #00:15:38-5#.*

283 This is even more problematic because around one year after the opening of the *salle*, the French provenance researcher Emanuelle Pollack published a book on the occupied French art market, which revealed that the Louvre self bought artworks from the auction of the expropriated Armand Dorville.

284 Delieuvin, V., 2018. *Min. #00:14:06-9# - #00:15:38-5#.*

285 Delieuvin, V., 2018. *Min. #00:22:07:07-4# - #00:24:19-6#.*

Vincent Delieuvin here concretely describes the intention to create a space that moves emotionally or resonates in a societal reflective way.<sup>286</sup> He concretely discusses the *salle* as addressing a broader historical meaning of injustice, when he writes:

*So, I think the salle is capable to resonates differently. We'll have a black audience. They - they will resonate in relation to slavery, undoubtedly to I would say: other exploitations of humanity and the exploitation of certain ethnic and social groups - that's it. I think it can resonate for all kinds of minorities and today or for several decades now, we are, we also have those sensibilities for minorities. [...] So, in our mindset it resonates immediately to the Jews, but I think it can - it resonates also more broadly. I believe that is necessary - it is a historical subject, but it is a historical subject which is so much, unfortunately, about the sad reality of humanity: this tendency of humanity to regularly want to eradicate other ethnic and religious groups in its history. So, I think it's very important because it [breathes 3sec] it calls for resistance, it calls for humanity and voilà, that is important, I think. <sup>287</sup>*

### Lieu de mémoire for dialogue

He further indicates the intention to create emotional resonance and dialogue with family members of people who were persecuted or/and expropriated when he states:

*I see the reactions we had, we had the Claims Conference that came, so, we had people who are extremely sensitive to this problem and who visited them [the salles] with a lot of enthusiasm, or better sensitivity, that is to say that there was really an emotion of seeing these paintings together not because it is the Flemish school of the 16th century, from the 17th century, the 18th, the 19th century, the French school, the sculptures, the painters.<sup>288</sup>*

It needs to be highlighted that those reactions appear in direct communication and personal interactions concerning the *salle*. Neither the *salle* nor the paintings talk about the theft as element of genocide. Delieuvin elaborates on the need for dialogue around the *salle*, when he says:

*Suddenly we enter a salle where the only purpose is to talk, and therefore, the paintings are not really connected, the only explanation for the reunification of these paintings is that they are works that were recovered after the Second World War. So, some of them are potentially looted and mainly from Jewish families. So, there was more of a positive reaction and the fact that we've had a lot of press articles shows that it still responds to a sensitivity, to something - the fact that you are here as well. You've probably heard about it.<sup>289</sup>*

It shows that there is a satisfaction in having those *salles*. So, then we - and I don't hide that - were criticized for certain things. Indeed, the denied *historique* but that is perfectible, we wanted to open the *salles* as soon as possible, once

286 Delieuvin, V., 2018. *Min. #00:22:07-4# - #00:24:19#.*

287 Delieuvin, V., 2018. *Min. #00:22:07-4# - #00:24:19#.*

288 Delieuvin, V., 2018. *Min. #00:29:43 - #00:33:50-1#.*

289 Delieuvin, V., 2018. *Min. #00:18:17-1# - #00:22:02-3#.*

again we can always perfect these *salles*.<sup>290</sup>

It is remarkable that Delieuvin furthermore differentiates between the description of restitution as a concrete object return and the creation of dialogue. Several times Delieuvin indicates that he does not think the *salle* would lead to concrete restitutions but that it would create dialogue.<sup>291</sup>

*Many people have contacted me: 'We had this kind of painting; our family had been robbed of such a painting - are there things that you found in your - are there things that you have possibly in the Louvre?' We have requests from artists etc. from people in Germany who have also seen reports on television about an artist: 'Our grandfather collected this artist. Do you have the same subject as we had?' So, we have - it's something that has provoked something and that I think, found its place.*<sup>292</sup>

He summarizes: "I would say that we are perfecting things, we were reviewing things. We opened the *salle*, we learn there, but we still try to do even better, and we intend it to be a real *lieu de mémoire*."<sup>293</sup> It is remarkable in this respect that to the question of whom Delieuvin would like to have a discussion with on the room from any time and space, he answers that he would naturally like to talk to someone who has suffered the crime as well as with someone who was perpetrator.<sup>294</sup> He develops his answer from the following reflection:

*We must think about this - it is true that today it is difficult to become aware of the horror of these lootings because there have been several in history amongst others by Napoleon where the intention was not to kill individuals. It was very different from this heavier patrimoine: We go to the house of an individual, and we take everything, we empty all, everything what is there: furniture, books an artwork everything.*<sup>295</sup>

Delieuvin concretely reflects the negation of the individual as one step in the intention of his or her absolute eradication. Yet, Delieuvin interestingly adds to the first narrative of a responsibility of returning the looted object (considered by him as the main memory of this room): "in the end you cannot tell everything, you cannot highlight everything"<sup>296</sup>.

Thus, the conception of the *salle* chooses the object return narrative over other types of narratives concerning the crime or the provenance, although Delieuvin is very aware of and sensitive about them.<sup>297</sup>

290 Delieuvin, V., 2018. *Min. #00:18:17-1# - #00:22:02-3#.*

291 Delieuvin, V., 2018. *Min. #00:24:23-9# - #00:25:48-3#.*

292 Delieuvin, V., 2018. *Min. #00:18:17-1# - #00:22:02-3#.*

293 Delieuvin, V., 2018. *Min. #00:03:55-6# - #00:05:09-4#.*

294 Delieuvin, V., 2018. *Min. #00:29:43-2# - #00:33:50-1#.*

295 Ibid.

296 Delieuvin, V., 2018. *Min. #00:44:08-1# - #00:45:14-6#.*

297 Delieuvin, V., 2018. *Min. #00:29:43-2# - #00:33:50-1#.*

## II. 5.2.3 Category Restitution: The Subject of Restitution in Salle 804

### II. 5.2.3.1 Change of mentalities and the duty of visibility of artworks that do not belong to the State outside an art historical narrative

Vincent Delieuvin in our interview reasons the initial idea to open the *salle* in December 2017 as a reaction to the position of museums in the Nazi-looted art restitution discourse.

He explains:

*In fact, museums have been criticized for a long time for doing nothing [...] it's true that the subject was forgotten for a long time because I imagine that after the Second World War, a large part of the restitutions was done in declarative mode. They didn't find things - or finally - nobody reclaimed them, there were sales and then the State kept a part.*

*I think people moved on to other things, one continued to live in a certain way and this patrimoine, these works that did not belong to the State have entered the museums, some accessed the Louvre and some were sent to other museums in France where they lived the life of the other works, in a certain way. Not many questions were asked, that is true. And then, well, with the end of the 1990s, indeed, mentalities have changed, we came back to these completely natural and legitimate questions on these works and on the reasons of them being in museums and we first answered them with the catalogue of the MNR's which have been studied since 2004.*

*Nonetheless, this work and a certain number of restitutions is undoubtedly not enough and it was proceeded more or less and more or less good. It presented a big task which can always be perfected, that is the objective. Together with Sébastien Allard, the director of the painting department, we realized that we could maybe also exhibit things, not only in context of the order of publication that remains. Even though the MNR artworks are on-line, the things at the Louvre were not visible, really visible in a museum and finally the museum had this duty not only to exhibit them as art history.<sup>298</sup>*

He places the *salle* at today's point of a progression of the French Nazi-looted art restitution discourse by referring to the two waves of Nazi-looted art restitution of the 1950s and 1990s.

### II. 5.2.3.2 The subordinated position of provenances in *salle* 804

Delieuvin repeats that the *salle* is perfectible in terms of indication of historical aspects, especially provenances. According to him labels in the traditional form would not make sense because one had an overwhelming *mer de cartel* (sea of labels) with partly very long and thus minuscule written texts, which would not make sense.<sup>299</sup>

Ideally, he sees an advice in the *salle*, electronically connected to the Rose Val-land database to go through the separate provenance information and their up-

298 Delieuvin, V., 2018. *Min. #00:00:31-9# - #00:03:00-1#.*

299 Delieuvin, V., 2018. *Min. #00:39:34-0# - #00:41:52-3#.*

date inside of the Louvre *salle*.<sup>300</sup> The gap between concept (the space) and the actual *salle* dominated by the place of the Louvre might lie in this non-installed displays, which Delieuvin describes as a thing “he really regrets”<sup>301</sup>.

However, it needs to be noted that without any knowledge on art history it is difficult to extract information from a provenance line and indications of literature. A connection with the *Rose Valland database* would give technical background information on the known facts of transactions in French language (see Abb.?). Delieuvin concretely states that provenances in this context are a factual tool to foster the return of the object, when he describes:

*We say on the general board that more information can be found on the Rose Valland database. Today a lot of people have smart phones and can - if they want - take pictures and find the most updated information right from home.*

*So, if you want to find the information you will find them. You cannot find them in the *salle*, but one has to keep in mind that if you really have questions concerning restitution on your mind, it is not in the museum *salle* that you do the research.*

*Taking a photo of the label, one can find the MNR on the website and once you are at home, you can do your research. That’s why it didn’t seem too serious to us that there were no precise provenances at the *salle*.<sup>302</sup>*

Delieuvin adds to the above-mentioned statement: “*What we want to do because the historique [provenance] is nevertheless interesting to show, is to create access to the Rose Valland database. That’s what we want to establish in the following months.*”<sup>303</sup>

This remark is central to my thesis as it perfectly illustrates how strong provenances are hierarchically subordinated within a dominant object return discourse. Provenance in this context is first and foremost a means to enable an object return and second, an *interesting* addition.

## II. 5.2.4 Patrimoine – Objects/ subject in

Under category A-C on the Louvre *salle* (museum, memory and restitution) I already indicated different ideas of *patrimoine* as responsibility to restitutive material heritage<sup>304</sup>, aesthetic objects<sup>305</sup> or witnesses as part of a broader Holocaust narrative.<sup>306</sup>

Those narratives on *patrimoine* are either visible in the *salle* or in the statements on the *salle* by Delieuvin.

In the next paragraph, I focus therefore entirely on my conducted research into

300 Delieuvin, V., 2018. *Min.. #00:39:34-0# - #00:41:52-3#.*

301 Delieuvin, V., 2018. *Min.. #00:39:34-0 - #00:41:52-3#.*

302 Delieuvin, V., 2018. *Min.. #00:08:00-3# - #00:09:26-4#.*

303 Another planned change not further relevant for my thesis, would be the renewment of the indication of the *salle* on the general floorplan of the museum as well as a coloured label, which now would be planned for all MNR works in French museums (Delieuvin, V., 2018. *Min. #00:18:17-1# - #00:22:02-3#.*)

304 Delieuvin, V., 2018. *Min. #00:47:24-4# - #00:48:30-6#.*

305 Delieuvin, V., 2018. *Min. #00:00:31-9# - #00:04:01-1#.*

306 Delieuvin, V., 2018. *Min. #00:14:06-9# - #00:17:34-9#.*

people's traces connected to the artworks of *salle* 804. This research of the *salle* under the category *patrimoine* resulted in the addition of the following paragraph.

## II. 5.3 Parrhesia of Traces in Practice I.

### MNR 451 - Arnold Czempin, art historian and actor in the Berlin of the Weimar Republic

*Furniture, paintings and porcelain do not "fly" themselves, but are moved by people from different motifs. This truism has not yet reached the center of our discipline.*<sup>307</sup>

As I introduced my concept: Any form of communication in the context of restitution must be based on a fundamental reflection of the dynamics of memory and forgetting. It must derive from a trial of understanding of the crime against the subject. This paragraph is an example for the restoration of a condition for such speaking. It is a search for and encounter with traces and their fragmented presence. Based on this paragraph, I formulate at the end of this thesis (in 6.3) an attempt of a *Parrhesia of Traces* in a museum context (6.3).

#### II. 5.3.1 Explantation of provenance indications on the *Rose Valland* database

*Historique : collection du Dr Froelich*<sup>308</sup>, Vienne, en 1923 (selon Juynboll, 1933); *commerce d'art Czempin, Berlin, 1925* (dossiers du RKD, La Haye et cat. exp. 1988). Acheté 650 000 F le 12 juillet 1944 à Hermsen par un représentant du *Dorotheum* [1] ; acquis 35 000 RM le 29 juillet 1944 au *Dorotheum, Vienne, par le musée de Linz* [2] ; enregistré au Central Collecting Point de Munich sous le n° 33847. Attribué au musée du Louvre par l'Office des Biens et Intérêts Privés en 1950.<sup>309</sup>

The last known owner/seller of this painting before the war is noted in 1925 as *commerce d'art Czempin*, Berlin (art dealership Czempin, Fig. 14; 15), who got it directly from the *collection of Dr. Fröhlich in Vienna*, as stated in the provenance line here above for the year 1923. A "point" then indicates gap in the ownership chain of 19 years before the painting was sold by the Dutch art dealer Theo Hermsen active in Paris via the auction house *Dorotheum* in Vienna for Hitler's planned *Führermuseum Linz*<sup>310</sup> in 1944. Coming from France, it was recuperated after the war and handed over to the Louvre in 1950.

307 In the preface to Fuhrmeister, C. 2015. *Kenntnis zwischen Macht und Moral: Annäherungen an Hans Posse (1879-1942)*. Gilbert Lupfer, Thomas Rudert, (edit.), Staatliche Kunstsammlungen Dresden, p.14.

308 The spelling differs in a publication by the Louvre in 1988. Here it says: "collection du Dr. Fröhlich, Vienne, en 1923" (Foucart 1988, p.29). In coherence with the further provenance of the painting, it is likely that the spelling "Fröhlich" is correct.

309 Direction générale des Patrimoines, Service des musées de France. «Les MNR ou les oeuvres issues de la spoliation artistique confiées aux musées de France.» Site Rose-Valland Musées Nationaux Récupération, «MNR 451», <http://www2.culture.gouv.fr/documentation/mnr/MnR-pres.htm>, last access 15.07.2019.

310 Schwarz, B., 2004. *Hitlers Museum. Die Fotoalben Gemäldegalerie Linz. Dokumente zum „Führermuseum“*. Wien/Koeln/Weimar: Boehlau Verlag.

### II. 5.3.2 Reifying documents

The painting after the war was recuperated to France because it was “29.7.[19]44 bought in France through Dr. Herbst (Dorotheum Vienna) destined for Linz, stored in Ausee” (Fig. 16). This information is documented on the painting’s record of the *Central Collecting Point Munich* (Fig. 17; 18), where the Allies registered paintings supposed to come from occupied territory after the war.<sup>311</sup>

The collecting point record on the painting states: “Presumed Owner: F unknown owner Theo Hermsen, Paris” (Fig. 18). It was therefore sent to Paris the 7th January 1947.<sup>312</sup> Hermsen was one of the main contact persons in Paris for the *Sonderauftrag Linz* [Hitler’s planned art museum].<sup>313</sup> He was a key figure for export licenses to Nazi Germany within the French art dealer network.<sup>314</sup>

The provenance researcher of the still existing art dealership *Dorotheum* in Vienna, Zirnsack kindly further explained to me the remaining traces the auction house in Vienna keeps on the painting as follows:

*Unfortunately, no documents from the NS period have survived in the Dorotheum. The files were destroyed after 30 years of storage due to lack of space. Therefore, we do not have any information on sellers and buyers from this time. Only the auction catalogues have been preserved, but they are not annotated. The painting in question bears a Dorotheum consignment number (217840/69), but was not offered at any auction, however, it was obviously sold directly to the “Sonderauftrag Linz” via the Dorotheum’s chief expert - Dr. Hans Herbst. The high part number 69 indicates a larger volume. It is known that Dr. Herbst made large-scale purchases on behalf of and for the account of the Dorotheum in France (via his business relationship with Theo Hermsen). Sublots with this consignment number were offered in the auctions in May and June 1944. In 1946 several Old Masters were handed over by the Dorotheum to the “Reparation Restitution” of the Gouvernement Militaire Francais en Autriche, all bearing the consignment number 217840.<sup>315</sup>*

### II. 5.3.3 Traces of Dr. Arnold Czempin

#### 1929

The RKD- Netherlands Institute for Art History in Den Haag holds notes on 14 different Dutch art works that were “assessed for Dr. Czempin, Berlin W. 62.”(Fig. 19) in May and November 1929 by the Dutch art historian Hofstede de Groot.<sup>316</sup>

311 Linz Collection and Munich Central Collecting Point database, accessible via website *Deutsches Historisches Museum*, [https://www.dhm.de/datenbank/ccp/dhm\\_ccp\\_add.php?seite=6&-fld\\_1=33847&fld\\_1\\_exakt=exakt&suchen=Suchen](https://www.dhm.de/datenbank/ccp/dhm_ccp_add.php?seite=6&-fld_1=33847&fld_1_exakt=exakt&suchen=Suchen), last access 18.08.2019.

312 Central Collecting Point Munich.

313 Olényi von Husen, B. “MNR Documentation of the Wallraff Richartz Museum Cologne” [email to Lea Grüter], 10 Oct. 2018.

314 Ibid.

315 Katja Zirnsack, email message to Lea Grüter, February 10, 2019.

316 Figure 19: Fichescollectie Cornelis Hofstede de Groot, fichennummer: 1378180, ©RKD/Den Haag.

It is very likely that the indicated *Dr. Czempin* is the person who in 1925 sold another Dutch painting on the Berlin art market: *MNR 451*, a self-portrait by Pieter Potter.<sup>317</sup> This is the case as several sources testify that between 1925 and 1943 only one *Dr. Czempin* with an art historical background and art dealership (indicated in the MNR provenance line *commerce d'art Czempin, Berlin, 1925*) was active in Berlin during the Weimarer Republic. In an overview of Berlin art dealerships, Dr. Arnold Czempin is listed with an art dealership until 1933 the *Hohenzollerndamm 83*.<sup>318</sup>

The fact that we are dealing with the same Arnold Czmpin can be confirmed by a glance at the Berlin address book from that time. Between 1925- 1933 several Czempins are listed in the address book, amongst them three different "Arnold Czempin".

Only two have a "Dr." (such as the one who sent 14 Dutch paintings to Den Haag in 1929). Only one of those two is indicated as having an art dealership. It is again: "Arnold Dr. Kunsthdh Schmargendf Hohenzollerndamm 83 T." In 1934 Dr. Arnold Czempin disappears from the Berlin address book (Fig.20).

### 1931

The *Landesarchiv Berlin* holds several uncontextualized documents on different Arnold Czempins.<sup>319</sup> One archive file clearly concerns *Dr. Arnold Czempin, Hohenzollerndamm 83*, art historian, actor and owner of the *Pictura GmbH* antique shop and old masters.<sup>320</sup> Next to a trade register of the art dealership, it holds a *Curriculum Vitae* along with a denied concession for a theatre play.<sup>321</sup> In a reply and renewed request for concession in 1931, Czempin sends his CV in which he describes himself as follows (Fig.22):

*Dr. Arnold Czempin*

*Hohenzollerndamm 83*

*Artistic Curriculum Vitae*

*I went to the stage at the German Volkstheater in Vienna in 1912. Born in 1887 in Berlin, Prussian, I studied art history in Munich, Berlin and Vienna and graduated with a doctorate in 1911 in Vienna. I afterwards worked as an actor and director in Katowice. Then engaged in Vienna in Neue Wiener Bühne, where I was the director of a touring performance that was staged all over Austria. In 1914 I was employed in Bonn, then 3 years soldier in the field, one year in Berlin at the Lessing Theater under director Barnowsky. After the war with director Robert at the Residenztheater, then at the new*

317 Further research should establish by and to whom Czempin sold those 14 Dutch paintings to get an idea of his network. This research could give further clues to what happened to the Pieter Potter painting after 1925.

318 "Gesamtaufnahme des Berliner Kunsthandels 1928 – 1943", accessible via website of Faschismus und Widerstand in Berlin e.V. (edit.): *Aktives Museum*, <https://www.aktives-museum.de/ausstellungen/gute-geschaefte/>, last access 16.08.2019.

319 Gisela Erler (Landesarchiv Berlin) kindly sent me scans of the archive file.

320 The *Pictura GmbH* is not registered at Hohenzollerndamm 83, which might have been Czempin's private address but at Lützwowplatz.

321 During the Weimarer Republic many political or/and communist system critical plays were denied a concession Landesarchiv Berlin: Akte A Rep. 030-05, Theaterpolizei, Nr. 1960.; *A. Czempin claim Pictura GmbH, 1964. Dossier trade register, Landesarchiv Berlin, Akte A Rep. 342-02 Nr. 22664*, ©Landesarchiv Berlin.

*Volkstheater as a director and actor on guest appearances in Hamburg Bremen and Lübeck, then several years in film at Terra Film AG. Currently, using my knowledge of art history, art dealer, self-employed as managing director and sole shareholder of the art dealership Pictura GmbH. Lützowplatz 7. Participating in the collective: "Truppe 1931".*

Arnold Czempin<sup>322</sup>

## 1911

Arnold Czempin, who was a (non-practicing) Jew<sup>323</sup>, received his PhD in art history one year after the art critic Dr. Lili Fröhlich-Bume at the University of Vienna from the same doctoral supervisor (Dvorak 1911)<sup>324</sup>In 1906 her husband, the art dealer Dr. Otto Fröhlich, had already completed his art history PhD at the University of Vienna.<sup>325</sup> It is most likely that the identified Dr. Arnold Czempin and Mrs. and Mr. *Dr. Fröhlich* knew each, having had the same PhD supervisor in 1911 at the Institute of Art History.<sup>326</sup> Although this relation is an indication, further research needs to be done to establish whether "Dr. Fröhlich" indicated as the previous owner of the Pieter Potter painting in Louvre *salle 804* refers to Dr. Lili and/or Otto Fröhlich. All three persons Lili Fröhlich-Bume, Otto Fröhlich and Arnold Czempin are indicated on the "Monument for excluded, emigrated and murdered members of the Institute of Art History of the University of Vienna 1933/34 | 1938 | 1945."<sup>327</sup>

It is remarkable that almost none of their art historical writings can be found in libraries anymore, although during the 1930s at least Lili Fröhlich-Bume was amongst Vienna's leading art historians. Lili was the second woman who gained a PhD at the University of Vienna, Otto Fröhlich owned a gallery in Vienna, they advised Sigmund Freud on his art collection until 1937, when all of them escaped to London due to the increasing threat of Nazi persecution.<sup>328</sup> In 1970 Lili Fröhlich-Bume gives an interview for the Freud archive, she ends her text with the following: "I don't know if this statement can be of any value for the archive, but it is almost everything I remember. We never had any records of it, nor could we have taken them with us into emigration."<sup>329</sup>

322 Originally written in German, translated by the author of this thesis.

323 Feinberg, A., 2010. "Jewish Attitude to the Theatre in Wilhelmine Germany". In: Malkin, J. R. and Rokem, F. (edit.): *Jews and the Making of Modern German Theatre*. Iowa: University of Iowa Press 2010, pp. 59-77.

324 Hofner-Kulenkamp, G., 1994. „Kennen Sie Sabine Gova? Deutschsprachige Kunsthistorikerinnen im Exil“. In: *Kritische Beiträge*, vol. 4, p. 35-43, p.42.

325 Ibid.

326 Likewise as Arnold Czempin, Lili and Otto were Jewish, they escaped from Nazi persecution in 1938 to London, where Otto became very sick and Lilly tried to earn their living by taking over her husbands art dealership, she never stopped publishing articles. Lili Fröhlich changed the writing of her name after her escape to England.

327 See on the forgetting of Lili Fröhlich-Bume: Hofner-Kulenkamp, G., 1994, p.42.

328 "Sigmund Freud Papers. Interviews and Recollections, 1914-1998", Set A, 1914-1998; Recollections; Fröhlich-Bume, Lili, 1970, Library of Congress, <https://www.loc.gov/item/mss3999001615/>, last access 19.08.2019.

329 Trapp, F.; Schrader, B.; Wenk, D; Maaß, I, 2013. *Biographisches Lexikon der Theaterkünstler*. Berlin: De Gruyter, p.148.

### 1930

Czempin in his modest self-description indicates that he worked “several years in film” (Fig. 22), An internet search on the mentioned *Terra Film AG* reveals that Arnold Czempin was one of Germany’s most famous silent-movie actors during the Weimarer Republic.<sup>330</sup> Beyond that, until 1930 he was active writer for the communist newspaper “Roter Block” in Berlin.<sup>331</sup> The same year his signature appears next to the name of the famous German writer Alfred Döblin (*Berlin Alexanderplatz*) on an international manifesto of the peace movement (Fig. 24).

### 1933

Dr. Arnold Czempin as he indicates in his CV, in 1931 co- founded the communist political theatre group *Truppe 1931* (Fig.22). *Truppe 1931* was forbidden with the takeover of the Nazis in 1933 because of their progressive system critical plays (Fig.25).<sup>332</sup> In the same year the collective escaped to Paris, in 1941 Czempin further emigrated to Tel Aviv.<sup>333</sup>

*I drove to Dr. Arnold Czempin, whose beautiful antique shop at Lützowplatz offered a good camouflage opportunity. We had often held our party meetings in the back room.*

– Steffie Spira (actress, member *Truppe 1931*, Fig. 25: third woman left next to Arnold Czempin.)<sup>334</sup>

Contemporaries in Tel Aviv described Arnold Czempin as “key figure of the literary German emigrant life in Tel Aviv” of anti-fascist resistance writing and passionate reciter of plays by Bertolt Brecht. He co-published and wrote for the German speaking magazine *Orient*, which on February 2, 1943 was hit by a terror attack because of its German language orientation.<sup>335</sup>

Furthermore, Czempin became the co-owner of *Goldschmidt & Schwabe*, a “company lighting, fixtures and Bauhaus furniture [...] internationally known for its innovative concepts [...] its unique manufacturing culture and artistic creativity.”<sup>336</sup> It was founded by Alfred Goldschmidt, who such as Czempin fled Germany because of Nazi persecution in 1933.<sup>337</sup>

330 Haubner, A. Wiener Kunstgeschichte gesichtet. *Arnold Chon Czempin*. University of Vienna, Institute of Art History, [https://www.univie.ac.at/geschicht-tesichtet/a\\_czempin.html](https://www.univie.ac.at/geschicht-tesichtet/a_czempin.html), last access 08.08.2019.

331 Trapp, F.; Schrader, B.; Wenk, D; Maaß, I, 2013, p.148.

332 Ibid. In the month after Hitler came to power thousands of social democrats and communists were arrested and/or murdered. See on this: Cox, J.M., 2009. *Circles of Resistance. Jewish, Leftist, and Youth Dissidence in Nazi Germany*. New York: Peter Lang.

333 Spira, S, 1991. *Trab der Schaukelpferde*. Autobiographie. Freiburg: Kore, p.86.

334 Grab, W., 1993. “Der Kreis für fortschrittliche Kultur in Tel Aviv (1942-1946)”. In: Horch, H.O., Denkler, H.(edt.): *Conditio Judaica III. Judentum, Antisemitismus und deutschsprachige Literatur vom Ersten Weltkrieg bis 1933/1938*. Tübingen: Niemeyer pp.398-414.

335 Vietor-Engländer, D., 2008. „Arnold Zweig in Palästina“. In: *Études Germaniques*, Vol. 252, No. 4, pp. 909-921; Grözinger 1998, p.251.

336 Ibid.

337 Ibid: “The lamps and fixtures Alfred designed and manufactured would later be shown in collections exhibited in museums such as the Metropolitan in New York, the Berlin Museum, and the Bauhaus in Berlin. Many generations of architects and interior designers fashioned their ideas and creations based on the quality craftsmanship and cultural innovations first introduced by “Goldschmidt-Schwabe.”

**1950 - 1974**

In 1950, Arnold (61 years old) and his wife Else Czempin (60 years old) are named on a passenger list of the ship *Conte Biancamano*. Arnold and Else Czempin are the only passengers on the list whose origin is indicated as *stateless*. The list testifies their third emigration via Italy/Genoa to New York after the end of the war (Fig. 26). Later he would describe his life in Tel Aviv as the experience of being a stranger.<sup>338</sup>

Arnold Czempin lived in New York until his death in 1974. Until the end of his life he was employed in a travel agency.<sup>339</sup>

**1964**

In 1964, Arnold Czempin claims his art dealership *Pictura GmbH* back from the commercial registry of Berlin.

Second Letter from Czempin's lawyer to the commercial registry of Berlin, 21.10.1964:

*At the time when the NS-regime took power on 11 July 1933, the applicant was the sole shareholder and managing director of the company. At the time of his emigration from Germany he was forced to liquidate the company for the purpose of transferring both positions to third parties.*

*The reference to a loan thus repaid is based on a fiction. In reality, the applicant has always financed his elderly, wealthless and incomeless mother. When Mrs. Cohn followed the applicant into emigration in 1934, the further transfer of the share had to be carried out in some form, to which the siblings of Mrs. Cohn: Dr. Max Czempin, Georg Czempin and Rosalie Frankenstein agreed, who later in turn transferred their shares to the sole remaining relative of the applicant, Dr. Franz Cohn, for camouflage purposes. All these transactions served the sole purpose of liquidating the company in a form that corresponded to the GmbH Act. None of the participants granted any consideration for these camouflage measures to other participants. Unfortunately, none of the participants is alive anymore, they died partly of natural causes, partly in the gas chambers.*

*The applicant is thus the sole legal successor of the dissolved company, just as he is the sole shareholder of the dissolved company in the event of the removal of its persecution measures and the resulting camouflage.*

[...]

*Doctor Hans Strauss*<sup>340</sup>

This research into the Pieter Potter MNR 451, I chose to present here, gives us an idea of what kind of forgotten world may hide behind all of those 31 paintings. They go way beyond a narrative of Hitler, Göring and van Ribbentrop's taste in art. Arnold Czempin's traces burst a certain stereotypical victim narrative referring to him as a Jewish resistance fighter in physical and literary emigration. They are not included in a discourse on *fair and just solutions*. In the latter dis-

338 Grözinger, E. K., 1998 (ed.). *Sprache und Identität im Judentum*. Wiesbaden: Harrassowitz Verlag.

339 Trapp, F.; Schrader, B.; Wenk, D; Maaß, I, 2013, p.148.

340 Fig. 27, A. Czempin claim Pictura GmbH, 1964. Dossier trade register, Landesarchiv Berlin, Akte A Rep. 342-02 Nr. 22664, ©Landesarchiv Berlin.

course we might only be confronted with the letter of Arnold Czempin's lawyer, Doctor Hans Strauss in terms of judging the rightfulness from a present perspective of return claim of Czempin's *Pictura GmbH*. The relevance of the latter nevertheless only becomes clear through a contextualization and communication of Arnold Czempin's traces in an ongoing forgotten world. The Pieter Potter painting in the current Nazi-looted art restitution discourse might not even appear as it was probably sold in 1925, thus before the critical period of a possibly unrightful transaction.

### **Concluding Remarks Salle**

In my case study four categories were used to give a thick description of the relevant topics of the Louvre display. In the visible Louvre *salle* all four categories could on a first level be read as referring to the (looted) artwork/object and/or its return to the former "owner at the time of confiscation". On a second level in direct conversation with the curator Vincent Delieuvin different other object and abstract subject references were added in dialogue. On a third level, I presented a research on traces of Arnold Czempin, connected to one of the paintings in the *salle*. The last two levels of communication are not visible in the room. The told narratives of the *salle* do not include reflections of the State's positioning towards the absent subjects, the restitution narrative focusses on an object return. The curator adds different abstract human related definitions of a *lieu de mémoire*. The narratives on the three levels of communication (*salle*, curator and *traces*) hence can be described as separated from each other and partly non-consistent.

## 6 Analysis - Elucidating my data in terms of a Parrhesia of Traces

In the following chapter, I present my case study analysis of a *Parrhesia of Traces* by using the collected data.

To recall the concept: my hypothesis is that the current solution-oriented discourse does not reflect its memory political dimension. This is an issue because the inherent memory narratives do not tackle but layer upon three forms of social forgetting prescribed in the crime:

- *la trace* of a spontaneous societal member as such
- *la trace* of the societal dimension of crime committed against the social member
- the ability as a contemporary society to engage with both

My concept of a Parrhesia of Traces seeks to dynamically illuminate and communicate the identified forms of oblivion and to thus tackle the crime of the past in and for the present and future

I analyze my data by applying the three steps of a Parrhesia of Traces as introduced in methodology *chapter four*. The first step consists in a reflection of societal meaning which is produced through the used memory and restitution narratives. The second step renegotiates based on this reflection if the formulated projection of the past includes and derives from the non-reified subject as well as the reifying social crime (category: *patrimoine*).

In this second step I renegotiate if and why a forgetting of misrecognition takes place to finally see which role the speaker and thus representative of narratives takes in this discussion and how they could adjust the communication based on the results of step one and two.

First, I implement the three steps of a *Parrhasia of Traces* in an analysis of the collected data on the report. As this case very clearly demonstrates, the communication of the report corresponds with the claim of my concept. Therefore, after analyzing the three steps for the *salle*, I apply the results on the report in a third part of the analysis on the *salle*. Especially in this last part, the results of my case study show how the concept of *Parrhesia of Traces* works and why it is needed.

### 6.1 David Zivie Report: Restitution of Memory as a Parrhesia of Traces

#### – Memory for our own sake and the sake of the world

##### 6.1.1 Step one) Reflection of memory narratives and their societal meaning in the communication of restitution in the report

Categories:

**Memory** – Narrative(s) about the Past in the present which shape the “I” or “we” in the past, present and future, democratic pluralistic and national.

**Restitution** – Reparation narratives for crimes against societal subjects.

### **Restitution must be based on a reflection of memory narratives**

Analysing the relation of memory and restitution narratives it stands out that the narratives of both categories are logically entangled in the report/ The memory narrative unambiguously concerns the societal narratives of people and crime, while the restitution narratives claim and defend the discourse concerning both. This specific focus of memory narratives on the relation of people to crime is first visible in the *Dora Bruder* references, second in the discussion of societal fear of losing the relation to the last survivors of the Holocaust as initial trigger for an upcoming restitution debate and third in the discussion of two *fears* which following Zivie must be discussed as they produce a reluctance to refer to art restitution as a memory narrative more dominant. All three narratives are mirrored in Zivie's discussion of restitution.

This is illustrated in Zivie's discussion of the two fear narratives concerning the overshadowing character of art theft and the anti-Semitic stereotypes of Jewish wealth. It is likewise present in his inquiry of the State's inheritance of missing legitimacy concerning the MNR artworks. The discussion of those invisible narratives of the crime are neither subordinated to an ownership debate nor separated from it in the report's argument. They much more built the core of the formulated claim for political empathy and are repeatably emphasized as missing, questions that are not asked or badly,.

### **Political Empathy as a societal potential instead of a fair and just solution narrative**

Zivie frames the Nazi-looted art restitution debate within the memory reflective societal narrative that:

*people were starting to fear the disappearance of the last survivors and to reflect on memory and its transformation[...] the objects created the link - they were the link - with the generation that had experienced the war.*<sup>341</sup>

The engagement with traces in this statement is a potential for the current generation to renegotiate and relate to the past. The statement points to the social potential of intertemporal engagement with people and crime mediated through the objects they left. His argument is thus not restricted to the personal emotional value of objects, but the latter is included in a broader dynamic socio-political narrative. It discusses a form of societal self-reflection in the light of the past.

The best proof of the report's memory reflective communication on restitution is Zivie's strong referencing of Patrick Modiano's novel. It underlines the limited but existent potential to undermine the crime by engaging with this specific absence of an irreversible past. In *Dora Bruder*, the own story of a concrete person in the present (the author and reader) connects with the reconstruction of the identity of a person from the past, in which memory and reflection becomes possible in a strong sense.

The quality of David Zivie's report in this is that it understands the memory potential of literary and artistic processing as an important type of communication of

341 Zivie 2018, *Introduction*, p. 13.

restitution in terms of restoring a kind of reflection of societal subjective absence witnessed by material evidence. This makes him one of few authors to acknowledge this potential in a political context of Nazi-looted art restitution. He recognizes that reflective memory processes only take place when I, as an individual today, am addressed and affected by the past. This approach is particularly well facilitated by artistic processing.

As the data presentation on the report clearly shows, the narratives about the past which shape the “we” and “I” in the present are correspondent and aligned with the reparative narratives for crimes against societal subjects. The narrative of people and the dynamics of persecution are positioned at the center of discourse, the object return is a logical consequence a co-existing practice in this created framework. In the latter the narrative about the past which shapes the “I” or “we” in the past, present and future corresponds with the reparative narrative for the crime against the subject and is thus pluralistic and democratic.

### 6.1.2 Re-negotiation of the three forms of forgetting in the report

Category:

**Patrimoine** – object focussed narrative(s) or subject focussed narrative(s) related to the paintings, patrimoine means also talking about subjects and in doing so about the crime of forgetting (Holocaust).

As shown, the reparative narrative of the report is completely focused on the human beings and their traces. The object takes the role of a present-maker. This is emphasized by the report’s title: “*Traces survive in registers*” which is as such distinguishable from the likewise possible statement: looted artworks survive in museums. The use of the term *traces* throughout the report refers to traces of people as well as traces of the crime of their eradication (or the trial of eradication).

Within this argument, it is especially relevant to emphasize Zivie’s definition of and communication on *patrimoine* in the established restitution framework of political empathy. I come in this respect back to my hypothesis that the position of legal/legal-philosophical scholars defines their view on the crime without covering central heritage aspects of forgetting. As presented, the scholar Veraart convincingly defines the expropriations in the context of the Holocaust as Hannah Arendt’s “killing of the juridical person in men”<sup>342</sup>. Zivie now clearly describes the Nazi-art lootings of persons as: “destruction of what made them individuals in the full sense of the word, with their own sensitivity and personality”<sup>343</sup>. In his description the crime appears in the light of my theoretically established hypothesis as what I describe as *killing of “distributed personhood”*<sup>344</sup> beyond the juridical subject.

Zivie’s constant referencing of *patrimoine* or national heritage as traces of “*people that walked on this earth*”<sup>345</sup> adds a possibility of reflecting reifying forgetting

342 Arendt 1973; Veraart 2016.

343 Zivie 2018, *Quelques doutes? Pourquoi déployer tant d’efforts après tant de temps?*, p.73.

344 Arendt 1973, p.454; Gell 1998.

345 Zivie 2018, *Quelques doutes? Pourquoi déployer tant d’efforts après tant de temps?*, p.73.

to the field. It enables societal engagement with the social dimension of crime discussed in step one. At the same time this recognition of traces enables a reflection of the societal dimension of the people's absence and the lost world illustrated amongst other in the statement: "Stolen goods do not only carry their market or aesthetic value with them; they are, like the apartments looted from top to bottom in which they were found, the trace of the crime."<sup>346</sup>

It is remarkable that this key positioning of *traces* of persons and their eradication (emptiness, absence and invisibility present in the artefact) clearly enables a communication addressing the crime of forgetting claimed in part one of this thesis. This active defense of traces as *patrimoine* present in the artworks is "the link to the generation that experienced the war"<sup>347</sup> and - as the reference to the girl Dora Bruder illustrates - a status before reification through crime ("pre-survivorhood"<sup>348</sup>). The engagement with traces is not subordinated to an ownership debate but discursively and independently central for a meaningful discussion of restitution in the report.

### 6.1.3 Adjustment and restructuring of an approach to communication in the report

Category:

**Museum/display** – Societal representation of narrative(s) for everybody.

The role Zivie takes as the speaker in the report and thus representative of narratives is first the role of a moderator in defense of a discussion on the crime committed against societal members in the past.

As the data and entanglement of the four categories shows, Zivie implements exactly what he claims: a discourse of political empathy and critical self-reflection. He illuminates the ongoing systematic societal structures of (remembering and) forgetting crimes against subjects, to understand them in concrete terms and to defend them in political discourse (even if this means asking unpleasant questions). It stands out in this respect that Zivie focusses on the transparent and critical questioning of present restitution narratives in this respect without aiming for a general answer or universal solution and focusing on the specify and ambiguity which following him "*must be heard*".<sup>349</sup>

He addresses all three forms of forgetting: subject, the ongoing societal/State dimension of the crime and the current capacity to deal with both. The latter is especially apparent in his extended discussion of the functioning of museums as guardians of traces ("traces survive in registers") and stakeholder in the implementation of political empathy. The museum in his argument as representative (such as other State representative) have an active role in the engagement with traces in the following sense:

346 Zivie 2018, *Réflexions adjacentes. Le pillage des œuvres d'art replacé dans l'histoire de la Shoah*, p. 75.

347 Zivie 2018, *Introduction*, p. 13.

348 O'Donnell 2011, p.56.

349 Zivie 2018, *Réflexions adjacentes. Le pillage des œuvres d'art replacé dans l'histoire de la Shoah*, p.75.

*More, perhaps, than the objects themselves, what remains of these looted works in museums and libraries shows an epoch and its dramas, it also shows how the following era remembers it.*<sup>350</sup>

Zivie thus implies here that the museum as such is able to represent societal narratives and discourses and thus likewise as the guardian of the objects is responsible to reflect itself and the connected traces of people and the crime committed against them connected to the looted art works. He concretely names the museum an archive as a core institution, “the guardian” which has the responsibility but likewise the potential to influence and being a place of the needed critical memory discourse on Nazi-looted art restitution.

Summarizing, David Zivie’s report argumentatively supports my concept *Parrhesia of Traces*. Since this is the case, I use the data collected on the report as concrete reference points for my concept analyzing the *salle* and thus demonstrating why it is needed.

## **6.2. Salle 804 Louvre: Memory of Restitution – A spatial representation of the current international Nazi-looted art restitution discourse**

### **6.2.1 Reflection of memory narratives and their societal meaning in the communication of restitution in the Louvre *salle***

Categories:

**Memory** – *Narrative(s) about the Past in the present which shape the “I” or “we” in the past, present and future, democratic pluralistic and national.*

**Restitution** – *Reparation narratives for crimes against societal subjects.*

#### **6.2.1.1 Representation of the French State’s moral values**

This general textboard of the *salle* strongly emphasizes an object return narrative. A contrast between the very detailed and specific numbering of objects (development, status and numbering of MNR artworks in the collection) in contrast to a very general reference to persons is evident. The human related act of crime is referenced in one sentence:

*Between 1940 and 1945, approximately 100,000 objects of all kinds (including many artworks) were looted in France by the Nazis, mostly from Jewish families, or sold under duress and transferred to Germany.*<sup>351</sup>

Both abstract narratives (perpetrator and victim) serve the purpose of an argument for restitution in the sense of the individual labels: “*This painting waits for the restitution to its previous owner*” (Fig. 12). This dominant narrative establishes a communicative equivalent of *awaited* object return to an anonymous previ-

350 Zivie 2018, *Introduction*, p.13.

351 Musée du Louvre: “Two New Rooms at the Louvre for Stolen Paintings Recovered after WWII.” *Musée du Louvre’s Press Room*, <http://presse.louvre.fr/two-new-rooms-at-the-louvre-for-stolen-paintings-recovered-after-wwii/>, last accessed 10.02.2019.

ous owner and the term of restitution. The object focus is supported by the fact that that *the painting* is grammatically subjectified in the sentence.

The narrative about the past is thus reparative in the sense of communicating the State's willingness of an object return. Both is concretely summarized in the following statement on the represented memory of the *salle* by Vincent Delieuvin:

*[M]emory for us, the most important thing is: the question of this patrimoine that we are guardians of and of which we have the agreement and even a responsibility to try to restitute, for me this is the most important thing, it is the most fundamental thing.*<sup>352</sup>

The specific *memory of restitution* in this statement is completely object-focused and solution-oriented. The curator formulates here a narrative about the past which creates moral meaning in the present on a State (museum) level. The communication of restitution present in the fully lies in the communication and the recognition a non-ownership of the State.

Both narratives of the *salle* (aesthetic moral place and MNR return narrative) refer in their level of meaning in the broadest sense to the mediation of two different forms of moral values of the French State. The Louvre in both narratives functions as a representative of national narratives. It visualizes action within the current international dominant Nazi-looted art restitution discourse. It represents a *memory of restitution*.

The *salle* as such communicates a political narrative of a glorious nation (memory of place) combined with a representation of a State's "politics of regret"<sup>353</sup>(memory of return).

Those two narratives are present in the *salle* and the statements of the curator. It can, however, be clearly observed that Vincent Delieuvin opens a third narrative in conversation, which is not taken up by the two narratives of *salle*.

### 6.2.1.2 The invisible framework of an abstract Holocaust narrative

Delieuvin uses a third narrative for his definition of a *lieu de mémoire* in the discourse of Nazi-looted art restitution: the Holocaust narrative witnessed by the objects.<sup>354</sup>

This latter in our conversation is abstractly referenced but as the different narratives on the *lieu de mémoire* in the data presentation show, not clearly identifiable in its reference points. The curator repeatedly emphasizes that the *lieu de mémoire* is a matter of remembering the annihilation of minorities, which is not part of the *salle* but of a broader Holocaust remembrance as context for the *salle*.<sup>355</sup>

According to Delieuvin, the *lieu de mémoire* thus functions for people who have a knowledge on the Nazi's lootings as part of the Holocaust. I would illustrate this notion of a *lieu de mémoire* with my own shivers entering the room and experien-

352 Delieuvin, V., 2018. Min. #00:46:31-5# - #00:46:05-2#.

353 Olick 2007.

354 Delieuvin, Vincent. Interview with Lea Grüter. Expert interview, 83 Minutes. Paris, Jun 25, 2018., Min. #00:47:24-4# - #00:48:30-6#.

355 Delieuvin, V., 2018. Min. #00:22:07:07-4# - #00:24:19-6# ; Min. #00:22:07-4# - #00:24:19# ; Min. #00:22:07-4# - #00:24:19# ; Min. #00:29:43 - #00:33:50-1#.

cing the absence of people. I refer to this in a similar way as Delieuvin when he explains for whom he thinks this *salle* is relevant, yet, with a critical remark: you have to be aware of the relationship between the theft and cultural genocide or reification. Otherwise the following intention is not triggered by the two dominant narratives of the *salle*:

*this tendency of humanity to regularly want to eradicate other ethnic and religious groups in its history. So, I think it's very important because it [the salle] [breathes 3sec] it calls for resistance, it calls for humanity and voilà, that is important, I think.*<sup>356</sup>

However, how is this narrative of the invisible specificity of crime communicated in the *salle*? How does it “call[s] for resistance”?<sup>357</sup> How does it “call[s] for humanity”?<sup>357</sup> How is this discourse triggered at the museum, which Delieuvin indicates as a “*place of civilization*”,<sup>358</sup> which enables to look differently on life?<sup>359</sup> Where is it established as a referential framework in a general Holocaust discourse? By concretely posing these questions on narratives, the gap of concrete reference and meaning becomes visible.

### 6.2.1.3 Relation of Memory and restitution in the *salle*

The thick description shows that there is no overlap between the communication of the Holocaust narrative and the concept of restitution (clearly referenced as moral responsibility for an object return), except for the fact that the abstract Holocaust narrative is given as contextualization for the *salle*.

Looking at the data presentation it stands out that while the curator says, the most important memory for the Louvre *salle* was the responsibility to return the artworks,<sup>360</sup> his definition of a the *salle* as a *lieu de mémoire* references a genocide narrative (invisible as such in the *salle*).<sup>361</sup> It is very relevant to observe which position provenances takes in this reparative narrative about the past in the *salle*. Beyond the emphasise on the State’s responsibility for an object return, provenances are subordinated in two ways. First, as tool to establish an ownership status and second, as “*interesting*”<sup>362</sup> but not crucial for the display on restitution.

Without drawing hasty conclusions at this point, it can be stated that the State’s intention to return objects expropriated in the context of the Holocaust is clearly communicated within the memory of the Louvre place as the aesthetic value of paintings (hung in association of a private collection) but that the third narrative which concerns the explanation of *thefticide* is left out of the national museum representation.

It is at least questionable if this critical awareness becomes visible through a pure rupture of hanging because the MNR artworks do not show the Holocaust, they do not talk about the Holocaust. The *salle* to a certain extend shows us so-

356 Delieuvin, V., 2018. *Min. #00:22:07-4# - #00:24:19#.*

357 Delieuvin, V., 2018. *Min. #00:22:07-4# - #00:24:19#.*

358 Delieuvin, V., 2018. *Min. #00:14:06-9# - #00:15:38-5#.*

359 Ibid.

360 Delieuvin, V., 2018. *Min. #00:46:31-5# - #00:46:05-2#.*

361 Delieuvin, V., 2018. *Min. #00:05:19-2# - #00:07:39-3#.*

362 Delieuvin, V., 2018. *Min. #00:18:17-1# - #00:22:02-3#.*

something else than the different narratives Delieuvin introduces.

### 6.2.2 Re-negotiation of the three forms of forgetting in the *salle* 804

Category: *patrimoine*

As shown in the thick description of the *salle*, MNR 451, the self-portrait by Pieter Potter does not tell about the thoughts, writing, activism, emigration, persecution and expropriated art dealership *Pictura GmbH* by the Jewish art historian and actor Dr. Arnold Czempin from Berlin during the Weimarer Republic.

In this room is the problem: What is put on the forefront of the room's labels are origin of the aesthetically style school as well as the artist. Although the schools and centuries are mixed in the room, they are resembled under the indication 15th-17th century. Traces and objects willing or unwillingly on a first level refer to the memory of place - an artist and different style schools and as such to an art historical value (and a nation state value relic). In a place where a historical context has been cut away in the service of another narrative about the past (art historical, aesthetic or in the sense of the nation), it is difficult to see but likewise to tell a subject-related *patrimoine* of the object.<sup>363</sup> The subject-related narratives of *patrimoine* and social crime is invisible in the representation and communication of the *salle*.

As step one of this analysis shows, there is a clear choice for the presentation of an aesthetic object-related idea of *patrimoine* (in line with the place) instead of an engagement with provenances as they clearly take up a role as methodological tool for the re-establishment of ownership and an additional *interesting* information.<sup>364</sup>

As the analysis shows, the *salle* represents specific gaps which are not closed in a surrounding discourse on restitution. Those gaps correspond with my identified forms of forgetting.

First, the persons and their socio-political position beyond a focus on a victim status; the traces of Arnold Czempin are forgotten, invisibly present in the painting by Pieter Potter.

Second, the forgetting of the societal crime as such is invisible. In terms of the Louvre *salle*, this form of socio-political forgetting is present in the fact that the refuge of Arnold Czempin, discrimination, the loss of his art dealership and family members caused by societal structures and even more the artistic resistance by the denied persons (in this case Czempin, *Truppe 1931 etc.*) against it are not perceivable anymore.

The third forgetting of our nowadays society's capability (or the speaker's ability in context of restitution) leads to a lacking engagement with those traces and their forgetting as socio-political dynamics. This third forgetting is perfectly illustrated by the fact that the display of the Pieter Potter painting in a *salle* unambiguously aims for marking the painting in context of restitution for historical injustice and the Holocaust. Notwithstanding, the display creates a framework which does not engage with those contexts but unintentionally suppresses them.

363 Poulot 2012, p.78; Duncan (edit.) 2005, p. 27.

364 Delieuvin, V., 2018. *Min. #00:18:17-1# - #00:22:02-3#*.

All the links to which a social analysis could then be tied are invisible as such or subordinated to an ownership debate or legal philosophical frameworks of fair and just solutions.

### **6.2.3 Adjustment and restructuring of an approach to communication in salle 804 - Problematic gap of the aesthetic place and this abstract Holocaust narrative**

Category: Museum

Having analyzed the different narratives, first, it is possible to see that the narratives about the past in the Louvre *salle* are not entangled in reference to the crime. While the memory of the place creates meaning on aesthetic glorious civilization, the reparative narrative concerning the object return present in the *salle* does not question this narrative of a focus on cultural goods. The *salle* is nevertheless labeled as *lieu de mémoire* for the Holocaust. Between those two narratives an unquestioned gap of paradox meanings occurs. Second, it is evident that the *traces* of persons such Arnold Czempin are not present although they could fill the gap.

There is a problematic gap of the aesthetic place (referencing artistic and national genius) and the reference to invisible and abstract *lieu de mémoire* which is especially apparent in the following quote:

*So, indeed, it is an opportunity to ask these questions but those are questions that are asked by the art works themselves as well. If you go to see the Delacroix exhibition, well, you have very political paintings that Delacroix painted on these issues [...] of the human who is a wolf to himself and this *salle* marks art in a very strong way.*<sup>365</sup>

It is abstract to say that *man is a wolf to man*.<sup>366</sup> This way, one never learns anything about problems and their time, which one could study in a painting such as Delacroix's political subjects. The problem with the Holocaust furthermore is that it simply cannot be depicted and the 31 artworks as such do not represent or talk about persecution, eradication and reification. In their present societal museum context, their past societal context must be actively re-traced and reestablished. This illustration shows a paradox of narratives. To trigger a specific reflection of genocide, the *salle* needed to firstly, uncomfortably question and burst the narrative of place (narrative of aesthetic glorious genius). Secondly, it needed to actively engage with questions of irrepresentability and at the same time specificity of the crime.

### **6.3.1 Applying the report on salle 804**

#### **6.3.1.1 Step one – Memory and Restitution**

The different understanding of restitution in the report and the *salle* becomes ap-

365 Delieuvin, V., 2018. *Min. #01:13:59-6# - #01:17:21-2#*.

366 Delieuvin, V., 2018. *Min. #01:13:59-6# - #01:17:21-2#*.

parent in the following two statements on the upcoming of a restitution discourse in the 1990s. While Delieuvin explains that after years forgetting and criticism on museums after the war: “we came back to these completely natural and legitimate questions on these works and on the reasons of them being in museums”,<sup>367</sup> Zivie’s reflections on forgetting in the 1990s are phrased as follows: “people were starting to fear the disappearance of the last survivors and to reflect on memory and its transformation.”<sup>368</sup>

The reparative narrative in the first statement such as in the *salle* tackles the perceivable result of crime: the potentially expropriated artworks being in the Louvre, while the statement of the report reflects on a reparation of societal reflection on the crime. To be more precise the latter describes a societal wish to engage with people and the crime committed against them through the engagement with the looted artworks whereas the *salle* questions the legitimacy of cultural goods being in the museum.

### **Making reification visible**

The *salle* such as the object-focussed narrative of Nazi-looted art restitution do not infiltrate the two *fears* discussed and deciphered in the Zivie report. It offers much more a perfect area of projection. Both *fears* are not undermined in the *salle*:

- 1.) *Overlaying human destruction by the spectacular character of Nazi art theft*
- 2) *may trigger the anti-Semitic idea that all Jews were rich and owned valuable artworks*

The difference between abstract commemorative argument and concrete deciphering of narratives becomes very clear at this point. The framework of a general Holocaust narrative as shown in Zivie’s discussion of *fear* narratives is not specific enough to endure and defend the ambiguity of sign systems/narratives (splendor and economic value of art and inherent forgetting of theft as part of genocide).

The curator himself describes this difficulty for people not concerned with the subject to see the element of persecution in the artworks, when he says that “it is true that today it is difficult to become aware of the horror of these lootings[...]We go to the house of an individual, and we take everything, we empty all, everything what is there: furniture, books an artwork everything.”<sup>369</sup>

The paradox narratives of legitimacy of restitution and the responsibility and/or benefits from the crime of State and the museums which Zivie introduces as contradicting narratives, are likewise not addressed in the *salle*. This is underlined by the fact that the crime is completely abstracted by using the term “the Nazis” as perpetrator and “Jewish families” as victims of theft. The position of the mu-

367 Delieuvin, V., 2018. *Min.* #00:00:31-9# - #00:03:00-1#.

368 Zivie 2018, *Introduction*, p. 13.

369 Delieuvin, V., 2018. *Min.* #00:29:43-2# - #00:33:50-1#.

seum and State as guardian is further not critically, nor human related (and thus potentially empathetically) reflected.

*Unclaimed works were, for the most part (approximately 13,000), sold, and the administration kept 2,143 objects, which were registered in special inventories labeled "MNR." The Musée du Louvre houses 1,752 MNR works in its collections, including 807 paintings. Of those, 296 are in the museum itself while the rest were sent to different museums on long-term loans around France.* <sup>371</sup>

This is problematic because as I showed above, the meaning created through the representation of the *salle* instead refers on two levels to the representation of moral State values.

### 6.3.1.2 Step two – the *patrimoine* of crime

The dominant political narrative of restitution as a topic of object return in context of the Holocaust and the aesthetic memory of the place of the Louvre are layered upon the two forms of forgetting inscribed in the crime itself such as illustrated in the report's reflections on dominant *fear* narratives.

The ambiguity of an abstract aesthetic private collection display must be verbalized as it could likewise be a representation of the Nazi's collection and their taste. That this is not the intention is clear from the general promotion of the *salle* and my interview with the curator. Nevertheless, the actual crime of forgetting (the crime against) affected people is not undermined in the display but silently repeated in its communication and representation:

*Symmetric hanging with paintings which respond to each other, landscapes and others and by doing that we realized that it made it possible to highlight quite varied histories, paintings bought for Göring, Hitler, Ribbentrop. There are all different types of situations, there are also paintings for which we suspect that they were not looted.*<sup>372</sup>

The traces of Lili, Otto Fröhlich and Arnold Czempin remain forgotten in the discourse on the *salle*, while Göring, van Ribbentropp and Hitler are still in the consciousness as active (although evil) concrete subjects, looting valuable artworks for their private collections "embody[ing] the beauty and refinement sought by criminals, both for their value and because they had to be taken away from those who had to be eliminated".<sup>373</sup>

As shown above this is not a conscious denial or repression and reification of traces but a result of the crime itself, which only becomes evident in the concrete discussion of memory narratives and their establishment of political and societal meaning on the crime and trauma in the present.

371 Musée du Louvre: "Two New Rooms at the Louvre for Stolen Paintings Recovered after WWII." Musée du Louvre's Press Room, <http://presse.louvre.fr/two-new-rooms-at-the-louvre-for-stolen-paintings-recovered-after-wwii/>, last accessed 10.02.2019.

372 Delieuvin, V., 2018, *Min. 00:48:35-4# - #00:51:39-6#*.

373 Zivie 2018, *Concernant la gestion des MNR. Rassembler les MNR?*, p.63.

### 6.3.1.3 Is the memory of the Holocaust at all the task of the Louvre as a national museum?

Category: Museum

One could argue the Louvre is not the place for debating general societal issues and the remembrance of the Holocaust (as this might likewise create issues of national political representations). It is therefore relevant that the Louvre labels the *salle* as *lieu de mémoire* for the Holocaust. Since the curator is convinced in his statements that the genocide narrative is self-explanatory from the broader Holocaust remembrance context, the problem of an unquestioned memory narrative of restitution seems to occur subconsciously, unintendedly or at least it does not occur in the communication.<sup>374</sup>

Looking at the communication in terms of a need for *Parrhesia of Traces*, it is remarkable that Vincent Delieuvin summarizes the context of the Louvre as follows: “We are still a places of material conservation, we still have artworks and people also come for that, to see oeuvres – only, these rooms are about looking differently”<sup>375</sup>, while Zivie states: “The museum shows us something else than the works: this is particularly true in the case of looted objects”.<sup>376</sup>

As a museum you must deal with that and try to show the unrepresentable or start to think about it in the sense of David Zivie’s demonstration of a need for deciphering of specific narratives.<sup>377</sup> In the depiction of narratives, a museum can therefore only position itself uncommented or consciously, but never neutral or apolitical. This is even more the case as the museum as representative of the State in terms of the MNR artworks needs to reflect its own position as such in terms of genocide as a crime committed by States.

In the sense of *paragraph 2.2.1* of this thesis, the museum in terms of a *Parrhesia of Traces* therefore must reflect on its own narratives of the Louvre place to then either represent a static national restitution narrative in the sense of Pierre Nora’s *lieu de mémoire*<sup>378</sup> or trigger discussion on the narratives connected to the paintings. As only in the latter, following the introduced understanding of Aleida Assmann’s place and cultural memory<sup>379</sup> the museum takes up on its potential of being a place for reflection and renegotiation of societal narratives and meaning.

#### The place of the Louvre as a lieu de restitution

Delieuvin underlines the intention that the *salle* “calls for resistance - it calls for humanity”.<sup>380</sup> In this statement he aims for a critical reflection not only on an ownership level but on a societal level within the encounter of the MNR works in context of restitution. This is especially present in his second reflection on the topics in question concerning *salle 804*:

*It is the question of humanity that is asked and what humanity is capable*

374 Delieuvin, V., 2018. *Min. #00:22:07:07-4# - #00:24:19-6#*.

375 Delieuvin, V., 2018. *Min. #00:47:24-4# - #00:48:30-6#*.

376 Zivie 2018, *Introduction*, p. 13.

377 Zivie 2018, *Réflexions adjacentes. Le pillage des œuvres d’art replacé dans l’histoire de la Shoah*, p.75.

378 Nora 1986 ; Nora 1989 ; Nora 1984.

379 Assmann 2018; Assmann 1999.

380 Delieuvin, V., 2018. *Min. #00:22:07-4# - #00:24:19#*.

*of. This means the worst of cruelty; it really means the extinction of another - of humanity itself for various reasons.[...] this salle marks art in a very strong way. However, it's a historical situation that poses - which is broader, more universal, unfortunately - a more universal thing that we probably still have traces of.*

*So, it is the lesson that we must remember and especially in places of civilization such as museums where people distance from the world a little and look at things. I think it is important to be able to bring this kind of discourse because the museum is still a particular place.<sup>381</sup>*

The idea to “calls for resistance” cannot be created through an idea of universality. It can be answered with Zivie’s comment on memory universality which can only be created through specificity, explicit explanations and constant self-reflection and specific intentions:

*If they [museums] are or want to be universal, they are also closely tied to their time and perhaps tell us much more than the objects themselves. The museum is also, in the words of Bénédicte Savoy, “like an archive of itself, of our time, of our history.”<sup>382</sup>*

The more specific the museum shows the traces and engages with the Louvre place, the better the *salle* works as *lieu de mémoire*.<sup>383</sup> Taking a stance by no means contradicts the reference to facts such as traces, it needs the facts.

Applied on the Louvre *salle* this statement shows the remembrance of returning artworks wrongfully taken in the context of the Holocaust. As indicated in Zivie’s statement this look at the museum as “archive of itself, of our time, of our history”<sup>384</sup> shows that the sense-giving function of museums can also be used to ask the question: What does this have to do with us in the present and even in engagement with the current Louvre display: what do we want a restitution discourse to be?

This is its responsibility and task in dealing with Nazi looted art, as detailed above. So, if “it is the lesson that we must remember and especially in places of civilization such as museums”,<sup>385</sup> the museum must deal with this gap of discourse and discuss the unrepresentable or start to think about it in the sense of the sociological study by Gensburger and Lefranc: Memory culture can only produce a societal moral effect (resistance against totalitarianism, antisemitism and racism) when it gives information, triggers independent thinking and as such invites to be critical towards the system of power which produces a dominant remembrance policy.<sup>386</sup>

The museum as guardian of the traces thus could through consciousness of its function as one dominant speaker in the Nazi-looted art restitution discourse trigger societal engagement. Hence, it can add to the discourse of Nazi-looted art restitution on a critical heritage level. By engaging with the traces and thereby

381 Delieuvin, V., 2018. *Min. #00:14:06-9# - #00:15:38-5#.*

382 Zivie 2018, *Introduction*, p. 13.

383 Assmann, A., 1999.

384 Zivie 2018, *Introduction*, p. 13.

385 Delieuvin, V., 2018. *Min. #00:14:06-9# - #00:15:38-5#.*

386 Gensburger and Lefranc 2017.

reflecting its own narratives it could take up on a communication of *Parrhesia of Traces* in the discourse of restitution. Therefore, it is important and decisive how we approach the history of looted art, how we present it in the museum. We have the responsibility to tell history here and now. The way we tell history in the museum has an influence on how we understand it to have been. This holds great potential for politics and society, now and in the future. (on which I come back in the outlook of this research).

### 6.3.2 Discussion

The report entangles memory, restitution, *patrimoine* and museum argumentatively. The formulated narratives in all four categories concretely refer to a reconnection with the absent societal subject affected by the crime. For the *salle*, instead, the narratives in the four categories are not unambiguously decodable. Especially the classification as *lieu de mémoire* has different possible reference points. The narratives of the *salle* do not refer to the societal subject affected by the crime but mainly to the artworks expropriated from Jewish families by the Nazis and the State's responsibility for their return to their original owner.<sup>387</sup>

As this analysis, I can identify through the categorization two different forms of communication on Nazi-looted art restitution. They can be shortly summarized as follows: Zivie puts the constant reflection on memory dynamics and narratives at the heart of a functioning restitution discourse. I describe this as a *restitution of memory*, while the *salle* focusses on the national or more precisely State representation of a *memory of restitution*.

### Restitution of Memory

Zivie's deciphering of the present narratives shows that the sole focus of a *fair and just solutions* for wrongfully taken artefacts in context of Holocaust" as a narrative dismisses a discussion on the crime: "the theft and looting of works of art and other cultural goods is one of the elements of Nazi persecution of Jews". As Zivie further states: "it is for the reparation of these crimes that [...] restitution to the dispossessed owners or their families has been put in place."<sup>388</sup>

The recognition and reflection of criminal forgetting must therefore be the basis for any communication on Nazi-looted art restitution. As shown, it is only possible through the reflection of the used narratives. It is remarkable that this form of reflection implements the political empathy, Zivie claims.

This means, according to David Zivie, *patrimoine* refers to making the subjects behind the objects visible and, in addition to a general art and cultural history, telling the story of societal member's fates and thus the forgotten dimension of crime. Only in this way the museum is able to make culture and society more fully accessible. In this way, it can see itself as a concrete "place" for the representation and production of intellectual and cultural history. In this way it can open a possibility to reflect on itself in this function.

The report thus supports my hypothesis on a discursive gap on Nazi-looted

387 This narrative is in line with the Washington Principles 1998.

388 Zivie 2018, *Introduction*, p. 13.

art restitution and demonstrates the benefit of critically discussing memory narratives.

A critical examination of the crime of societal extinction, the main characteristic of which is its own forgetting as such, can only take place by reflecting on the used narratives and communication.

### Memory of Restitution

The Louvre *salle* thus represents exactly those gaps and problematic abstract restitution narratives (three forms of forgetting) which Zivie criticizes for the current Nazi looted-art restitution discourse. Concluding from the analysis, it can be assumed that this parallelism in representation is influenced by the discourse of Nazi-looted art restitution. This is the case as the *salle* is labeled by the curator as *lieu de mémoire* for restitution and the Holocaust.

In short, the *salle* illustrates a perfidy crux of a focus on a moral object-return narrative of restitution: the trauma and societal core of crime are accurately inscribed in something the looted artefact as such does not tell in the present.

It needs to be emphasized that the Louvre according to my concept is not the only *speaker* which could establish this kind of communication but that it is the guardian of the painting which gives presence to the traces and it could represent the narratives which are – as Zivie emphasizes- not enough discussed in the political discourse of Nazi-looted art restitution.

Notwithstanding, it needs to be emphasized that the communication on the Holocaust narrative exists in personal dialogues surrounding the display. Best proof of this is my conducted interview with Vincent Delieuvin and his interactions with people concerned by the subject. The *lieu de mémoire* of dialogue is present as such as Vincent Delieuvin takes time for those interactions. It is remarkable that the creation of dialogue on narratives is strongly dependent on this behavior of the curator. The same counts for my experience in the *salle* before and after my conducted interview. The interaction with the curator Vincent Delieuvin adds a meaningful level of empathy and engagement with the subject to the experience of the display.

In the next chapter I experiment based on the analysis on how a restorative communication could be established in the Louvre *salle* in terms of a *Parrhesia of Traces*.

#### 6.3.2 Parrhesia of Traces in Practice II

A spatial, museological concept of restitution must make documentary traces of the subject (not the private subject, but the political subject according to Hannah Arendt's understanding of politics) visible together with the painting. In this encounter, the absence of societal subjects such as Arnold Czempin is first made visible again and at the same time their attempted forgetting is undermined.

Walter Grab, historian and contemporary of Arnold Czempin writes about their common emigrant life in Tel Aviv: "Czempin was a brilliant reciter and once recit-

ed Bertolt Brecht's political poems with passion and enthusiasm in our cultural circle."<sup>389</sup>

*Last known holder of this painting before the war was the actor, art historian and Jewish communist resistance writer Arnold Czempin from Berlin. To the current state of research, the provenance gap between 1925 and 1943 cannot be covered. We are pleased if you can give us more information.*

The above-mentioned exemplary text has a similar amount of words (50 words) as the existing phrase on the label (41 words):

*Peinture / Europe / 1500-1900. Oeuvre récupérée à la fin de la Seconde Guerre mondiale, déposée en [year] par l'office des Biens et Intérêts privés, en attente de sa restitution à ses légitimes propriétaires. MNR [Numer of the MNR work].*

The word count of 41 does not include the further art historical specification on the existing label. Instead of the latter, one might put the first verse (similar amount of words as art historical specifications) of Bert Brecht's *To those who follow in our Wake (Für die Nachgeborenen)*, which he wrote around 1940 in exile (Fig. 28). As introduced, more specificity on the art historical details can be found on the *Rose Valland database* (indicated on the general text board) likewise as a more detailed analysis of the provenance. Thus, one could in a first step change the website/database (language, explanation of provenance such as presented in *paragraph 5.3*). In a second step Vincent Delieuvin's idea of a database device in the *salle* could be one model of a *lieu de mémoire* contributing to the Nazi-looted Art discourse from a cultural heritage perspective in terms of a *Parrhesia of Traces*.

Another possibility, to build on Delieuvin's idea of the creation of dialogue, (which in its implementation could be close to the Assmann's definition of a renegotiation of cultural memory), could be the conscious temporary changement and of the place's framework though a lecture on Arnold Czempin, a performance of the poem in the *salle* or a workshop on the paintings provenance research under the heading of a current societally relevant subject such as belonging or civil courage.<sup>390</sup>

So, if the *salle* is intended to "call for resistance" and to fulfil its museological potential as dynamic *lieu de mémoire* in the discourse of restitution, it needs to speak up to the unquestioned institutional narrative as well as to the dominant discourse of Nazi-looted art restitution in the sense of a *parrhesia*.

In their presence the looted artworks refer to the unbroken subject, whose absence is still present in the traces and can be made visible.

389 Grab, W., 1993. Grab was fleeing Germany in 1938 because of persecution.

390 Although not in the context of the Louvre, I gave a workshop based on my research, on the subject of restitution, provenance research and Arnold Czempin at the Moritzburg Halle, a city in East Germany with a strong uprising of the Neo Nazi scene and the political far-right wing movement *Identitäre Bewegung*. The workshop was held in the framework of the educational weeks against racism: Lea Grüter, Lena Wimmer and Nico Parisius (Halle gegen Rechts) in cooperation with the art museum Moritzburg Halle: "*Die Geschichten hinter den Objekten*" (*The stories behind the objects*). Workshop, Education weeks against racism with this year's motto *Remembering means being active* from Halle gegen Rechts - Bündnis für Zivilcourage, Halle 15.03.2019, [http://bildungswochen.de/images/Downloadmaterial/BW2019/Programmheft\\_BW2019\\_web.pdf](http://bildungswochen.de/images/Downloadmaterial/BW2019/Programmheft_BW2019_web.pdf), last access 19.05.2019.

## 7 Conclusion

*Repression often does not only start after the deed but already in the doing itself, no, it even comes before the act and is its effective precondition.*

– Aleida Assmann/Günther Anders

In this thesis I first formulate two premises. The first premise on which I base my concept is the following: the artefacts refer to a fragment of what we have lost as an ongoing world through genocide in the diversity of people we remember. The second premise is: our self-understanding as a society and as individuals who participate in this society depends on how we deal with the past.

### Restatement of aims

The aim of this thesis was to introduce and practically demonstrate my concept of *Parrhesia of Traces* in the discourse of Nazi-looted art restitution.

In this thesis, the concept of *Parrhesia of Traces* defines the establishment of a reflection and communication on the societal dimension of the reification of persons through the Nazi art lootings. It aims for a reflection on these static forms of forgetting of plurality. The artefacts refer to incomplete but enduring narratives of the subject excluded from the world, denied at that time and today. They can as such be recognized and defended as manifold, even painful, still vulnerable traces and part of a pluralistic idea of society.

I claim that only in this manner, restitution can be meaningful in and for the present. Excluding the three forms of socio-political forgetting prescribed in the crime, contradicts the actual responsibility and potential of restitution to make the present better.

In the first part of this thesis (*chapter two and three*), three forms of forgetting were discussed as prescribed in the crime of Nazi art looting. The inherent forms of socio-political forgetting are neither tackled in a juridical discourse oriented towards *fair and just solution* concerning looted objects, nor tackled in “politics of regret” referring to a State referential guilt/responsibility narrative and a victim status. The ongoing societal crime of de-subjectification of people and their recognition as unbroken subject until now is no subject to academic discussion on Nazi-looted art restitution. Notwithstanding the fact that objects give valuable presence to past timeframes and social relations. In this respect the function of the Louvre as guardian and representative of national narratives was considered. I showed this first in my theoretical framework to then underline its need through the argumentation of the heritage expert David Zivie. Lastly, I demonstrated the occurring misleading references of the current restitution narrative in the analysis of the Louvre *salle*.

The smallest common indivisible denominator is this relationship of presence and absence. In their undeconstructable relationship of present making of absence, the *traces* might be the only weapon and access to the ongoing forms of

forgetting and thus the only trigger for societal discourse on justice and recognition of who we want to be as a society in terms of Nazi-looted art restitution. The visualization and discussion of *la trace* structure contradicts the predominant and persistent forgetting and the system developed from it, which does not question its own structures of remembering and forgetting. In this respect, my case study turned out to support my argument.

### **Conclusion of the thesis**

Restitution includes enduring the uncomfortable contradictions of heterogonous narratives and recognizing the ongoing societal dimension of the crime against plurality. For there is no apparent solution other than to deal with the narrative of the Other, especially when it questions, and perhaps threatens our own narrative(s).

In order to create transparency regarding these different interpretations, it requires the restitution-practitioner as well as the audience of the narratives to reflect on their ambiguity and ambivalence, perhaps even ignorance or weakness. This is based on the hypothesis, that in order to recognize the subjectivity of the Other within the society, self-awareness and self-reflection is an indispensable prerequisite.

Applying the concept demands the audience to pay attention to which memories and wounds, but at the same time radically diverse absent subjectivity and stories the presence of the looted artwork may point them.

This implicates to respect the confrontation with the Other (the trace of the subject) when it questions the dominant narrative and current societal framework - may this be a legal framework or the Louvre context - even though it might be unpleasant, uncomfortable and even frightening. Enabling the majority of people to have access to the traces is a necessary requirement to create such a critical confrontation with the narrative of the Other. If we can *restore* something in a Nazi-looted art restitution discourse, it is our perception of these subjective social traces in confrontation with the ongoing attempt to reify them.

Different from any naive idea of empathy, hope and memory, the real engagement with them through a *Parrhesia of Traces* proves the opposite. Engaging and communicating with empathy, defending and fighting narratives in the present demands to endure self-critical vulnerability, to endure failure and criticism and admit ones ambiguity. In this lies the societal potential within the context of Nazi looted art restitution discourse and memory creation.

### **Case study: Consistent with my expectations?**

Summarizing, my case study and collected data supports my hypothesis. Only through critical memory reflection the problematic forms of forgetting become visible as renewed traumatizing forms of communication and enable a more general societal reflection about how we as a society can (re)create and defend a pluralistic self-perception encountering traces of absent persons such as Dora Bruder.

The analysis of the *salle* furthermore lead to unexpected results. The lack of provenances in a display of MNR artworks is easily criticisable as arrogance or ignorance of the most traditional and political art institution of the Louvre. The research into the narratives and my conducted interview nevertheless suggest a real engagement in the subject by the curator Vincent Delieuvin. The absence of provenances in the *salle* is therefore much more a key trigger of further reflections on the dynamics of forgetting than a general missing interest of the curator would imply.

One unanticipated finding is the fact that through the spatial Louvre exhibition in the context of restitution, a corporal encounter with the current concept of Nazi-looted art restitution can takes place. This means that the *salle* opens the potential of triggering a discussion on the discourse of Nazi-looted art restitution. Through the museum space the memory dimension of the restitution discourse itself become accessible and discussable.

For although the *salle* seems to repeat in its presentation (as a heritage stakeholder) the legally framed discourse of National-looted art restitution (*fair and just solutions*), which I criticize as too static and narrow, it is the first national museum that actively and permanently makes the restitution narrative accessible and thus enables it to be criticized and re-discussed.

Contrary to expectations, this study did not find an unwillingness of the Louvre museum to engage with the subject of Nazi-looted art restitution. This is especially present in the curator's accessible attitude. As an outlook This is supported by the fact that the Louvre recently collaborated with the Paris Shoah memorial lending two MNR paintings for an exhibition, which the art historian Emmanuelle Polack identified as being acquired by the Louvre during the Second World War in a forced sale of the persecuted lawyer Armand Dorville.<sup>391</sup> Even more the suppression of narratives at the Louvre place, *salle* 804 is apparent.

The most interesting finding was that the traces of Arnold Czempin (and Lili Fröhlich, Otto Fröhlich, ) confronted me with an unexpected dimension of socio-political forgetting. The plural contexts and traces that I could establish through my research on the Pieter Potter painting further support the idea of a Parrhesia of Traces. As the encounter with those traces is not conductible. They enrich and support my hypothesis and concept to an extent, which I did not calculated when starting this research.

### Implications

Zivie's report raises new approaches, which concretely approach my discussed lack of reflection on political dynamics of memory and forgetting. In the sense of a *Parrhesia of Traces*, he refers to this potential and comes up with new approaches. Zivie's deciphering of the present narratives shows that the sole focus of a *fair and just solution* finding for wrongfully taken artefacts in context of Holocaust" as a narrative dismisses a core dimension of a restitution discourse.

Heritage experts like David Zivie or the curators of the Louvre *salle* such as Vincent Delieuvin in my two-folded case study can add in different ways to the dis-

391 Polack, E. 2019.

course by challenging the existing restitution narrative. They can in their communication reconnect the discourse with the discussion of cultural genocide and reification. The same counts for this thesis and my position as a museologist and provenance researcher.

The role of critical heritage experts constitutes pointing out that the legal discourse is not enough to remind people of the social denial of individuals of a certain minority group and culture and to deal with recurring forms of social forgetting in communication.

### **Reflection of Methodology**

There are several important areas where this study makes an original contribution to

Through my method of categorization, it is possible to research narratives in terms of a restitution that are capable of tackling reification. The categories turned out to be very useful as their separated analysis shows very well that Zivie entangles all four topics of restitution, memory, museum and *patrimoine* in a logical way deriving from the crime against the (forgotten) subject. The same counts for the *salle*, here the categories clearly reveal paradoxes in communication as well as gaps of communication.

The formation of categories in *chapter 5* brings the limitation and difficulties of separating things from each other that are connected in my argument. This counts especially for the communication and reflection of memory and restitution. Furthermore, the complexity of the categories makes it difficult to clearly distinguish them from each other.

Future research should further research the four established categories and their entanglement to produce more data on the way meaning is created through their use and entanglement or separation. Especially in terms of the Zivie report an analysis of his practical advice could further support the concept of a *Parrhesia of Traces* and give some more practical implications deriving from a changed communication.

### **Limitations of the current study**

The limits of the study lie clearly in the limited scope of a Master thesis. In further studies, the dynamics of forgetting or superimposition of narratives should be further researched as the case study presented in this thesis can only give an indication. Further research needs to be done in different cases as well as forms of communication (communication of especially the National restitution commissions, media, exhibitions, governments, other institutions as museums such as Universities, schools, foundations, other museum etc.). They must be examined. In this context one could research the social effects of a changed communication in terms of a *Parrhesia of Traces*.

In this respect it is especially important to implement the concept in practice such as in the conducted workshop but even more important in political contexts and to examine the effect of the resulting different communication. Especially, affective research methods could bring further results building on the outcomes of this thesis.

### **Recommendations for further research work**

Further research should be done in the work of the newly established French restitution commission under the leadership of David Zivie in terms of critical heritage contributions to the international discourse on Nazi-looted art restitution. The same counts for in-depth research in the traces of the 31 paintings present at the Louvre *salle*. Especially an independent publication on MNR 451, Arnold Czempin, Lili and Otto Froehlich, *Truppe 1931* should be made (respectively in other formats). Further research into those people and contexts should be conducted as not all findings on the painting could be presented in context of this thesis.

It is important to do further research on the connection between memory politics on the Shoah and the dealing of Nazi-looted art restitution cases. My conducted interviews could built a starting point for this examination.

Following my established hypothesis, the Nazi-looted art restitution discourse is in a transitional phase of transformation of societal memory on the Holocaust towards a complete mediation through cultural memory such as museums. It should be researched if the communication on memory changes in this respect and the other way around how the discourse on restitution might creatively trigger political, democratic and pluralistic negotiations of memory narratives.

One should in this respect further research the tendency of monologic nationalistic governments (with monologic victory, resistance or victory narratives on the war) to claim inter-state restitutions (supporting the national idea) but to deny individual Nazi-looted art restitution cases as they were discussed in this thesis. In this respect Italy, Hungary and Poland are relevant cases. In those countries right wing governments are in power and the dealing with the past is directed towards a strongly nationalistic narrative. All three countries tend to reject Nazi-looted art restitution to individuals.

Even more important is further research into the different memory political frameworks of Eastern and Western Europe and their exchange in the discourse on Nazi looted art restitution. Many memory experts have published on the *memory wall* between Eastern European political memories (not only governmental) and the very different Western European experiences. The former are strongly influenced by memories on communism, the Soviet Union and the Gulag.

It is therefore remarkable that the discussion on Nazi-looted art restitution and international cooperation mainly involves researcher from Western European Countries, although expropriations of artefacts from private persons played a significant role in Eastern Europe as well (during the Holocaust as well as during socialism). Further research from a memory critical perspective on this subject could help to create a better entanglement and understanding of these frameworks through traces.<sup>392</sup>

This kind of intercultural communication in terms of a *Parrhesia of Traces* could create forms of what Aleida Assmann calls dialogic memory and in this respect new pluralistic and dynamic European narratives. Museums as guardians of the objects, which have as demonstrated for the Pieter Potter painting international traces could play a major role in this respect as *lieu de restitution*. Conversely, these collaborations could also create a better intra-European exchange of memories and thus dynamic cohesion.

### **Implications or recommendations for practice or policy**

Speaking about the past in the present is a political act. It influences how we shape the present and deal with the crimes of the past. Without awareness of this fact, recognition and reflection of the ongoing societal crime does not take place and leads to a language and in worst case repeated misrecognition of the actual crime and the active thinking, feeling and existing subjects (and their families) concerned. Restoration of a perception of social subjects and social recognition of a crime cannot fulfillingly be found in the moral discussion about an object return. This *solution*-oriented approach implies that a discussion will eventually be completed. Recognition as a social act can only take place intersubjectively, if the speakers perceive their own subjectivity and actions an potential to make sense through specific communication.

This involvement and reflection of this potential, however, must first take place, be striven for and made possible. It must constantly and continuously precede restitution policy and any policy of remembrance, in thinking, speaking, exchanging and communicating instead of aiming for an end point. Striving for negotiation has different arguments and motives than striving for fulfilment.

Within this precondition of a conscientious and constant *Parrhesia of Traces* to any form of public thinking, speaking and action currently dominated by overshadowing memories, lies thus, the real ongoing societal justice potential of restitution.

392 Grüter, L., 2018. "Herkomst. Verzameling K.K. Oberstleutnant Artievicz, Agram. A Question of Dialogic Memory." Presentation Summer School, *Provenance, why does it matter? Provenance, Disposition and Translocation*, HERA project TransCultAA, Zadar, Croatia, Aug 27–31, Aug 30, <https://www.transculataa.eu/2018/08/01/programme-international-summer-school-zadar-august-2018/>, last access 17.08.2019.

## Post-memory

In the year 1792, Monsieur Roland, first Interior Minister of France after the French Revolution, wrote in a letter to the painter David about the Louvre: “[T]he museum will be the element of the most beautiful knowledge and will be the administration of the universe.”<sup>393</sup>

I think of Arnold Czempin, and I think of how he sits in his little travel agency in New York, 61 years old. I think of the fact that he had a whole life behind him as theatre maker, as an art historian in Vienna and Berlin, with a small art dealership *Pictura G.M.B.H.* He was one of Germany's most famous silent film actor in the political changes of the Weimarer republic. I think of the texts, photos, fragments, his signature in ink I came across. I think of the escape, the denied theatre concessions of *Truppe 1931* in Paris, a small Bauhaus design shop in Tel Aviv - literary resistance. I think of how it must feel like being discriminated for speaking the language of the people who want to kill you. I think about what it must mean to be stateless on a boat to an unknown new world.

Then I imagine that Arnold Czempin sits there in his small travel agency with those silent stories in his back - with his provenance - of which the people who are entering the shop and booking a trip, do not know. I don't know whether he ever thought back to Pieter Potter's Self-portrait, or Lilli and Otto Fröhlich, whether he told people about his stories, or even whether he ever thought about them himself. I do not know whether sometimes a Brecht poem came to his head recited by him so often in the past - but I know one thing about Arnold Czempin, as Patrick Modiano ends his reflections about Dora Bruder:

*I'll never know what she did in the days when she hid, in whose company she was during the winter months of her first escape and during the few weeks in spring when she left again. That is her secret. A poor and precious secret that the executioners, the regulations, the authorities of the crew, the depot, the barracks, the camps, the history, the time - everything that pollutes you and destroys you - could not steal from you.*<sup>394</sup>

Remembering in this context my teacher's anecdote from the beginning, makes different things clear to me: being aware of our contradictions might be painful or uncomfortable to stand but discussing things as my teacher did, the heritage of traces present in objects, places and discourses might also be - in Bertolt Brecht's words - our hope.

This hope is about the awareness of societal meaning of a person sitting on a chair and having coffee. It is about a consciousness for the traces of a person and his or her forgetting present in an artwork.

This hope requires the discussion and defense of a legal and moral right to sit on a chair and have coffee or to get an artwork back, which was taken in context of genocide, but this hope does also include a normative reflection of a pluralistic

393 “Letter from M. Roland to the painter David”, Gallica, 1792, Bibliothèque National de France, <https://gallica.bnf.fr/ark:/12148/btv1b105383449/f1.image>, last access 01.06.2019.

394 Zivie 2018, *Introduction*, p. 13.

idea of society. We as individuals of the present decide what “we” as societal subjects care for and whom “we” care for. People communicating on Nazi-looted art restitution and historical injustice can defend this view in a societal discussion. This hope includes a reflection of our often-difficult common existence as diverse cultural beings and an awareness of the potential to create pluralistic meaning in our common world.

This meaning is in its core political because people negotiate, create and defend in it an inter-temporal idea of what belonging to this world means. In this reflection we have the chance to learn something about ourselves because we can learn to stand Otherness, we can burst and enrich the stories we tell us about ourselves and on what is valuable for the creation of a diverse, democratic society. We decide on our communication and creation of a full idea of restitution in the present and can negotiate its potential for the sake of all of us: Arnold Czempin, Lilly and Otto Föhlich, Vincent Delieuvin, David Zivie, Thierry Bajou, Alain Prévett, Corinne Herschkovitch, me - you. I would like to end with this anecdote as an outlook, because it clarifies a question that any person and institution dealing with the subject of Nazi-looted art restitution must ask themselves before they deal with the topic: Are we prepared and willing to memorize? – or: What are we forgetting?



Fig. 1



Fig. 2



Fig. 3

Figure 1: Museum Plan, ©Musée du Louvre

Figure 2: Entrance of the Louvre, ©Lea Grüter

Figure 3: Floorplan Richelieu wing, North European paintings, ©LG

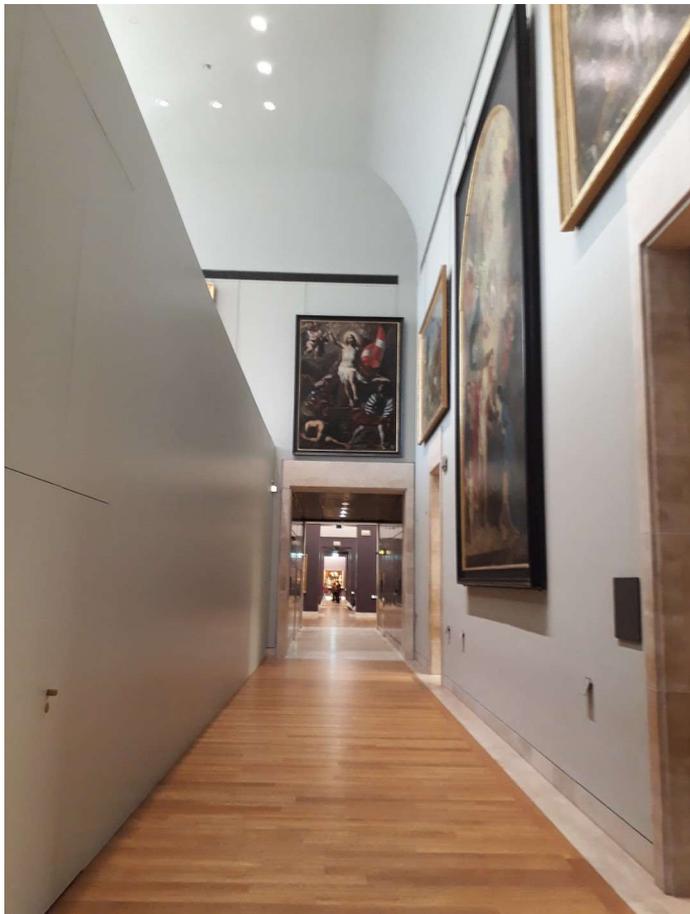


Fig. 4

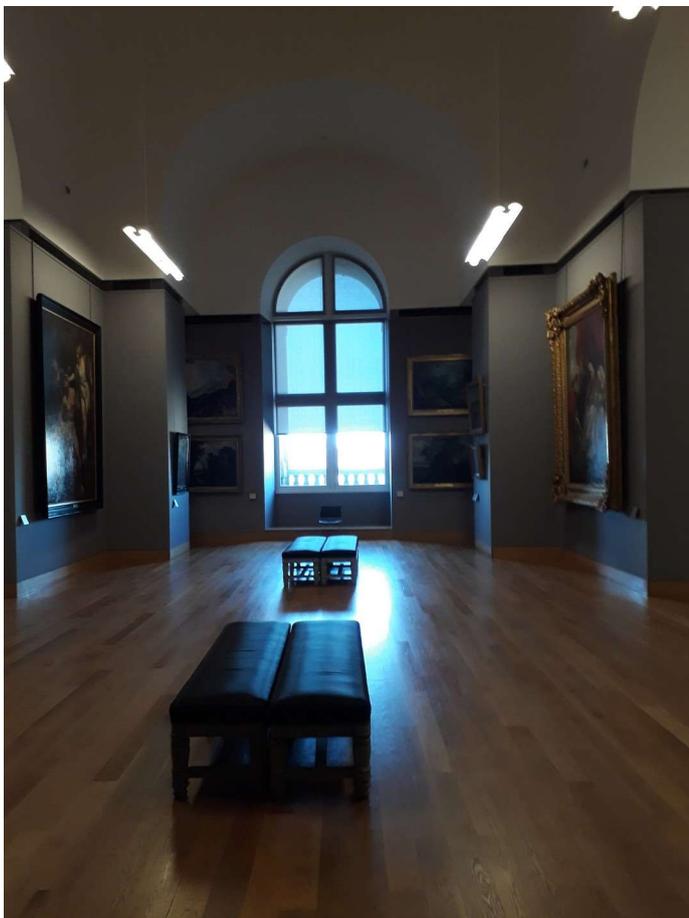
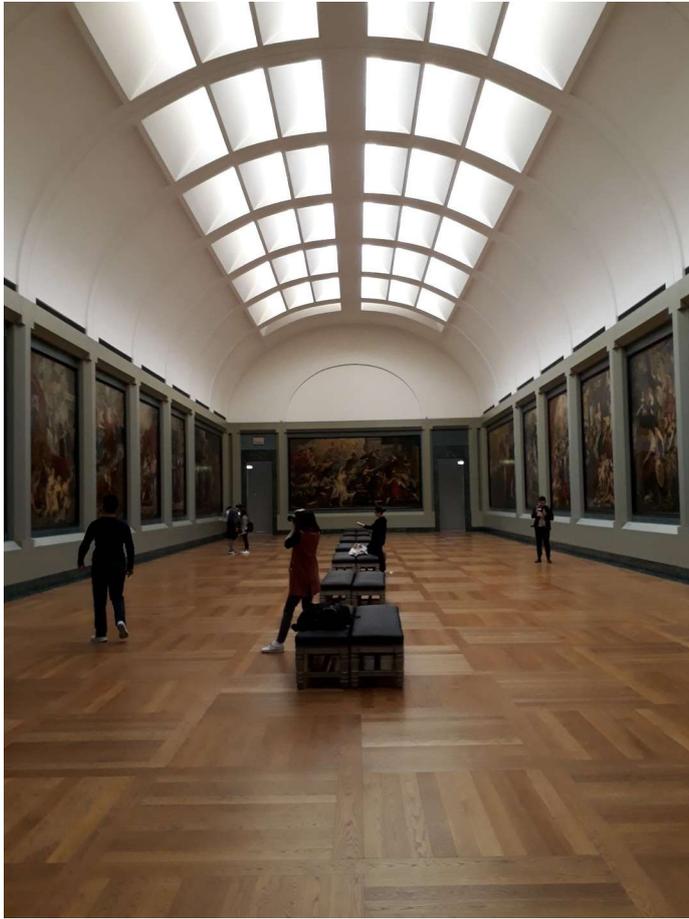


Fig. 5

Figure 5: Salle 17 and 18, New: salle 802 and 803, Galerie Médicis and Paintings/North Europe/ 1600-1700, ©LG



Fig. 6

Figure 6: Salle 15, New: salle 803 with entrance to salle 804, ©LG

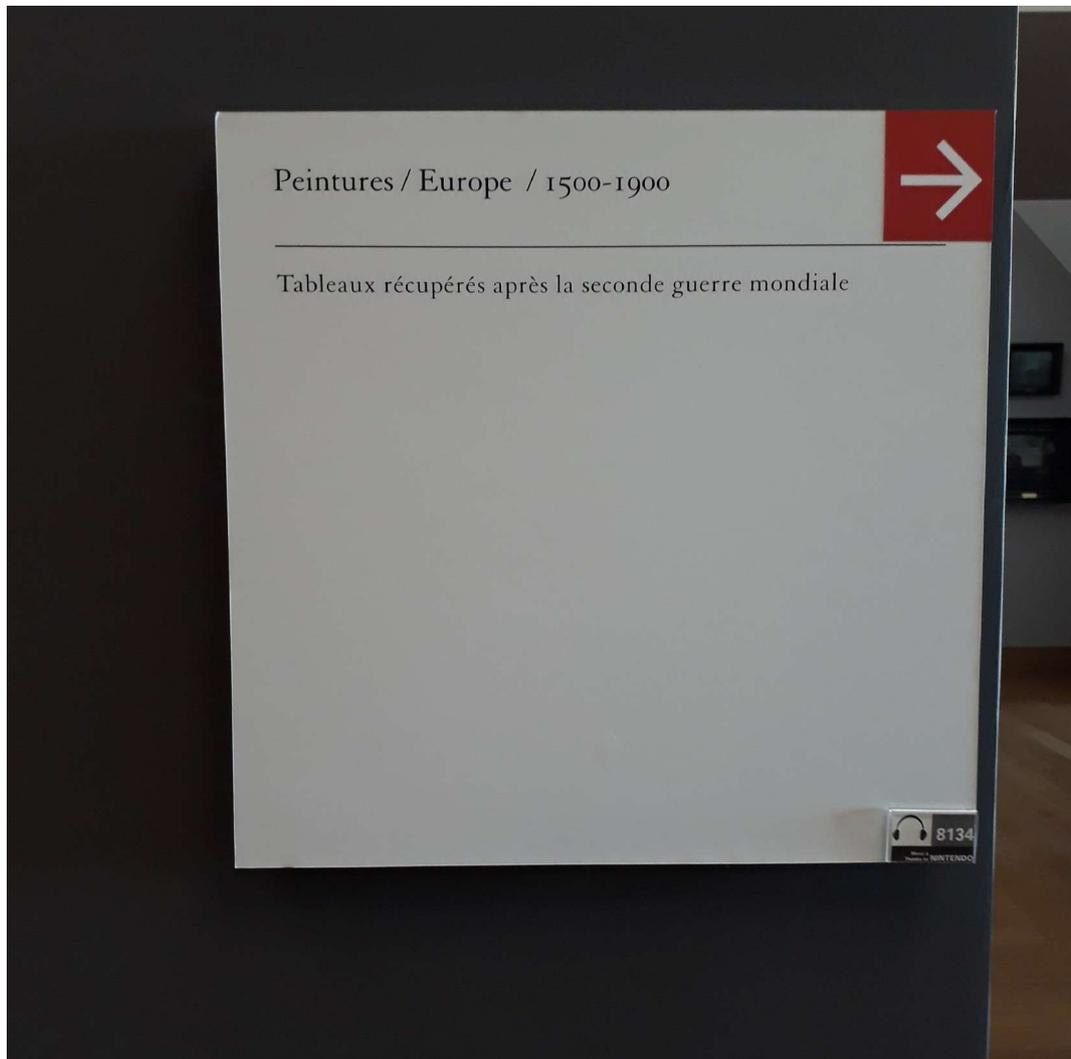


Fig. 7

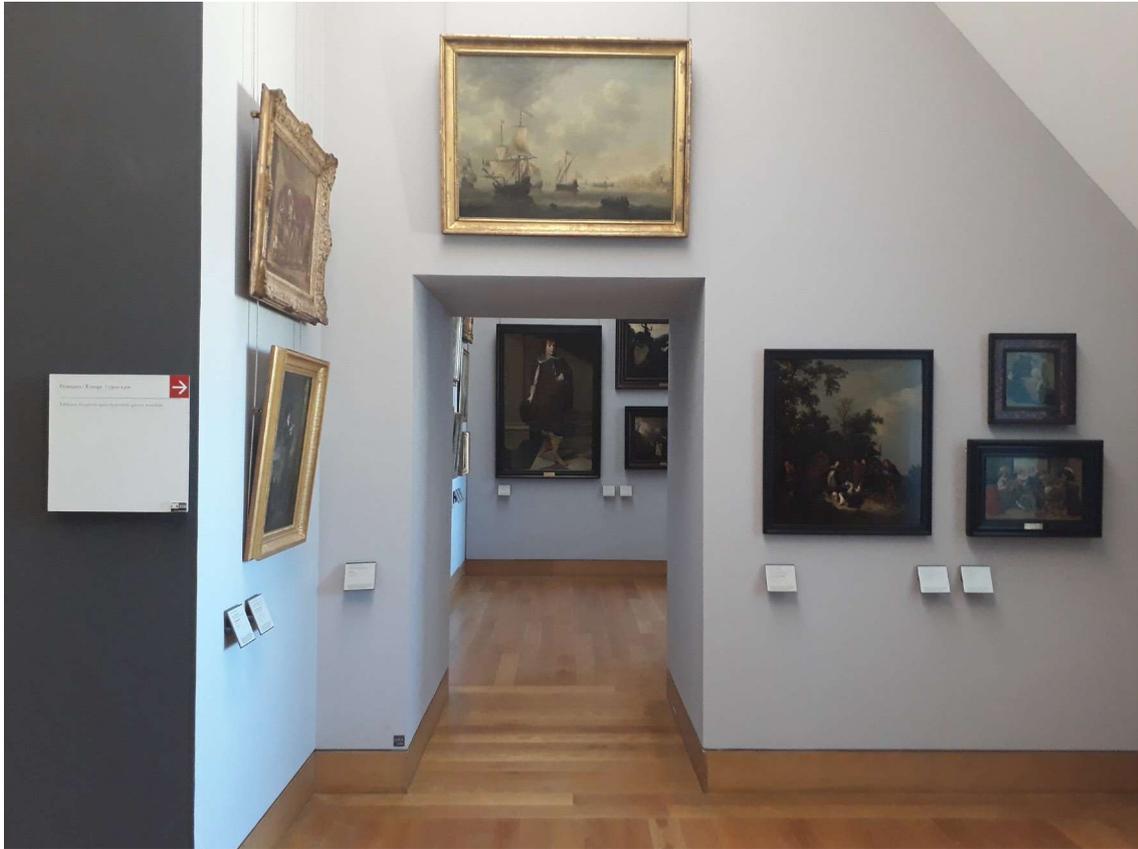


Fig. 8



Fig. 9

Figure 8: Salle 804, first cabinet with tag at the entrance, ©LG  
 Figure 9: Salle 804 with general textboard, ©LG



Fig. 10



Fig. 11

Figure 10: Salle 804, second cabinet, ©LG

Figure 11: Salle 804, second cabinet, salon hanging, ©LG

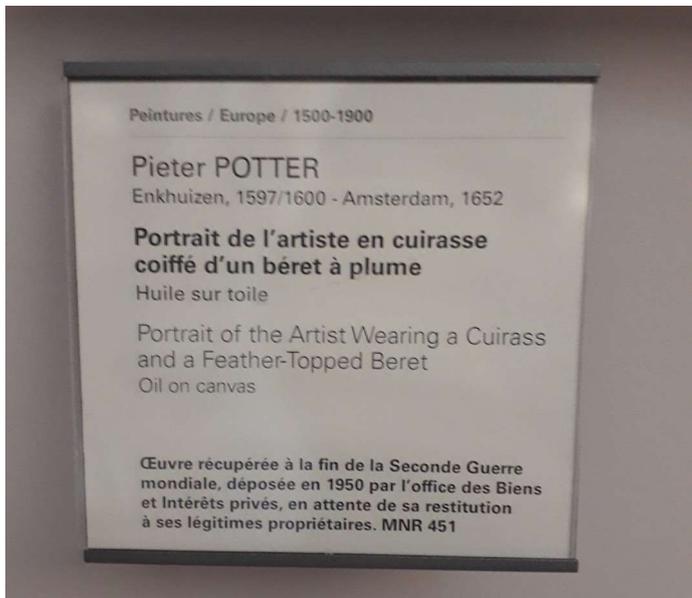


Fig. 12



**MNR**

- MNR : Définition
- Catalogue des MNR
- Documentation historique
  - Le rapport Matteoli
  - Aperçu historique.
  - Spoliation des livres.
  - Le Répertoire des Biens Spoliés
  - Photos des expositions de l'ERR au Jeu de Paume
- Textes juridiques
- Liens
- Remerciements
- Contact

**Site Rose-Valland**  
**Musées Nationaux Récupération**

Réponse n° 1











MNR 451  
**Peinture**  
Ecole hollandaise  
**POTTER, Pieter**  
**Ecole des Pays-Bas**  
Enkhuizen, 1597/1600 ; Amsterdam, 1652  
**Portrait de l'artiste en cuirasse et coiffé d'un béret à plume**  
17e siècle  
Bois ; peinture  
H. 0,62 ; L. 0,47 m  
Inscriptions, S. D. h. d. : « P. Potter f. 1634 »  
signature  
Historique Vente Christie's, Londres, 14 mai 1920, n° 71 (acquis par Lewis ; collection du Dr Frölich, Vienne, en 1923 (selon Juynboll, 1933) ; commerce d'art Czempin, Berlin, 1925 (dossiers du RKD, La Haye et cat. exp. 1988).  
Acheté 650 000 F le 12 juillet 1944 à Hermsen par un représentant du Dorotheum [1] ; acquis 35 000 RM le 29 juillet 1944 au Dorotheum, Vienne, par le musée de Linz [2] ; enregistré au Central Collecting Point de Munich sous le n° 33847.  
Attribué au musée du Louvre par l'Office des Biens et Intérêts Privés en 1950.

Localisation **Paris ; musée du Louvre ; département des Peintures**

Expositions 1979-1980, Paris, musée du Louvre, « Tableaux flamands et hollandais du Louvre : à propos d'un nouveau catalogue » (sans catalogue).  
1988, Paris, musée du Louvre, dossier du département des Peintures, n° 35, « Peintres rembranesques au Louvre » (Cat. p. 28-29, repr.)

Représentation autoportrait (Potter Pieter, homme, en buste, de trois-quarts, cuirasse, chapeau, peintre)

Bibliographie BREJON de LAVERGNEE, Arnauld ; FOUCCART, Jacques ; REYNAUD, Nicole, « Catalogue sommaire illustré des peintures du musée du Louvre, Ecoles flamande et hollandaise », Paris, RMN, 1979, tome I, p. 107, repr.  
LASNE, Claude ; ROQUEBERT, Anne « Catalogue des peintures MNR », Paris, RMN, 2004, p. 201, repr.

Notes (1) Bundesarchiv, AK B323/565  
(2) MAEDI/209SUP388 P 23 et Bundesarchiv BAK B323/565

Mise à jour 2018/02/21  
Droits photo © Réunion des musées nationales

Réponse n° 1

Notices 1

Lots de réponses

Fig. 13



Fig. 14

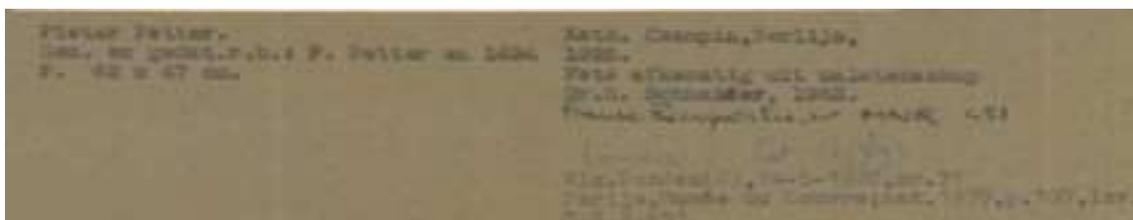


Fig. 15

Classification <b>P</b>	Property Card Art	Mun. <b>USFA</b>
Author: <b>P. Potter</b>	Subject: <b>self portrait</b>	<b>33847A</b> <b>8755</b>
Measurements: L <b>62</b> W <b>48</b> H	Material: <b>oil on panel</b>	Presumed Owner: <b>F</b>
Depot possessor: <b>Dorotheum, Vienna</b>	Arrival Condition <b>good - unburnt,</b>	<del>unknown owner</del> <b>Theo Hansen, Bonn</b>
Identifying Marks: <b>217840-69</b> <b>(Dorotheum)</b>	Description <b>In case <u>XV</u> 40</b> <b>Signed</b>	Inv. No. <b>Doc. to information</b> Cat. No. <b>given by Dr. Eder</b>
Bibliography:		FOR OFFICE USE: Claim No. Other Photos: <b>Yes</b> No. Neg. No. File No. <b>ja, bet.</b>
<b>PHOTO</b> <b>yes</b>		

Bundesarchiv, B323/682

Fig. 16



Fig. 17

Figure 16: Central collecting point Munich, restitution record, @Bundesarchiv

Figure 17: Photo MNR 451 taken at Central Collecting Point Munich, restitution records ©Bundesarchiv

033847	8755	277 840-69	246
Eingangsnummer (Arrival Number)		Beschriftung (Marks)	Raum (Room)
Art des Gegenstandes Type of object	Ganz, Holz, mittel, ger. D. Rother 1634		
Besitzer Possessor	Bildnis e. jg. Mannes mit Bart Frankreich		
Datum des Eingangs Date of arrival	27 JUNI 1946	Wetter Weather	
Zustand Condition	gut		
Bemerkung Remarks			

Bundesarchiv, B323/633

40000. 3.46. J. Maß, München

Fig. 18

Mrt. 1929.

Door Dr. C. H. d. G. zelf gezien.

Toegeschreven J. Ochtervelt.

Vrouwtje in 't rood, een oester in de hand.  
*Zie kwart schildering*

Zie verder foto.  
Ik heb aan J. v. Geel gedacht, maar ben hiervan teruggekomen.

P. 35.2 x 27.

In Mrt. 1929 beoordeeld voor Dr. Czempin, Berlijn W. 62.

Fig. 19

**Czempin**  
 –\*Czempin & Aleksandrowicz Baumwollwar  
 02 Kaiser Wilhelm-Str 57 T.  
 –H., Dr. med., Prof., Frauenarzt, Schönebg,  
 Gewaldstr. 10 T. G 1 Steph. 9566, Sprech-  
 stunden 12–2.  
 –Arnold Kaufm Charlb Ehbelfstr 43 T.  
 –Arnold Dr KunstzhdI SchmargendI Hohens-  
 zollerndamm 83 T.  
 –G Kaufm Charlb Grolmanstr 12. 13 T.  
 –Martin Kaufm Wilmersbdf Detmolder Str 3  
 –Stegmund Kaufm N 54 Choriner Str 71 E T.

**Czempin**  
 –\*Czempin & Aleksandrowicz Baumwollwar  
 02 Kaiser Wilhelm-Str 57 T.  
 –H., Dr. med., Prof., Frauenarzt, Schönebg,  
 Gewaldstr. 10 T. G 1 Steph. 9566, Sprech-  
 stunden 12–2.  
 –Arnold Kaufm Charlb Ehbelfstr 43 T.  
 –Martin Kaufm Wilmersbdf Detmolder Str ?  
 –Stegmund Kaufm N 54 Choriner Str 71 E T

Fig. 20



1933/34 – 1938 – 1945

Ausgegrenzt – Vertrieben – Ermordet  
 wurden aus ethnischen, religiösen, politischen Gründen  
 die Absolventinnen und Absolventen des Kunsthistorischen Instituts

Frederik Antal • Gertrud Bamberger • Otto Benesch • Rudolf Berliner •  
 Hermann Bessemer • Josef Bodonyi • Wolfgang Born • Ernst Heinrich  
 Buschbeck • **Arnold Czempin** • Otto Demus • Paul Eger • Robert Eisler • Benno  
 Fleischmann • Franziska Fried-Boxer • Otto Friedländer-Zoff • **Otto Fröhlich** • **Lili**  
**Fröhlich-Burne** • Bruno Fürst • Gustav Glück • Ludwig Goldscheider • Ernst  
 Gombrich • Fritz Grossmann • Franz Haberditzl • Erna Harth • Else Hofmann •  
 Felix Horb • Otto Kallir • Emil Kaufmann • Marguerite Kaufmann • Wilhelm  
 Koehler • Paul Koeser • Ernst Kris • Betty Kurth • Hilde Kurz • Otto Kurz • Gerhart

Fig. 21

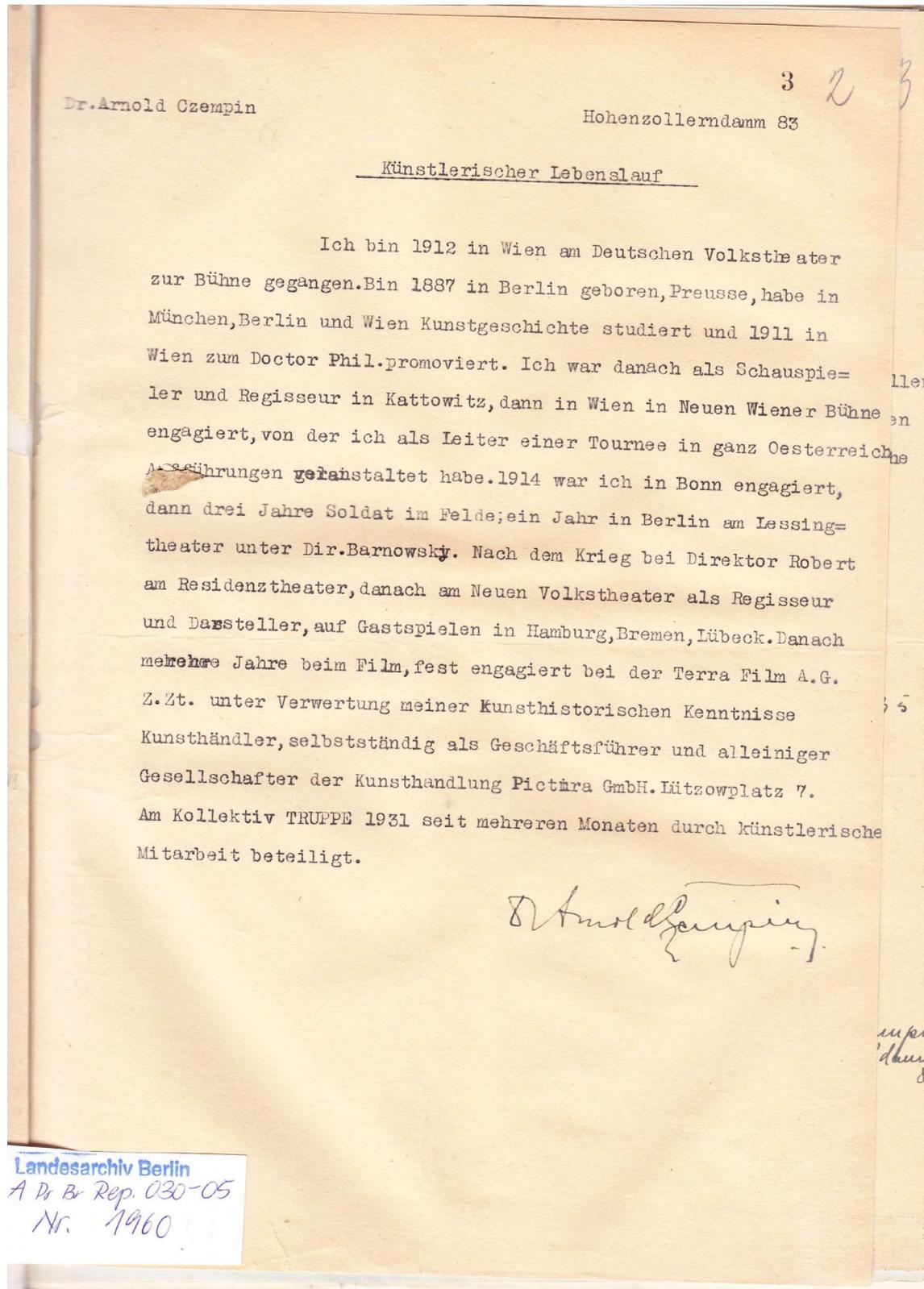


Fig. 22

Figure 22: Artistic CV Arnold Czempin December 18, 1931 as a reaction to a denied theater concession for his political theater collective: Truppe 1931. Landesarchiv Berlin, Akte A Rep. 030-05, Theaterpolizei, Nr. 1960/1931, ©Landesarchiv Berlin

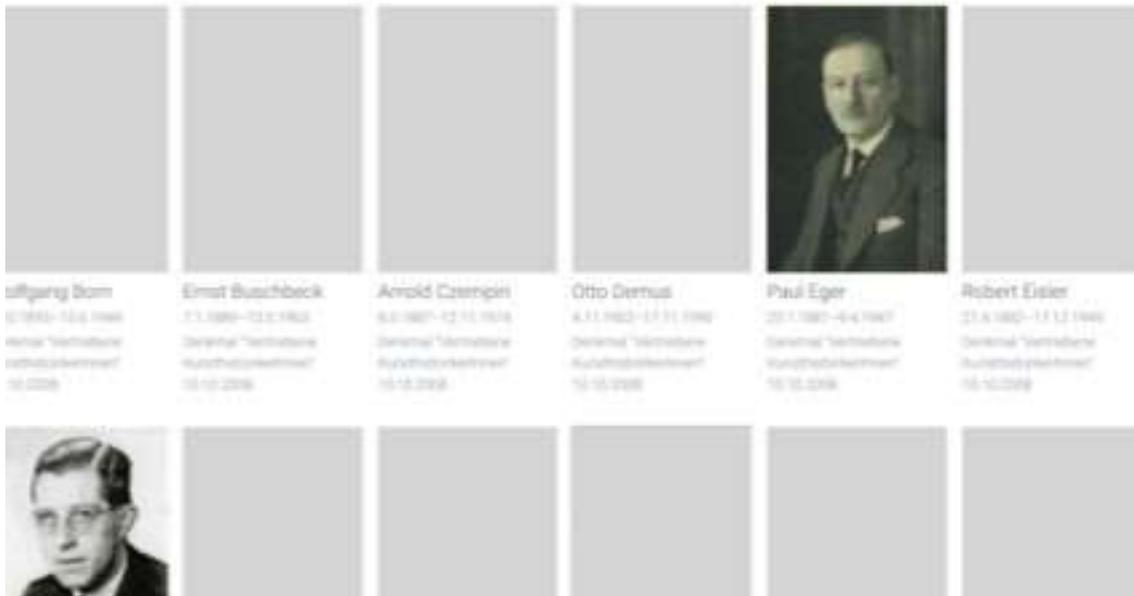


Fig. 23

Die Jugend hat die große Aufgabe, für die Umgestaltung Deutschlands und der Welt auf ganz neuen Grundlagen zu kämpfen. Das erfordert in Deutschland die Vereinigung aller Zukunftsgerichteten zu gemeinsamem freiwillig-bejahenden Verzicht auf jede Militarisation, zu gemeinsamem entschiedenen Kampf gegen jedes System, das Kriege zwischen Völkern ermöglicht. Deutschland wird nie und nimmer mit den Mitteln der Gewalt die ihm gebührende Stellung wiedererlangen können, nie und nimmer ist mit Mitteln des Krieges der Friede zu sichern; Deutschland erkenne vielmehr, daß, wenn es den Frieden will, es nur eines vorbereiten darf: den Frieden.

Unterzeichnet u. a. von:

Anita Augspurg; Julius Bab; Gertrud Baer; Anna Bloss (Stuttgart); Clara Böhm-Schuch, M. d. R.; Prof. Dr. Martin Buber; Bergmeister Dr. Buchrucker (Zeulenroda); Dr. Carl Credé; Dr. Arnold Czempin; Alfred Döblin; Dr. Nikolaus Ehlen; Hedwig Eichbauer; Gertrud Eysoldt; Dr. Lion Feuchtwanger; H. Fleissner, Minister a. D.; Albert Florath, Schauspieler; Paul Geheeb, Odenwaldschule; Kurt Gellert, Geschäftsführer des Kleinbauernbundes; Hellmut von Gerlach; Willy Haas; Justizrat Dr. Heilberg; Vitus Heller; Prof. Hermann (Stuttgart); Lida Gustava Heymann; Arthur Holtscher; Prof. Dr. H. Kan-

Fig. 24

Figure 23 Arnold Czempin on the Monument for excluded, emigrated and murdered members of the Institute of Art History of the University of Vienna 1933/34 | 1938 | 1945, ©University of Vienna  
Figure 24: Internationals Friedensmanifest. In: Die Friedens-Warte, Vol. 30, No. 11, November 1930.  
...It is never possible to safeguard peace with the means of war. Germany needs to recognize that if it wants peace, there is only one thing to prepare: peace...



Fig. 25

Figure 25 only identifiable photo of Arnold Czempin (first man from the left) with his theatre collective Truppe 1931, forbidden in 1933 with the takeover of power by the Nazis, because they staged communist plays critical of nationalism and engaged in theatrical resistance against the burgeoning Nazi regime. The group fled together to Paris. In: (right fig.); Scene photo from ‚die Mausefalle“ (the mousetrap) by Truppe 1931. Photographer unknow. In: Beckers, M., 2016 (edt.). Alice Lex-Nerlinger 1893–1975. Fotomonteurin und Malerin. Das Verborgene Museum. Lukas Verlag, p.66.

Form approved. Budget Bureau No. 43-R019-3. MANIFEST NO. **125**

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
(Rev. 1-5-48)

**MANIFEST OF IN-BOUND PASSENGERS (ALIENS)**

Class **TOURIST** from **GENOA** August 11, 19**50**  
(Port of embarkation)

(Name of vessel) **CONTE BIANCAMANO** arriving at port of **NEW YORK, August 22, 1950**

(1)	(2)	(3)	(4)	(5)	(6)			
Line No.	FAMILY NAME - GIVEN NAME DESTINATION IN UNITED STATES	Age (Years)	Sex (F-M)	MAR- RIED OR SINGLE	TRAVEL DOC. NO. NATIONALITY	NUMBER AND DESCRIPTION OF PIECES OF BAGGAGE	HEAD TAX COL- LECTED	THIS COLUMN FOR USE OF MASTER, SURGEON, AND U.S. OFFICERS
1	APPELO D'ASARO MASSIMO 1496 Yosemite St. Aurora, Col.	17	M	S	I-1382344 Italian	HB 2 B 1	YES	me
2	ARBANESE GUIDO Transit to Canada	25	M	S	V-1388146 Italian	HB 2	NO (C)	EXEMPT
3	BERNARDINO NAZZARENO 1407 47th Av. Long Island, N.Y.	72	M	M	RP-1637149 Italian	HB 1	NO yes	70
4	BERTOLA ELISEO Transit to Canada	56	M	M	V-1388104 Canadian	HB 2	NO (C)	EXEMPT
5	BLOT LILIANE LAURE Rd 1 Valencia, Pa.	18	F	S	RP-1636409 French	HB 4 B 4	YES	
6	BLOT MICHEL Rd 1 Valencia, Pa.	11	M	S	RP-1636410 French		NO yes	
7	BORTOLOTTO M. MARIA 31 Prince St. Boston, Mass.	49	F	M	RP-1635832 Italian	T 1 HB 4	YES	
8	BORTOLOTTO LILLI MARIA 31 Prince St. Boston, Mass.	12	F	S	USC-249360 Mass.		NO US	U.S. CIT.
9	BORTOLOTTO ERNESTO B. 31 Prince St. Boston, Mass.	9	M	S	USC-249360 Mass.		NO US	
10	BEZZASSO ANGELA Transit to Canada	65	F	W	V-1232340 Canadian	HB 2 B 2	NO (C)	EXEMPT
11	BIANTO SISTO 142 W 54th St. N. York, N.Y.	61	M	S	RP-1621771 Italian	T 1 HB 1	YES	
12	BETTA OTTILIA 588 St. Louis Av. Harbor City, N.Y.	54	F	M	RP-1602181 Italian	HB 1 B 3	YES	
13	BEBUIN AUGUSTO Transit to Canada	20	M	S	V-1388134 Italian	HB 1	NO (C)	EXEMPT
14	BOLZAN ANTONIO 906 Grand Av. Chicago, Ill.	19	M	S	I-1382352 Italian	HB 2	YES	
15	BREKOWITS JAKOB 6330 Northumberland St. Pittsburgh, Pa.	38	M	W	I-92262 Czechoslovakia	T 3 HB 1	YES	
16	BURATTINI ADA L. Transit to Canada	20	F	M	V-1451201 Italian	T 1 HB 1 B 1	NO (C)	EXEMPT
17	BURATTINI ANTONIO Transit to Canada	1	M	S	V-1451201 Italian		NO (B)	EXEMPT
18	CAMPORA ILARIO Centerville, Oakland, Cal.	63	M	S	RP-1596437 Italian	HB 3	YES	
19	CZEMPIN ARNOLD 138 82nd Dr. Kew Gardens, L.I.N.Y.	61	M	M	RP-1539044 Stateless	T 2 HB 5 B 1	YES	
20	CZEMPIN ELSE 138 82nd Dr. Kew Gardens, L.I.N.Y.	60	F	M	RP-1539045 Stateless		YES	
21	OSCONI RINA 1300-114344 S. 97th. Cal.	27	F	S	V-1323012 Italian	T 1 HB 1 OP 1	YES	0300-359088
22	CAVALLI NARCISO 204 5th St. Fairview, N.J.	27	M	M	I-1382210 Italian	T 1 HB 1	YES	
23	CARLI SANTA ELISA Transit to Canada	43	F	M	V-1414382 Canadian	T 1 HB 2	NO (C)	EXEMPT
24	DALVA VALLE AMERICO Transit to Haiti	33	M	M	T-1353818 Italian	HB 4 OP 1	NO (C)	EXEMPT
25	DANELUZZI ALFREDO Transit to Canada	20	M	S	V-1388131 Italian	HB 3	NO (C)	EXEMPT

U.S.C. 2  
 Aliens 23  
 Total 25

H. H. ...  
 908...

Fig. 26

Figure 26 Passenger List Genoa – New York, ship Conte Biancamano, 1950, ©familysearch

Entr. Dfg. 31. \_\_\_\_\_ 530.

Dr. Arnold A. Chempin  
118-14 83rd Avenue  
Kew Gardens 15, N.Y., USA

68  
32a

20. April 1964

Amtsgericht Charlottenburg  
- Handelsregister -  
1 B E R L I N - Charlottenburg  
Amtsgerichtsplatz 1

Betrifft: Abteilung B Nr. 37 825, Abteilung 64

Die Firma PICTURA Gesellschaft mit beschränkter Haftung, Gemälde und Plastik, die im Handelsregister seit 6. März 1926 eingetragen war, hatte ursprünglich zwei Gesellschafter, die gleichzeitig als Geschäftsführer fungierten, nämlich (1.) den Kaufmann Paul Ludwig Silten in Berlin, und (2.) mich, den unterzeichneten Kunsthistoriker Dr. Arnold Czempin (jetzt Chempin), früher Berlin, jetzt Kew Gardens, Staat New York, USA.

Paul Ludwig Silten ist am 23. März 1929 ausgeschieden. Von diesem Zeitpunkte an war ich bis zum 27. April 1934 alleiniger Geschäftsführer und Gesellschafter der Firma.

Nach meiner aus diskriminatorischen Gründen erfolgten Auswanderung aus Deutschland im Juli 1933 hatte ich pro forma einen Angestellten, den inzwischen verstorbenen Antiquar Dr. Franz Cohn, zum Geschäftsführer und Liquidator bestellt. Am 2. August 1938 wurde die Firma aufgrund des § 2 des Gesetzes vom 9. Oktober 1934 von amtswegen gelöscht.

Gemäss § 142 BEG muss der der Gesellschaft als solcher zustehende Anspruch auf Entschädigung wegen Schadens am Vermögen von der Gesellschaft selbst geltend gemacht werden. Das Entschädigungsamt Berlin hat deshalb die Wiedereintragung der Firma und Wiedereröffnung der Liquidation verlangt.

Ich beantrage deshalb unter Verzicht auf Innehaltung aller Fristen:

1. die Wiedereintragung der Firma PICTURA GmbH, Gemälde und Plastik, im Handelsregister;
2. die Wiedereröffnung der Liquidation;
3. die Bestellung des Unterzeichneten zum alleinigen Liquidator der wiedereröffneten Firma.

Dr. Arnold Chempin

(Arnold Chempin (früher Czempin))

Vorstehende Unterschrift des mir persönlich bekannten Dr. Arnold Chempin bestätige ich hierdurch, als vor mir gefertigt.

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Fig. 27

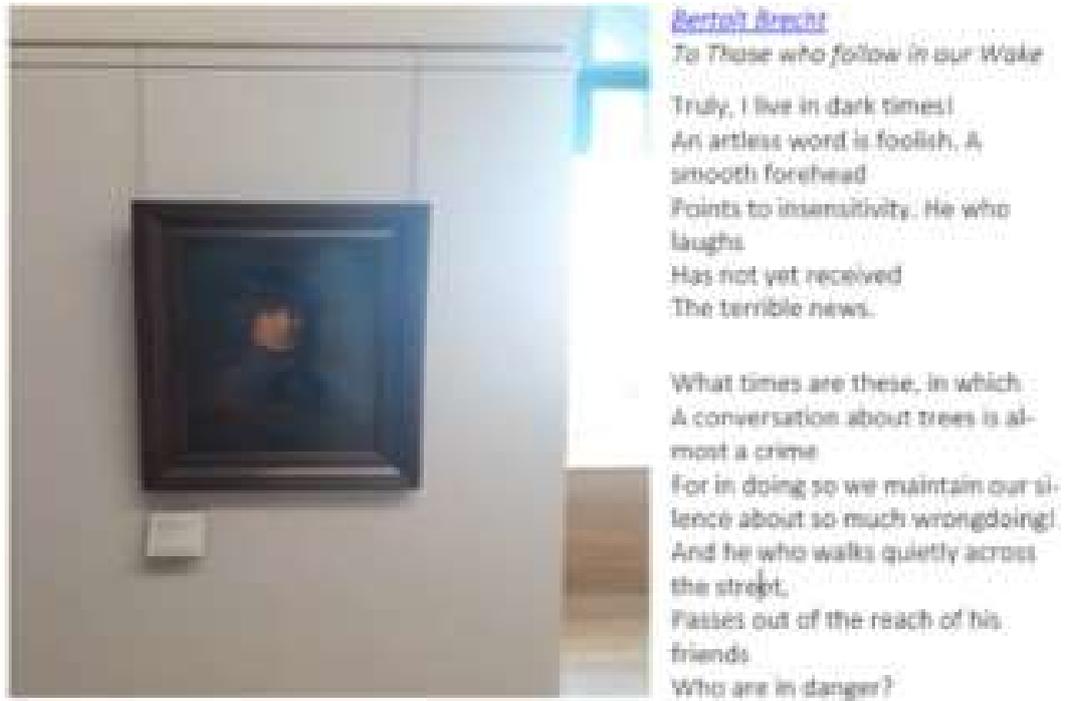


Fig. 28



Fig. 29

Figure 28: MNR 451 Louvre salle 804 and poem 'To Those who follow in our wake' (Für die Nachgeborenen) by Bertolt Brecht, in exile 1939/40, ©LG/ Harper's Magazine transl. Scott Horton  
 Figure 29: Artistic CV Arnold Czempin and Truppe 1931, ©Landesarchiv Berlin/Lex 2016



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## Presentations and workshops

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## Appendices

**Appendix A.** Stick with three conducted interview recordings present at Reinwardt Academy Amsterdam (library).

# Declaration of Originality

I, Lea Grüter \_\_\_\_\_, hereby declare that I am the sole author of the thesis submitted by me as partial fulfillment of the requirements for the Master in Museology and that I have compiled it in my own words. Parts excepted are corrections of form and content by my supervisor.

**Title of work:**

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A study on the memory politics of Nazi- Looted art restitution or: "What are we forgetting?"

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