

THE WORM IN THE APPLE

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Raubkunst: The Art of Nazi Looting

What makes this particular crime even more despicable is that this art theft, probably the greatest in history, was continued by governments, museums and many knowing collectors in the decades following the war.¹

Not only is this extended despicable crime against the Jewish people and European art exacerbated by the fact that it still has not ended but continues on in our own day, as marked by the court battles that contest recalcitrant museums and government bureaucracies on both sides of the Atlantic, but that new evidence keeps emerging of how, on the one hand, even Jewish art dealers, gallery owners, museum directors and art historians colluded with the obvious Nazi leaders and collaborators through the 1930s and 1940s; but that the consequences of the murder of great Jewish scholars and collectors interrupted the development of schools of painting and aesthetic theory begun in the mid-nineteenth century, the break-up of major collections and often the denial of their existence through manipulation of provenance records and misnaming (or misattribution) of surviving works, and the re-writing of catalogues, chronologies and basic texts.² In other words, it is not only that survivors of the Holocaust and their heirs have to fight to win back the material possessions damaged, lost or stolen, often having to re-purchase their own paintings, prints, sculptures and other *objets d'art*, but that these works denied to them are now finding their way back into the hands of the criminals and their heirs and associates. What we seek to show, however, is that the Holocaust did more than murder six million Jewish people, rob them of well over \$320 billions of assets, perhaps \$20.5 billions³ of that in works of art, and cause a

¹ Ronald Lauder in an interview with Amanda Borschel-Dan in *The Times of Israel* (6 July 2016) online at <http://www.timesofisrael.com/ronald-lauder-works-to-spark-the-flames-of-jewry-future/>

² Popular films such as *The Monuments Men* (2014) and *The Woman in Gold* (2015) should be familiar enough to most readers so that we don't have to spell out the basic facts of the case.

³ These amounts are estimates based on figures speculated upon more than a decade ago; see Sue Choi, "The Legal Landscape of the International Art Market after *Republic of Austria v. Altmann*" *Northern Journal of International Law & Business* 20:1 (2005) 167.

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deep rupture in our faith in the value of Western Civilization to perform in a moral or ethical manner during an extended period of crisis: it also exposed the distorted and hate-filled collective mind of that society.

What strange characters and unaccountable turn-coats they were may be glimpsed in this letter Janet I. Wasserman wrote to the *New York Times* in 2002 concerning Otto Moll, “the noted artist, leader of the Vienna Succession and art gallery director,” and friend to Gustav Mahler :

Moll apparently never became a party member, as did his daughter [Maria Moll Eberstadt] and son-in-law [Dr. Richard Eberstadt, the vice-president of the Nazi Law Court in Vienna from 1938 to 1948]. Their Nazi allegiance was the motive for their suicide; or murder-suicide, as the Soviet Army entered Vienna.

Moll’s behaviour was unfathomable. He seemed genuinely to like and respect Mahler, With great sadness Moll kept the deathwatch over Mahler and made Mahler’s death mask. Yet Moll’s Nazism some 25 years later appears not to have been at all affected by his relationship with his Jewish-son-in-law. As Antony Beaumont rightly points it in his biography of [Alexander] Zemlinsky, “Carl Moll was a rabid anti-Semite.”⁴

But if it is troubling to realize how contradictory and confusing were the relationships between Jews and anti-Semites in the years before and during World War II when individuals and families involved in the arts at all levels could be divided by politics and racial prejudice, it is more perplexing to see these entanglements still existing after the fall of the Third Reich and the unmasking of the Holocaust in all its facets, from outright murder

⁴ Janet I. Wasserman, “Alexander Zemlinsky; Moll and Nazism”, letter-to-the-editor of *The New York Times* (23 June 2002) online at <http://www.nytimes.com/2002/06/23/arts/1-alexander-zemlinmsky-moll-and-nazism-629316>. Wasserman’s letter was in response to a column on the music of Alexander Zemlinsky a fortnight earlier by Johanna Kweller, “They Called Him Ugly, and the Pain is in His Music” *New York Times* (9 June 2002) in which it is recounted how Alma Schindler met this rising star of the Viennese musical world between her affair with Gustav Klimt and her marriage to Gustav Mahler. Despite her own family’s anti-Semitism, Alma was attracted to Jews (or was it to the name Gustav?). According to Leon Botstein the conductor reviving Zemlinsky’s 1921 opera *Der Zwerg* (The Dwarf) which takes as its theme the pain of being perceived as ugly, “Not only was Zemlinsky short and ugly, but he was Jewish, an important element in that very anti-Semitic climate [e.g., Vienna]....The Jew-as-dwarf metaphor was a particularly nasty one” Yielding to her father’s pressures, Alma Schindler turned instead “the celebrated and handsome Gustav Mahler,” at which point “her passion for Zemlinsky evaporated, as did the family’s anti-Semitic bias”. Nevertheless the slight against Zemlinsky remained with his for the rest of his life (after fleeing Nazi Austria in 1938, he died in the USA in 1942). Wasserman’s letter-to-the-editor objects to the notion that Alma’s anti-Semitism “evaporated.” Neither, too, did the bigotry disappear in post-war Austria, especially, it would seem, as we shall show, amongst the artistic elites.

of European Jewry through threats and intimidation used as a method of confiscation and looting of art objects to subsequent humiliation and insults aimed at those survivors who sought to regain ownership of their stolen property and restoration of their reputations and prestige in the art world. For example, in the late 1960s, Simon Wiesenthal phoned Vienna to query delays in restitution of art work. Dr. Edith Podlessnig

*whose position was roughly that of state curator of government properties...refused to give him any information about the paintings and suggested that he call the Finance Ministry. "When she talked to me," he says, "her voice was like a knife."*⁵

The devious procedures of those who profited by the original crime of Nazi Looting and the Tricky delays in not restituting *objets d'art* and other confiscated buildings, plans and attribution rights to the original owners is slowly being exposed.

Here we need to do something more than look down through a lorgnette to see what is happening, something that seems detached from current events and personalities; and we have to pull ourselves up from the cushioning paraphernalia of so-called objective scholarship—to see that the more we turn the kaleidoscope the more we see just the same thing again and again. That is why we have to look in a different way, a way that hears the

⁵ Cited by Andrew Dekker in "A Legacy of Shame" *Art News* (December 1984) 67. For the importance of this essay, see "FEATURES NOVEMBER 2007 TOP TEN ARTNEWS STORIES: MAKING A DIFFERENCE" *ARTnews* (11/01/07)/online at <http://www.artnews.com/2007/11/01/top-ten-artnews-stories-making-a-difference>:

One of the biggest art stories of the 20th century began with a tip to *ARTnews* editor and publisher Milton Esterow from a friend, the late art historian Albert Elsen. There were rumours, Elsen said, that a monastery in Mauerbach, Austria, near Vienna, housed thousands of artworks looted from victims of the Holocaust. A few weeks later Esterow was in Vienna, requesting permission to visit the monastery. "You cannot go," the president of the Federal Monuments Office said to him. And that, the bureaucrat undoubtedly thought, was the end of the matter. In fact, it was only the beginning.

Eight months later, in December 1984, *ARTnews* published Andrew Decker's "A Legacy of Shame," the first of dozens of articles by *ARTnews* writers on the subject of artworks looted by the Nazis during World War II.

Decker revealed that the Austrian government had made only the most half-hearted efforts to return looted cultural property to its rightful owners. A list of the artworks hidden in the Mauerbach monastery hadn't even been published until 1959, and then it appeared in a small newspaper not widely circulated outside of Austria. Very few legitimate claimants saw the list, and if they did happen to see it and make an attempt to regain their lost property, they were unlikely to succeed. Many claims were ignored or stonewalled.

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pain of those whose voices have been lost. Otherwise matters are indeed “unfathomable” and the Nazi can have a Jewish brother-in-law whose rescue does not affect his rabid hatred of all Jews. We cannot look for clear, this-or-that answers: we have to listen for the tones of voice and the silences between to find the absurdity and madness of the events that began generations ago and continue into our present. As Anne Webber said upon news of the treasure hoard discovered in the Munich apartment of Cornelius Gurlitt and the long, lazy, dissipated reaction by local officials: “Jews wanting their art back are treated with disdain”. How so? “The German authorities have moved to dismiss the suit. Such delaying tactics are intolerable.”⁶ This raises two key questions: (1) How long can a people stand the insults, humiliations and pains? (2) How long can others treat the pains, humiliations and cries of the wounded souls with scorn and indifference?

Again taking an example of how someone as recognized as Simon Wiesenthal was treated by the stonewalling Austrian government in attempts to bring some justice to the difficult task of returning looted property to its rightful Jewish owners, Andrew Dekker paraphrases the “unproductive” scene:

Wiesenthal met with an official at the Finance Ministry and suggested that a catalogue of the paintings be printed and distributed to Austrian consulates throughout the world. The official said that the ministry lacked staff to handle the inquiries and that the entire matter was too complicated to be solved by simply printing a list of words.⁷

Someone might wish to remind such Austrian officials that they had no problem in finding officials and citizen volunteers to loot the art in the first place and they had been able to cut through bureaucracy by beating up, arresting and murdering the original owners, and therefore a little human decency and compassion might be in order.⁸

It is not our intention, however, to re-tell these stories of frustration or to summarize the court trials in which such nefarious deeds have been teased into open nor how—in blatant disregard

⁶ Anne Webber, “Cover-up that shames Germany,” *The Jewish Chronicle* (6 November 2014) online at <http://www.thejc.com/comment-and-debate/comment/125264/cover-shames-germany>.

⁷ Dekker in “A Legacy of Shame” 67.

⁸ Someone among the museum directors and ministries of culture have said that the Jews only care about money, not national prestige and honour, and if the claimed works of art were returned to them it would leave a huge hole in our collection. Perhaps we might answer, who fill the hole left by the loss of six million people?

for the new evidence--many exhibitions are mounted based on previous errors and lies, or that standard textbooks for the general public and students of art history reproduce the falsified version of a European art that either neglects altogether, trivializes or misrepresents the Jewish role of artists, patrons, dealers, critics and scholars. In this essay we want to see if we can prise apart the motives of the criminals, collaborators, and their successors, as well as the Jewish victims who were worn down and therefore gave up the fight in the years immediately following the Holocaust. Our approach is a mixture of psychohistory (an investigation into the “why” of events by focus on human emotions, motivations and fantasies, both for individuals and groups) and history of mentalities (a study of the discourses, iconographies, and ritual behaviours performed consciously or inadvertently in reaction to traumatic events).

That Which Lies Behind the Lies

Around the black hole of collective trauma, whose power warms the very laws of nature, the line between illusion and reality, between presence and absence, blurs beyond recognition. Ghostly haunting, involves precisely “that special instance of the merging of the visible and the invisible, the dead and the living, the past and the present.”⁹

Behind all the frustrations, rage and violent behaviours¹⁰ that set in motion the events examined in this paper, lies anti-Semitism. In 1921 Jakob Wassermann, at that time a well-known novelist, wrote *My Life as German and Jew*, a book in which, he writes,

⁹ Jonathan Schwob, “Jewish Ghosts in Germany” *Jewish Social Studies*, n.s., 9:3 (2003) 140.

¹⁰ David Luck, “Use and Abuse of Holocaust Documents: Reitlinger and ‘How Many?’” *Jewish Social Studies* 41:2 (1979) 95-122. Luck argues that while “[a]mong major studies of the Holocaust, only Gerald Reitlinger’s *The Final Solution* deals directly and at length with the physical killing of the European Jews” (p. 95), although in its original edition of 1953 and the revised edition of 1968 Reitlinger fudges on the total numbers killed; nevertheless, by confronting the actual murders by various means, with eyewitness accounts of the violent acts, he brings home the traumatic nature of the Holocaust for both the victims and the perpetrators. As Lloyd deMause has argued many times, not least in *The Emotional Life of Nations* (2002), historians and other commentators avoid using the terms hate, fear, rage, humiliation and pain, as though history were an objective and aseptic series of occurrences. Unless we regard the emotional intensity of the Shoah as its greatest enormity, that is, with the power of physical and psychological trauma, then we cannot understand why anti-Semites did what they did and then either denied it or tried to mitigate its impact, said things that remain painful and insulting but claim they meant nothing of the sort, and continue to act out their rituals of cruelty and hatred as though they were being fair, just and concerned; while Jewish survivors, still traumatized by their experiences—emotional distortions passed on from generation to generation—could not react at once (if at all—certainly not if they were dead, and hardly at all in the wake of their escape from Hell) to the massive looting of their wealth and destruction of their reputations, so did not comply with the reacting requirements of the law in requesting restitution or recompense, even if such actions were possible in most jurisdictions only thirty or forty years after the Allied victories. This is not the “collective amnesia” Luck speaks of (p. 111), but the shocked

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I find myself impelled to seek a clear understanding of the nature of that discord which runs through my life and all its activities, and of which the years have made me ever more painfully sensible and conscious.¹¹

In addition to private and personal occurrences in his life, Wassermann sees as a *leitmotif* throughout his experiences the reality of a tension between his wish to be true both to his birth as a Jew and his formation as a German, a tension not just roused by differences of culture and social relationships evident for everyone in the newly formed German Empire and even more recent Republic in matters of political ideologies, class distinctions, regional loyalties or professional associations, but something exacerbated by the increasingly explicit rise of anti-Semitism and which, he notes, he also shares in, insofar as he identifies with the German population. After a relatively peaceful childhood without the experience either of Jew hatred or an awareness of the discord in his own “soul” (or mentality), he discovered both for the first time when he went to university:

I encountered that dull, rigid, almost inarticulate hatred that has permeated the national organism. The word “ANTISEMITISM” does not suffice to describe it, for the term reveals neither the nature nor the sound, neither the depth nor the aim of that hatred,. It contains elements of superstition and voluntary delusion or fanatical terror. Of priestly callousness, of the rancour of the wronged and betrayed, of ignorance, of falsehoods, of lack of conscience, of justifiable self-defence, of apish malice and of religious bigotry. Greed and curiosity play their part here, blood-lust, and the fear of being lured or seduced, the love of mystery and deficient self-esteem. In its constituent and background it is a particularly German phenomenon. It is a German hatred,¹²

Thus more than a decade to the rise to power of the National Socialist Party and its promulgation of the Nuremberg Laws, Wassermann sensed the rising tide of vicious and cruel irrationality that would finally emerge fully as the Holocaust. More than that, in this early statement, we sense the inability of a sensitive German—or, just as well an Austrian—

regression into numbness and dread of remembering that characterizes those who suffer Post-Traumatic Syndrome. The Holocaust continues each time a survivor or heir is insulted, mocked, treated disdainfully and denied their legal rights. Here is what Luck tells us about people like Reitlinger, those “good Germans” and “officious Austrian bureaucrats” who prolong the suffering of the Jewish people, “Put briefly, writers who reduce the totals [of the murdered] tend also to regard the victims as behaviourally and morally implicated in their own deaths, and to exculpate the killers by portraying them as only bureaucrats who ‘simply did what they were told’ (the ‘banality of evil’ perspective [Hannah Arendt’s view of Adolf Eichmann])” (p. 121, n. 114).

¹¹ Cited in translation as “Jakob Wassermann, My Life as German and Jew” *Jakob Wassermann Blogspot* online at jakobwassermann.blogspot.com/2010/.../my-life-as-german-and-jew.

¹² Jakob Wassermann, My Life as German and Jew” *Jakob Wassermann Blogspot*.

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Jew to feel comfortable either in the nation to which he feels otherwise totally assimilated as citizen and cultural figure of some importance or within himself as an integrated personality.

Unlike E.H. Gombrich¹³ who denies that there was anything to such feelings, as well as any distinct Jewish character, personality or artistic mode of expression, except as a myth formulated by the Nazis and thereafter repeated by self-deluded Jews who simply reversed the moral and ethical valuations of the supposedly incompatible Jewish presence in his hometown of Vienna, Wassermann sees the reality of these differences as the essence of his problem. What he fails to see, however, and that which is rejected by Gombrich, are two factors: first, the way in which historical events would undermine any self-confidence most Jews could feel in their own myth of assimilation—that they could, by force of will, rise out of Jewish obscurantism and primitive emotionalism and become, without the final step of conversion to Christianity or pure secularity, just another German or Austrian, albeit of “Jewish extraction”—and second, the way in which Jews, however much they might seem superficially to be already in the mainstream or the radical *avant garde* of Central European artistic culture, remain self-consciously different and creatively distinct. Other artists, collectors, dealers and academic art historians, when they stand against the tide of popular or official national tastes, do so from within the heart of society, rebelling against their communities, families and themselves, whereas Jews—who may say, do and think the same thoughts—do so as outsiders, whether simply without the self-confidence and implicit awareness of belonging or more intensely with the felt-need to first claim that they belong to the culture which they then seek to adjust or radically alter in acts of aesthetic rebelliousness.

¹³ E.H. Gombrich, Letter sent to the Austrian Cultural Institute after they invited him to participate in a Festival of Austrian Jewish Culture in November 1996 held in the Liberal Synagogue in London in which the art historian accepts their invitation on condition that he may reject totally the premises of the festival, especially Steve Beller’s contention that “the phenomenon of ‘Vienna 1900’ [is] a reaction by Jews to partially failed attempts to”, as the editor of the Emil Brix puts it, “integrate and to assimilate into Viennese intellectuals, but that the crisis of identity felt during the *Proceedings* late Hapsburg Monarchy can mainly be traced back to the experience of Jews caught in the dilemmas of assimilation.” In fact, “Ernest Gombrich challenges this position.. His lecture questions the relevance of the concept of Jewish identity to the cultures Jews of the turn of the century. He rejects any kind of collective ‘national’ myth.” Gombrich’s lecture “The Visual Arts in *Vienna c. 1900: Reflections on the Jewish Catastrophe, Austrian Cultural Institute, Occasions*. The Austrian Cultural Institute London, 17.11.96, Vol. 1, pp. 40 [Trapp no 1997CV.1] online at <https://gombricharchive.files.wordpress.com/2011/04/showdoc>.

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No matter how much someone like Gombrich can reject the notion of a collective Jewish identity and historical tradition of ways to cope with repeated adversity and trauma, and no matter how much Wassermann wishes he could contain the tensions between his Jewish and German self within a single creative mind, the Holocaust put paid to such dreams and ambitions. Wassermann's frustrated lament of 1921 seems almost naïve in the light of what would happen not too many years into the future, and Gombrich's refusal to entertain the failure of people like himself to have grown up without being in anyway identifiable or influenced by their own Jewishness strikes one today as mere self-delusion and arrogance, a pathetic defiance of reality.¹⁴ Therefore we shall try to show the narrative and counter-narrative of two groups of people, alike educated in the history of art and claiming sensitivity to aesthetic matters who both compete during the first three decades of the twentieth century within the art world of western Europe, sometimes as friendly rival, sometimes as more stand-offish competitors wary of one another, but then when the Nazis come to power in Germany and soon seize control in Austria the relationships change radically; Jews forced to flee, try to escape confiscations and incarceration in concentration camps, often grasping at assumed friendly colleagues, coerced into desperate deals to save their assets and lives and usually, if they manage to find safe haven outside of Continental Europe, realizing the truth of their danger and the plight of those relatives and friends left behind, but sometimes, deluded by old dreams of German and Austrian democracy and tolerance, making deals with the Aryan agents left behind. After the Second World War, with the stark reality of the Holocaust laid bare, some of these Jews who had managed to re-establish their lives and businesses in America and Canada, operate as though they had no part in the disaster that seemed to be over and put around themselves a cloak of heroism and service, either unconscious of or oblivious to the implications of their actions—such as the fact that by continuing to trade with the National Socialist dealers and officials they helped provide the German economy with 9% of its budget and therefore made it able of extending the war by at least two or three years, those years in which more than half of the people were murdered in the Holocaust. A generation later moreover as the few survivors and their families realized

¹⁴ For a fuller book-length discussion of the way in which intellectual and artistically creative Jews misread the signs of their assimilation into what was theoretically an accepting and tolerant society, especially in France during the *fin de siècle*, see Norman Simms, *Dust and Ashes* (Newcastle upon Tyne: Cambridge Scholars Press, forthcoming).

that the looted art treasures had not all been destroyed and were in the hands of their formal rivals, as well often enough in the control of the same individuals and institutions who had murdered their relatives and dispossessed them of their heritage, they began to petition for restitution through various courts, only to find, to their shock and mortification, that neither independent art galleries nor government sponsored museums were eager to carry out their legal responsibilities, and perhaps even more humiliating that many similar individuals and organizations in the United States, Canada, Switzerland and elsewhere in the “free world” were equally as reluctant to return stolen goods to the original owners or to give just compensation.

Much is said about those who were or still are Nazis, conscious and unconscious collaborators and their more innocent dupes, referring to such clichés as “the paranoid personality,” “the extreme narcissist,” “the authoritarian mind”, “the banality of evil” and the self-delusion of ambition, arrogance and greed. Putting aside the thugs in brown and black shirts¹⁵ who beat up Jews and threw them out of the windows, taking those who lived to be deported to the gas chambers, and even the grotesque pretensions of Adolf Hitler and Hermann Göring to be considered great connoisseurs and patrons of the arts, we cannot easily dismiss the other museum directors, gallery owners, and academically-trained art historians who organized the plan to strip Jews of their wealth and treasures as mere ignoramuses. What made them the “willing executioners”¹⁶ of the National Socialist programme to me European culture *Jüdenrein? Das ist grotesk!*¹⁷

¹⁵ To the infinite shame of modern European society, these “thugs”—so designated because of what they did, rather than who they were—“were professional men...intellectuals....They were lawyers, doctors, economists, civil servants, representing social types oriented toward methodical organization and close specification of results” (Luck, “Use and Abuse,” p. 96). Like the art dealers, museum directors and art historians who had no qualms in carrying out the Nazi policies of intimidation and confiscation art objects from Jewish collectors, we are looking not so much at the “banality of evil”, but compatibility of evil with aesthetic taste, higher education and public service. What makes the Holocaust unique is its enormity and its thoroughness, despite the utter stupidity and confusion that often reigned in the highest echelons of Nazi leaders; when it came to the round-ups, the killings and subsequent looting, what we find is “careful planning, methodical and meticulous, detailed reporting of events” (Luck, p. 100), all of which makes the later cover-ups, denials and stonewalling the more obnoxious. Sympathy for the perpetrators and respect for their long-winded arguments in court often shown in court by naïve or arrogant judges just prolongs the original crimes. Again to cite David Luck in regard to books and articles which continue to trivialize and underestimate the extent of Nazi policies are at best a symptom of “[c]ollective amnesia,” or perhaps in more psychohistorical terms of trance generation and contagious lying, or even self-generated hysterical fear of the repressed (cp. Luck, pp. 111, 121).

¹⁶ We are using Goldhagen’s term here though are arguing that in the art world at least it was not so much “ordinary Germans” but the professional and intellectual elites throughout the Third Reich who carried out the

How could they justify to themselves participation in the greatest art heist of all time? What made some Jews who managed to evade the violent consequences of the Holocaust, either staying behind in Germany and Austria and other parts of the Third Reich until it was too late to escape the Final Solution or managing to get to Switzerland, North, South America or some other place of refuge and there continue to trade and collude with the Nazi regime and its successors, feel no moral or ethical compunction in betraying the interests and lives of their fellow Jews? Was it sheer expediency, a self-induced trance of unknowing and unfeeling, a type of religious delusion or an inherited disease of self-loathing? Let us look at some extreme versions of the madness that pretended to be sensitive aesthetic connoisseurship.

Baldur von Schirach: His Victims, Heirs and Successors

Every Jew who exerts influence in Europe is a danger to European culture. If anyone reproaches me with having driven from this city, which was once the European metropolis of Jewry, tens of thousands upon tens of Thousands of Jews into the ghetto of the East, I feel myself compelled to reply, "I see in this an action contributing to European culture."¹⁸

Baldur von Schirach made his way up the ladder of Nazi ranks to become the Head of the *Hitlerjugend* (the Hitler Youth Movement) and then this thug was appointed *Gauleiter* (District Commander) to run the day-by-day confiscation of Jewish art works in Vienna. He took many paintings, sculptures, prints and piece of furniture for himself, as he began to fancy himself, like his arrogant superiors, as an art connoisseur. Later, when the war was over and supposedly Germany and Austria set back on the right path of democracy and tolerance, Baldur von Schirach's wife, Henriette (*née* Hoffman), who had worked as Hitler's

policies of death and pilfering; see Daniel Jonah Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (Vintage Books, 1997).

¹⁷ Nagiorski, Review of *Artists Under Hitler*, citing Gustaf Gründgens, the actor, who on returning to the stage at the Deutsches Theater in Berlin on 9 May 1946, pretending that his performances before Nazi audiences had nothing to do with the Holocaust was oblivious to the opening lines of his character.

¹⁸ From a speech by Baldur von Schirach before the European Youth Congress in Vienna, September 15, 1942, cited in "How did Baldur von Schirach avoid the Noose?" *The Propagander* FAQ online at <http://grwa.tripod.com/051>.

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secretary and was good friends with Eva Braun, who began her involvement with top Nazis as an assistant in Hoffman's studio, claimed back and received many of the objects of art her husband had looted in Vienna. But that is not all. Nick O'Donnell reported of Henriette recently:

While her husband was properly punished as a war criminal, not least because of his role in the deportation of 185,000 Austrian Jews, she quietly retired to Munich. She lives, incredibly still, in the same neighborhood that Cornelius Gurlitt did, under her maiden name, Hoffman. Yet while the Krauses [the family of Gottlieb Kraus and his wife Mathilde, "quintessential members of Viennese society", who were stripped of their wealth, forced to identify themselves as caricatured Jews Isaac and Sara, and shipped off "to the East"] obtained no relief from the Bavarian government, she did.¹⁹

¹⁹ Nick O'Donnell, "Another Bombshell in Munich—Bavarian Government Sold Looted Art to Nazi Families" *Art Law Report* (27 June 2016) online at <http://lootedartcommission.com/RWN6MD18352>. O'Donnell adds one more sentence to this paragraph: "Hermann Goering's widow also made a successful personal appeal to the general director of the State Painting Collection."

Cp. "Medien: Bayerns Museen verkauften NS-Raubkunst (25 June 2016) at <http://www.dw.com/de/medien-bayerns-museen-verkauften-ns-raubkunst/a-19356739>. „So habe 1963 Henriette Hoffmann, Tochter von Hitlers Leibfotografen Heinrich Hoffmann und geschiedene Ehefrau des Wiener Reichsstatthalters Baldur von Schirach, ein Bild erworben das einer jüdischen Familie in Wien gehörte. Später verkaufte sie dieses gewinnbringend weiter. Heute hängt das Bild laut der ‚Süddeutschen Zeitung‘ im Dombauverein in Xanten, der das Bild weiterhin nicht restituiert hat.“

Later on 1 July Nicholas O'Donnell clarified some details in "Methinks Thou Doth Protest too Much—Bavaria Scrambles Defensively After Revelation of Looted Art Sales to Nazi Families" Actually, it was Goering's daughter Emmy who was granted possession of the claimed painting, Jan van der Hayden's *Picture of a Dutch Square [Holländische Platzbild]* as though her family were the victims of Allied confiscations; see "S&W Blogs/Art Law Report online at <http://blog-sandw.com/artlawreport>. For more on the story behind the provenance of Van der Hayden's painting. See Abigail Cain, "Nazi Families Bought Jewish Heirs' Artworks Back from Museums after World War II—Here's How" *Artsy Editorial* (29 June 2016) online at <http://www.artsy.net/article/artsy-editorial-nazi-families-bought-jewish-heirs-artworks-back-from-museums-after-world-war-ii-here-s-how>.

Cain points out "this work was only the tip of the iceberg. [Henriette] Von Schirach had managed to buy back most of her family's art collection, as well as furniture and carpets, from the officials previously instructed by the Monuments Men to continue their search for the rightful heirs of the stolen artworks. And according to the report, she was hardly alone—a number of other high-ranking Nazi families were able to purchase looted artworks while more works still remain in museum collections." While Cain indicates that the confiscations, aryanizations and dubious purchases were carried out by "a network of old friends" during the war, it is now clear that a similar—if not the same—network now continues to operate in Germany and Austria.

Also see Eileen Kinsella, "Art Experts Blast Bavarian Museums' Attempt to Rebut Nazi Loot Claims: An Art Expert Calls it a 'Shell Game'" *Artnet News* (29 June 2016) online at <http://news.artnet.com/art-world/experts-blast-bavarian-museum-response-nazi-loot-claims-533999>. The art expert is Nicholas O'Connell. In a superficial way, the experts and professional dealers on both sides seem to have analogous backgrounds in the establishment of German-Austrian culture, and quite often they were related through blood and marriage, if not old school mates and colleagues; but, of course, some were Aryans and some were Jews, and at deeper levels of mentality their tastes, *modus operandi* as dealers, and their willingness to compromise or treat with one another

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Henriette's father, Heinrich Hoffman, the successful photographer, had been one of the earliest supporters of Adolf Hitler and thus a founder of the National Socialist Party. Rather than dismissing him as just another thug who took part in the Beer Hall Putsch that began Hitler's rise to power, we must see that he was an artist and that his children, including his daughter, grew up in a milieu that could easily mix domestic loyalties, erotic intrigues, and aesthetic ideals with Nazi bluster, hatred and cruelty.

Much of Hitler's popularity was due to Hoffman's superb photography. For some time Hoffman was the only man permitted to take pictures of the Führer.²⁰

As Jonathan Petropoulos²¹ observes of these artists and art experts who, rather fleeing in horror and disgust from barbarity and madness, served the Nazi regime, "In the land of Faust, they followed a Faustian script."²²

was vastly different. The study of these mentalities will be the subject of further essays on the subject we are preparing.

Meanwhile, no other expert and lawyer specializing in art restitution cases puts a milder complexion on the case: "I don't doubt that German authorities have put the best researchers available onto this project (just as they have done in the Gurlitt case), but have they done enough?" But we would rather ask what does "best available" mean, and does the effort represent another twist of the kaleidoscope going round and round turning up the same results yet again, a kaleidoscope pretending to be a microscope or telescope. Hili Perlson calls the action "mind-boggling", a rather non-technical term for the shock and humiliation inflicted upon the Jewish claimants and indeed on all Jews everywhere who are forced to watch another grotesque farce played out on the stage of history; see "Report Reveals Germany Returned Nazi-Looted Artworks to Nazi Families Instead of Victims" *Art and Law*, reprinted at *ArtNet* (28 June 2016) <https://news.artnet.com/wrt-world/Germany-returned-nazi-looted-art-nazi-families-530786>.

²⁰ "Heinrich Hoffmann" *Spartacus* online at <http://spartacus-educational-com/GERhoffmann>.

²¹ How dangerous and sensitive these matters can still be is illustrated by what happened to Jonathan Petropoulos who was forced in 2015 to resign from his position as Director of at Claremont McKenna College's Centre for Holocaust, Genocide and Human Rights Studies. "The woman Petropoulos says he was trying to help [regain possession of a painting by the French Jewish impressionist painter Camille Pissarro: Gisella Bermann Fischer, granddaughter of Samuel Fischer, publisher of books by Thomas Mann and Herman Hesse] has accused him and a German associate of trying to extort 18% of the painting's market value as payment for shepherding its return" and "a spokesman for the Criminal Court in Munich...said...that an investigation into possible extortion by Petropoulos and Peter Ghebert, a German art dealer, was continuing. Swiss authorities are holding the painting, seized last spring from a bank vault in Zurich, Switzerland, as evidence in the case." Other individuals and organizations have jumped on the bandwagon to try to slander Petropoulos, who may or may not have made an error of judgment in this instance, but once they had an opportunity to strike back, the other side hit back at the Jewish case. See Mike Boehm, "Prof Ensnares in Case of Pissarro Looted by Nazis" *Los Angeles Times* (15 April 2015) online at <http://www.latimes.com/entertainment/arts/la-et-resigned15april15-story>.

²² Andrew Nagorski, Book Review of Jonathan Petropoulos, *Artists Under Hitler: Collaboration and Survival in Nazi Germany* (New Haven, CT and London: Yale University Press, 2014) in *The Weekly Standard* (6 March 2015) online at <http://www.andrewnagorski.com/articles/book-review-artists-under-hitler-jonathan-petropoulos>

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The Lorgnette of Larceny

“She looked at me through such funny glasses on the end of a long handle. A very great lady but her voice was kind as kind as the voice of a saint. I have never seen anything like that. She made me feel very timid...”

I looked at her from a bed draped heavily in brown silk curtains fantastically looped up from ceiling to floor. The glow of a sunshiny day was toned down by closed jealousies to a mere transparency of darkness. In this thin medium Therese’s form appeared flat without detail, as if cut out of black paper. It glided towards the window and with a click and a scrape let in the full flood of light which smote my aching eyeballs painfully.²³

How do we see the world and history, and how are we seen by others, as well as ourselves, when we try to recreate the original experiences in memory and imagination? In this little passage from a late novel by Joseph Conrad, a servant reports to the narrator-protagonist that she has welcomed into the house of a grand lady carrying a lorgnette, someone who condescends, looks down at others, peers at them through glasses which act as protection and distance-making lenses, and who thus creates an impression of superiority and saintliness, and yet is intimidating. The still somewhat immature and naïve speaker looks out on the world from his bed, a place where he is cushioned by fantasies and social prejudices, and thus where the harsh glare of the outside world causes pain when he is made to stare at the woman approaching him. The implications of this double-conceit of seeing and being seen, of experiencing the world through layers of conventionalized fantasies and imposed misrepresentations of reality are both striking and ambiguous. We shall try to unpack the tangles and knots of twisted eye-beams and the harsh rays of enlightenment.

The wholesale theft of art from Jewish families during the Holocaust was not only confined to Germany and Austria. In other occupied countries, such as the France, the Netherlands and Belgium the same policies were pursued. What is less known is that once looted art was located after the war and returned to the Governments of formerly occupied countries in Europe, those governments refused to return the collections of valuable paintings to their rightful owners, often under the pretence of cooperation, dawdling and prevaricating. Instead

²³ Joseph Conrad, *The Arrow of Gold: A Story between Two Notes*, 1919 (London: J.M. Dent and Sons, 1947) p. 154.

these countries often distributed the repatriated paintings to Government Ministries who hung these art works in the offices of high officials and donated hundreds of artworks to provincial museums, without disclosing where these objects came from or who the actual owners of these paintings were. In so doing, the paintings of many Jewish families were stolen for a second time, or surviving families were forced to buy back their own property or engage in elaborate, time-wasting and soul-destroying legal wrangles. Insult and injury carried on for decades, while frustrated generation followed generation.

Such secondary theft was carried out by seemingly respectable government officials and their collaborators. Moreover, all this was under the strictest confidentiality rules. Not only did they block out their responsibilities to ensure that stolen materials were returned to their proper owners, but these “good gentlemen” deliberately obscured and distorted the nature of their own cultural heritage. On the other hand, as has recently come to light, art works once stolen from Jews and returned to the country of origin were sold to heirs of the original criminal confiscators or even donated in their name to museums and galleries, further obscuring the provenance of these valuable treasures.

This Neo-or Quasi-Nazi policy—to call a spade a spade, for what else could this persistent attempt to shake off annoying Jewish claims to be part of the culture of Europe—was so blatant and of such enormity that, as observed earlier, moral rules of legal responsibility could not apply. We therefore turn to several case studies which reveal the intricate web of deceit behind such shameful behaviour: the theft of a major collection of paintings of the Goudstikker family of Amsterdam by men such as Alois Miedel²⁴ and Baldur von Schirach.

The Goudstikker Family and the Looting of their Collection

“For me, the most important thing is to keep [alive the] memory of what happened.”²⁵

²⁴ Lynn H. Nicholas, *The Rape of Europe: The Fate of Europe's Treasures in the Third Reich and the Second World War* (New York: Vintage Books/Random House, 1995 [1994]) deals with Meidel mostly in pp. 105-110.

²⁵ Corinne Herschovitz, cited by Sarah Wildman, “The Revelations of a Nazi Art Catalogue” *The New Yorker* (12 February 29016) online at www.newyorker.com/books/page.../the-revelations-of-a-nazi-art-catalog.

“In these times,” he wrote to a friend, “justice has sunk forever into the void of oblivion ... Perhaps some cork will enable us to float, and as long as we can swim, we will get by.”²⁶

The memory of those people killed or who barely survived the Holocaust is vulnerable today, and what they accomplished is often challenged in courts, in history books and in common knowledge because museums, galleries, auction houses and scholarly journals have a stake in perpetuating the old anti-Semitic lies and libels about Jews and their relationship to the development of European art. False provenance, like obfuscated official reports and hostile judicial decisions, distort the picture, and make it difficult to reconstitute the true images of a pre-Holocaust Europe where Jews played an inordinate role in the cultural development of the early twentieth century. Take the case of Jacques Goudstikker whose place is put into question by the losses he suffered, the dispersion of his collection, and the claims by officials that restitution of what remains would be detrimental to the national heritage:

Goudstikker contributed to raising Amsterdam’s profile as an international center for the art trade and strove to develop international collectors and foster Dutch appreciation of foreign art. He expanded the gallery’s holdings and exhibitions to include not only Northern Baroque art, his specialty, but also early Northern paintings, Italian Renaissance works and later European paintings. His scholarly and elegant catalogues attest to increasingly varied international offerings and a greater ambition for the gallery and its publications.²⁷

This man was not just a private collector concerned with basking in his own wealth but an active promoter of art, creating the very heritage that he is implicitly accused of not being worthy of belonging to. Certainly the Nazis were crudely explicit: no Jew could possibly

“Corinne Herschovitz is an art-restitution lawyer. In 1999, she won a major case restoring several paintings that had been hung on the walls of the Louvre to their rightful owners.”

²⁶ Cited in “Jacques Goudstikker’s Story: A Fascinating Tale of Art and War and Theft” *Palm Beach Post* (24 February 2010) online at <http://www.palmbeachpost.com/news/entertainment/museums/jacques-goudstikkers-story-a-fascinating-tale-of-a-nMPkX/>

²⁷ “The Jewish Museum – Reclaimed: Paintings from the Collection of Jacques Goudstikker”, Exhibition Notice, 15 March-2 August 2009 online at <http://thejewishmuseum.org/exhibitions/reclaimed-paintings-from-the-collection-of-jacques-goudstikker#about>

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create, let alone understand or own great art; but more recent statements have only been more subtle and ingratiatingly offensive.

Errol Morris points towards what ought to be blindingly obvious both to professional historians and government officials in the Netherlands:

The Goudstikker family had been shaping the art world of Amsterdam for three generations. Goudstikker's grandfather, Jacob, his father, Eduard, and then Jacques, who joined the firm as a young man in 1919.²⁸

The catalogue from the Jewish Museum in New York City goes on to tell us that

Goudstikker developed the innovative idea of presenting thematic exhibitions such as the first survey of Dutch winter landscape paintings, and also mounted monographic exhibitions on Peter Paul Reubens and Solomon van Ruysdael. In addition he chose works for an important exhibition of Italian art at the Stedelijk Museum in Amsterdam. Christian themes are prevalent in Italian Renaissance work and Goudstikker was one of many well-known Jewish art dealers and scholars whose connoisseurship encompassed such works.

Rather than hiding away these Old Masters in private homes or having them spread around in many institutions, he brought them together to be seen as a representative whole of the Netherlandish civilization and made them available to a wide public. Moreover, Morris explains,

He was one of the first dealers to have a thorough education in art history. From the moment he entered the family business, Jacques Goudstikker combined serious scholarship with a keen sense of how to market and promote art. This was reflected in his elaborate catalogues—his were some of the first to use photography extensively. They became authoritative sources for art historical knowledge in Holland.²⁹

Without him and his gallery, Amsterdam would have been way behind other main cities in Europe in regard to the patronage and appreciation of great art. Yet, in spite of slurs and myths on the Jewish character, there was nothing specifically “Jewish” about his efforts except his sense of the importance of education and serving the state that offered him a safe

²⁸ Errol Morris, “Bamboozling Ourselves” (Part 7 in *The New York Times*, 4 June 2009) p.1 ;available online at http://opinionator.blogs.nytimes.com/2009/06/04/bamboozling-ourselves-part-7/?_r=0

²⁹ Morris, “Bamboozling Ourselves” (Part 7). p. 1

haven in a very troubled world. Except insofar as he was like other Jews who entered the art world from any one of several avenues of approach, he was venturesome in trying out new ideas, sharp of discernment in realizing how best to enlighten the public, and keen to enjoy his own success.

So far was he from being the stereotyped caricature of the alienated and devious manipulator of wealth, he was an exemplary type of the cultured gentleman, even man about town who enjoyed intimacy with leading artists, well-known critics and concert performers

In 1937, at one of his charity banquets, entitled “Vienna on the Vecht,” he hosted the accomplished and beautiful Viennese opera singer Désirée von Halban Kurz. Goudstikker was smitten with Dési, the daughter of the famed Jewish coloratura soprano Selma Kurz, and the two soon married and had a son.

Of these gala events held at his country estate, Nyenrode,³⁰ where honoured and celebrity guests could include Queen Wilhelmina, who had not long since bestowed a knighthood on him, Morris adds, He created *tableaux vivants* with his wife and other guests a living version of the paintings in his collection,. For Jacques Goudstikker, his art collections were very much alive.

In the early 1930s Goudstikker arranged for these shows to appear in the major cities of Europe and America, thus, as the world collapsed into the Great Depression, he entertained the public and his business thrived, and that was certainly good for the Dutch economy.

Four years later, when the Nazi invasion began in 1941, Jacques Goudstikker and his new little family—his wife Desi³¹ and his son Edo (Edouard)—fled Holland by boat from the port

³⁰ On the history of Goudstikker’s estate at Nyenrode, see “History of the Castle and the Estate” online at <http://www.nevenrode.nl/About/castelandestate/Pages/History-of-the-Cstekle-and-the-Estate.aspx?AutoDetectCookieSupport=1>. Also see the Dutch *Wikipedia* entry “Kasteel Nijenrode” at https://nl.wikipedia.org/wiki/Ksteel_Nijenrode. It was bought by Goudstikker in 1930. “Hij gebruikte het kasteel als toonzaal voor zijn handelsvoorraad. Niet alleen mogelijke klanten warden op het kasteel uitgenodigt, Nijenrode werd ook opengesteld voor het publiek. Op deze wijze trachen Goudsikker ook minder kapitaalkrachtigen in contact te brengen met kunst. Ope en rond het kasteel orgabiseerde hij ook verschillierde benefetconcerten en grote feesten foor society. Zo heeft onder andern her Concertgebouworkest onder leiding Willem Mengelberg in de tun van Nijenrode opgetreden.“ In 1940 Hermann Goering came intio possession oft he Castle through the efforts of Alois Miedl, but it was returned to Goudstikker’s widow, who then passed it on to the state for a training institute and later a university (Nyenrode Business Universiteit)..

That she performed at Nyenrode where she met her future husband in 1937. Her onlu child Edouard (Edo) was born two years later.

of IJmuiden. A night later, Jacques was killed in a freak accident on board the ship, leaving his widow and son to complete the voyage in the United States.

But this trip was even more disastrous. The Goudstikkers and other Jews trying to escape were treated like scum by the British port authorities. In fear, anxiety and probably insulted beyond belief, Jacques died in an accident—or so it seems. Here is Errol Morris' account:

Bad luck, an absurd sequence of events that no single individual could hope to control—his desperate attempts to flee Amsterdam; the bombing of the cargo ship that was taking him, his wife and infant son across the English Channel to safety'; the refusal of the authorities to allow them (or any other Jewish emigres) to disembark at Dover; and his accidental death in the middle of the night en route to Liverpool.³²

Morris has gathered together as many details as possible, many not found in any of the usual newspaper account, legal documents and historical commentaries, though some of this seems like an imaginative reconstruction of the scene:

The family was crowded together with many refugees in the hold of the ship. The baby was crying and Goudstikker went up on deck.³³

Beyond this, Morris continues, lies only “conjecture”. Yet there are a few details, such as the official death certificate giving the cause of death, here reproduced in a translation that follows Germanic usage literally:

Fracture of Skull due to accidentally falling into the Hold of the s/s Bodegraven ion the High Seas whilst a Refugee Passenger thereon.

Then there is a personal report written by Goudstikker's wife Desirée in which she records her impressions of what happened when she was told of Jacques's accidental death. In this impressionistic account there are voices in the night, free floating emotions, and hints of a real event beyond the body already laid out:

“We found your husband. Where? How? Is he alright? ... They took me to a cabin. He was lying there...with his sardonic smile on his face... Jacques was dead.”

³² Morris, “Bamboozling Ourselves” (Part 7)

³³ Morris says he is following the Catalogue of the Jewish Museum's special exhibition on the Goustikker Collection.

Why a sardonic smile? Is it, as implied, a usual feature on his face? Is it a grotesque presentiment of something seen or experienced on deck when he seems to have tripped and fallen into the hold?

The Computer has gone wonky and won't accept corrections or deletions in some sort of a random way. Someone will have to fix this up, especially with letters and word order. My constant revisions as I go on remain—and it is a frustrating mess.

While it is very difficult to unscramble what exactly happened to the Goudstikker business, estate, and collection after the owner made his ill-fated attempt to escape from Nazi Occupied Holland, Errol Morris again gives a reasonably clear account, one that we shall follow here, adding and correcting where we can provide further information. It is again a catalogue of accidents, bad luck and perfidy.

Sixteen of the Goudstikker relatives were sent to Auschwitz, Sobribor and Buchenwald where they were murdered, obviously a fate Jacques, Desiree and Edo would have met had they not managed to find passage out of the Netherlands. By the time the Goudstikker family reached the boat and had to depend on a local sailor to get them onboard despite a reluctant ship's captain, we can only surmise that they would have been in a state of panic, despair and fear. If Jacques did not tumble to death while pacing on the deck but rather threw himself down in a fit of black melancholy—or whatever else his “sardonic smile” indicated to his wife—it would be understandable. What makes us hesitate in this conclusion, however, is the presence of his wife and infant son.

Despite his efforts to make arrangements in the final days and hours before he left, Jacques's best intentions turned to mush. Here is Morris's outline, one that we will set beside the version prepared by Lynn H. Nicholas, not so much because we are concerned with the accuracy of the historical details, as we are with the emotions and anxieties at play in these transactions

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Goudstikker's attorney had died on the day of the invasion from a massive heart attack, and he declined to appoint a successor to prevent anyone negotiating with the Nazis in his name. Nonetheless, the vultures descended immediately. Goudstikker left behind a gallery manager, A.A. ten Broeck and a restorer, Jan Dik. On June 3, 1942 ten Broeck was appointed director of the Goudstikker galleries. And on July 13 Ten Broeck and Jan Diek were paid 180,000 guilders *each* to sell the property of the firm to Hermann Göring and Alois Miedl—a banker and Göring's close associate. This despite the fact that neither Goudstikker nor his heirs had authorized anyone to act in their name.³⁴

That the only designated employee meant to look after the firm in Jacques's name during the war under the ruse of nominal aryanization died very soon after the Germans arrived means that he probably had no trust in the pair who actually took over. Later evidence from after the war³⁵ convinces Morris that they were both Nazis while working for Goudstikker. ~~Morris believes that they were already Nazis when they worked for Goudstikker~~ Ten Broeck and Dijk invited Miedl in and then "inveigled both Goudstikker's mother and the banks holding the firm's assets into appointing them as trustees."³⁶

Following the departure of the Goudstikker family from Amsterdam, his employees, A.A. Ten Broeik and J. Dijk, asked German banker and businessman Alois Miedl to take over the management of the Gallery. By a sale agreement dated 1 July 1940, Miedl purchased all of Goudstikker's assets, together with the trading name of the company. Shortly afterwards, Miedl's purchase agreement was overruled by Hermann Göring.³⁷

On the one hand, the Nazis and their collaborating friends had no compunction about murdering Jews and looting their wealth, but they liked to adopt their names to bolster their own egos. On the other hand, with the new wealth and influence in their hands, they could use the confiscated Jewish names to engage in underhanded deals, something that involved more than buying and selling stolen property, but also passing off forged works of art as

³⁴ The emphasis is in the original. While there are differences in the spelling of German and Dutch names, we follow the immediate sources cited.

³⁵ "Looted Art in Occupied Territories, Neutral Countries and Latin America" (5 May 1945). But whether he had been a Nazi beforehand or only turned collaborator following the departure of Goudstikker is not clear. Morris, "Bamboozling Ourselves" (Part 7) p. 15.

³⁶ Nicholas, *The Rape of Europa*, p. 104.

³⁷ Anne Laura Bandle, Alessandro Chechi, Marc-André Renold, "Case 200 Paintings—Goudstikker Heirs and the Netherlands" Platform *ArThemis*, (n.d.) Centre of Art-Law, University of Geneva at <http://unique.ch/art-adri>.

genuine, such as Han van Meegeren [*sic*], the in maker of phoney Vermeers, who began to cooperate with Miedl in these transactions.³⁸

After outlining in more meticulous detail the nature of the agreements that were settled on and the payments made to various employees of the company, and including the sale and division of Goudstikker's private estate and his art collection, the following information is provided by another source:

...Goudstikker's Jewish mother, Mrs, Goudstikker-Sellisberger received the protection of Miedl from anti-Semitic persecution.³⁹

In a footnote several pages later it is stated that "Alois Meidl kept his word the mother of J. Goudstikker remained in her home was not persecuted."⁴⁰ In addition, this same note reports that "Some of the family's money invested in stocks remained untouched and was returned to Desirée when she got back to the Netherlands in 1946."

Returning to the disposition of the gallery and estate that was aryanized after Goudstikker's departure from Amsterdam, Morris reports:

Göring bought all the paintings and art objects for 2,000,000 guilders and Alois Miedl bought the remaining assets of the company for 550,000 guilders. These included the trade name J. Goudstikker and the real estate—the Neyrode castle in Breukelen, Herengracht 458 (the gallery in Amsterdam) and the country estate Oostermeer. Although these transactions were dignified with several contracts, they were for all intents and purposes looting and theft. Miedl acquired no pictures in the initial deal, although he did acquire many Goudstikker pictures back from Göring in subsequent deals.

These actions and the prices involved are ludicrously low in the context of what everything was worth prior to the Occupation. But they created a legal framework for outright theft.

³⁸ Morris, "Bamboozling Ourselves." By the way, the six other parts of Morris' New York Times essay deal mostly with the history of Megereen's career and its impact on the post-war art world.

³⁹ Bandle et al, "Case 200 Paintings" p. 2. Her full name was Emilie Eugenie Goudstikker-Sellisberger. Her deceased husband had been Eduard Jacob Goudstikker (1866-1924). He was born in Paris and is listed as a shopkeeper (*koopman*) and obviously did well.

⁴⁰ Bandle et al, "Case 200 Paintings" p. 6, n. 3.

After the War when Mrs. Goudstikker returned to Holland from New York where she had found temporary refuge, she reclaimed the art looted by the Nazis. To her considerable surprise, the Dutch Government refused her request.⁴¹ The Dutch court maintained that these paintings had been sold to Reichsmarshal Goring in a *normal* (!) business transaction.⁴² Was it necessary for two or more generations to go by, with most survivors dying before they could receive justice from the courts and private dealers and government bureaucrats to wake up to the fact that there was nothing “normal” about confiscation, robbery, insult, beatings, intimidations, humiliations, deportation, murder? Are scholars, lawyers and claimants themselves still too frightened to call out the single primary motive behind the delays, the denials and the rejections that continue—anti-Semitism?⁴³ Granted that “[i]n the confusion surrounding the German collapse, much of the systematic nature of Hitler’s looting was undone,”⁴⁴ it is faulty memory, and more than that, deliberate obfuscation and outright lying that stands in the way of proper restitution of stolen property

Desi Goudstikker was shocked and numbed, unable to take further action. Why did she, as so many other survivors, their children and more distant heirs, react so strongly to these legal setbacks? Their friends in court ask, the opposing attorneys remark with disdain on the fact, and the other parties seem to relish the idea: why did they not proceed objectively, with due diligence and swiftly to make their claims as soon as the discovery of lost art works was made public? It is not just a matter of individuals displaced by war, having to immigrate sometimes several times, occasionally incarcerated by hostile or suspicious government; nor is it a matter of heirs not realizing that murdered parents or grandparents had once owned large collections nor what those collections consisted of. Moreover, even at the best of times and with the ability to search libraries and archives for missing information, any legal case that involves imputing malicious motives to famous, influential and respectable people would usually involve amounts of money available to only the extremely wealthy. Such persons who seemed to have spent most of their adult lives in one deceit or another and engaged in

⁴¹ Isaac Lipshits, *De Kleine Shoah: Joden in Naoorlogs Nederland*, (Amsterdam: Mets & Schlit, 2001) ↗

⁴² *Aanvraag Amsterdamse Onderhandelingen NV* (19 December 2001) ~~two hundred5~~ **DITTO HERE**

⁴³ After all, look what happened to Stephan Templ—a one year sentence in an Austrian jail for the fatuous reasons of “having allegedly omitted the name of his estranged aunt in an application on behalf of his mother, Helene, an 80-year-old Holocaust survivor” (*Wikipedia*).

⁴⁴ Choi, “The Legal Landscape,” p. 169.

contentions between themselves and the corrupt empire of the Third Reich have the epistemological advantage: they know how to play the game, and lack the moral scruples to be bothered by hurting others along the way, especially if the others happen to be Jewish.⁴⁵

It is also not just a question of remembering that people caught up behind the Iron Curtain did not have access to much western news, magazines, letters; or even if they did have some inkling of where their stolen possessions might be, they had no way of seeking legal advice or governmental support. The Soviet Union and its various layers of *apparachiks* and kleptomaniacs had good reason to keep their ill-gotten gains a secret and to look mostly unfavourably on anyone asking embarrassing questions.

In other words, it is important to keep in mind that

Nazi-looted art claims involve *very-deep emotions* occasioned by *the horrific experiences* of the claimant families during the Holocaust.⁴⁶

Our investigations seek to go beyond the vague sense of the underlined terms to pinpoint precisely what constitutes “very deep emotions” and “horrific experiences.” What people experienced during the sustained persecution, constant humiliations and endless process of murder were traumatic shocks to the mental and physiological system, transformations in their hormonal and nervous systems. That is why not only for those who managed to survive the ordeal the physical and mental pains persisted but the emotional stress and the psychological tensions were passed on to their children, their children’s children, and others close to them who seem otherwise to have had no such similar experiences. This phenomenon is called Post-Traumatic Stress Disorder. There are two symptomological narratives here: (1) the highly tense and dangerous scenario of participation in the Nazi regime, with its sequellae in attempts to elude capture by the Allies, more or less lengthy court balled and sometimes imprisonment, followed too often by further escape, re-establishment as professional art dealers, museum directors and bureaucrats, each stage accompanied by further stress and over-excitement; and (2) the ordeal of the Jewish individuals and families, during and after the Holocaust, sometimes numbed, forgetting or

⁴⁵ Nicholas, *The Rape of Europa*, pp. 106-107 ff.

⁴⁶ Howard N. Spiegler, “U.S. Experience; Portrait of Wally and the Leopold Museum” in *Holocaust Art Looting & Restitution Symposium* (p. 15) online at <http://www.christies.com/pdf/services/2011/howard-n-spiegler>

denying to oneself and one's family what had happened, throwing the self into total commitment to a new life and career, and thus deep into the unconscious the pains and humiliations of the past, sometimes dealing with illness and the onset of old age in a foreign country while suddenly being confronted with a new wave of contempt and opposition from sources nominally dedicated to justice and truth.

Even at its most efficient, which it only occasionally was, western attempts to locate the missing Goudstikker Collection was faulty and unsuccessful, except in the matter of a few hundred paintings. Recently, however, many of the looted works have shown up, either dispersed among Russian and old Soviet Union museums and galleries where they had been looted for a second time by the Red Army as supposed compensation for the losses of the Motherland during the Great Patriotic War against Nazi Germany or at least in fragments, lists and memoirs and diaries of some of the perpetrators of this process of removal from the West. While the successor state to the USSR and the German puppet regimes have shown some willingness to identify their holdings as looted art and to return the stolen goods to the institutions from which they had been taken or at least give some compensation for the losses, they too have been less than enthusiastic in dealing with Jewish claims of restitution. Another long period of legal wrangling will now ensue to try to find some justice for the families of survivors of the Shoah who have been deprived of their heritage, including as much their memories of those murdered as dealers, collectors and connoisseurs of art, as of the wealth they lost.

The Frustrating Fight for Art Restitution

In 1948, Daisy Hellmann filed suit in Graz to obtain an order to return the Schiele picture, loses, appeals, and loses again because she was unable to show that Gurlitt, commonly known as "the Aryanizer," knew about the actual

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origins of the famous painting repeatedly published with source information in the past.⁴⁷

It was not until 1997 that Dutch journalist Pieter de Hollander contacted the current Mrs Goudstikker, wife of Jacques' son Edo. He informed her that the Dutch Government had changed the guidelines for the restitution of stolen property during the war. Mrs. Goudstikker and one of her two daughters decided to submit a new claim.⁴⁸ What followed is surely one of the most shameful episodes in post-war Dutch history.

Unbelievable, but true, the Dutch Government sent a large legal team to New York and when they met the surviving next generation of the Goudstikker family, the latter soon realized that the Dutch Ministry of Culture had no intention of returning the two hundred paintings to the Goudstikker family. As a matter of fact, the Dutch civil servants and their legal team stonewalled the Goudstikkers at every move. The Goudstikker application was again denied.

Unlike her mother-in-law, who had been traumatized by what happened after the Nazi Occupation of Holland, the young Mrs. Goudstikker brought her claim before a newly established Restitutions Committee.⁴⁹ The Committee spent a year investigating the Goudstikker claims. At one hearing, Judge B. J. Asscher, apologized to Mrs. Goudstikker for the Dutch Government's insulting assertion that the wartime forced sale of the paintings to the despicable Reichsmarshal Hermann Goring had been voluntary.⁵⁰ Only later in 2007 did the Dutch Government admit that the two hundred paintings had been wrongfully confiscated.

⁴⁷ Stephan Templ, „Loss to be Anticipated “ originally as „Mit Verlust ist zu rechnen“ in *Falter* 3:3 (15 January 2003) 54, trans, Thomas Meyer (2005) available online at <https://artstolenfromfritzgrunbaum.files.wordpress.com/2009/05/2003-01-15-falter-issue-0303>. Templ, a Jewish architectural historian, was jailed by the Austrian government for seeking restitution of part of a sanatorium stolen from his mother by the Nazis. Templ was charged with fraud against the Austrian government by not naming his aunt in the papers filed for restitution. Actually as many journalists have shown the arrest and conviction were acts of vindictiveness because Templ had published a book in 2001 entitled *Our Vienna: Aryanization the Austrian Way* which according to *The Independent* “broke new ground by documenting the extent to which the Austrians were among the first Nazi profiteers to expropriate property from Vienna's large Jewish population after Hitler annexed the country in 1938” (online at <http://www.independent.co.uk/news/world/europe/jewish-author-stephan-templ-who-shamed-austria-over-its-nazi-past> accused-of fraud-over-result

⁴⁸ Pieter den Hollander, *De Zaak Goudstikker* (Amsterdam: Meulenhof, 1998) Note 15

⁴⁹ Ekkart Committee, *Recommendation for the Restitution of Works of Art*, note 23

⁵⁰ Maarten Huygen, “De Goudstikker collective had beter in het bezit van de musea kunnen blijven,” *NRC Handelsblad* (10 February 2007).

This is not the end of the story, however. The Dutch press reacted negatively to the restitution of the paintings to the Goudstikker family.¹ Directors of those museums which had received the paintings into their collections complained that the return of the paintings to the Goudstikker family would create “a large hole” in their collections. In other words, the Dutch had profited for about sixty years from the crimes of the Nazis, and as we shall show distorted the history of their own culture and the role Jews played in its development. What they actually said is this:

...the committee has asked itself whether there are weight considerations, besides those mentioned above, that could impact the recommendation to return the art. In this framework, the question has been raised whether there could be a public interest that should be assigned as art of this recommendation. After all, the restitution concerns a large number of works, including some that are very significant in terms of art history, some of which have already been on display in the permanent exhibitions of Dutch museums for years. Pursuant to the criteria of the Cultural Heritage Protection Act (referred to below as “the WBC”), if a work of art has such significance in terms of cultural history or science that it should be kept for the Netherlands, there can be a case of a public interest to keep the collection or individual objects permanently for the cultural assets of the Netherlands. Article w of the WBC states that this concerns works of art that are irreplaceable and indispensable: irreplaceable, if no equivalent or similar objects in good condition are present in the Netherlands, and indispensable, if they have symbolic value for Dutch history, play a linking role in the exercise of research in a broad sense and/or represent comparative value in that they make a substantial contribution to the research or knowledge of other important objects of art and science....

And on and on it goes, until “The Committee advises the State Secretary: 1. To reject the application...” All very nice, only one is left wondering why the government of the Netherlands in their wisdom still do not consider the lives of its Jewish citizens as of public interest, irreplaceable and indispensable or as having made a substantial contribution to Dutch culture.

What the good *Meinheerin* seem to have forgotten is that Jacques Goudstikker and his family for many years enriched Dutch Jewish environment before the war. He was more than an entrepreneur and his collection more than a stock of commercial goods. All of this was

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destroyed by the Nazis. Of the 140.000 Jews who had been living in Holland before the war, 110.000 were murdered in the Shoah. And most of those few who survived the Shoah, left Holland either in the 1930s or just after the War. The manner in which the Goudstikker family was treated after the war explains why not many Jews returned to Holland. It is a distortion of history to think that a major collection had assembled itself or sprung up out of the native interest of the population. Jews as collectors, patrons, dealers, scholars and newspaper reviewers made the difference.

The lawyers from the Goudstikker family suggest that the Dutch Government is still in the possession of at least another 3.400 art treasures which belonged to Jewish citizens before the war.⁵¹ It is shameful that the Dutch Government has failed to return these treasures to their rightful owners. But it is not just a situation where the state obstructs restitution and justice for one or another Jewish family. What *is* involved concerns Art History, the proper understanding of European culture, and the role of Jews in the development of European civilization.

Dealers and Debasers of Art

An explosive research published by the London-based Commission for Looted Art in Europe....shows that Nazi-looted art returned to Germany after WWII by the Monuments Men on condition of restitution to the victims' families were instead returned to the high-ranking Nazis who stole them. The investigation reveals that in some cases artworks were sold at deflated prices to the families of Nazi officials rather than being prostituted to the victims' families. In other cases the state of Bavaria simply kept the artworks.⁵²

Ever since the French Revolution when the professionalization of secular art outside of royal patronage passed to the Academy of Fine Arts in France and cognate institutions in other European countries, the career of artists of all kinds came to depend on bourgeois dealers, collectors, critics, teachers and, of course, bureaucrats who commissioned works for the many public buildings built to enhance the prestige of the new nation states. While certainly not holding any monopoly on these enterprises, Jews did come to occupy a more than proportionate roles in each of them, from encouraging artists through the formation of taste

⁵¹ Katherine Butler, "First the Nazis robbed us – then the Dutch" *The Independent* (12, April 1998).

⁵² Hili Perlson, "Report Reveals Germany Returned Nazi-Looted Artworks to Nazi Families Instead of Victims: The Extent of the Deception is Mind-Boggling" *Artnet News* (228 June 2016) online at <http://news.artnet.com/art-world/germany-returned-nazi-looted-art-nazi-families-530786>.

and the setting of new value on modern and earlier periods of art. One of the reasons why Jews played this disproportionate role was that, as they became successful in the middle class life through their enterprise as financiers, entrepreneurs and manufacturers, they were almost totally excluded from participating in public life either as civil servants or politicians. They had the wealth to make them the equal of their non-Jewish fellows, but not the opportunities to be their social equals, or to exert their influence in diplomacy and state governance. They also educated their children in the liberal professions, created homes redolent with the luxury of the late nineteenth and early twentieth century, and, inspired by traditional rabbinic values of charity and selfless service to the community, they sought to express themselves through the creation of art galleries, museums, concert halls, ballet theatres, architectural monuments and similar activities. They tended to be unconstrained by age-old class restrictions and regional prejudices, as were many of their Christian peers, even though these upper-class, aristocratic and aristocratic people had similarly adapted to the secular mentality. Jews tended to be self-made men, were highly educated, and liberal in both the classic and progressive senses.

Yet despite many moves towards tolerance and openness in Western and Central European states during this period, Jews tended not to feel welcome, and indeed often quite distinctly unwelcome among the circles which their wealth and education would seem to entitle them to belong. By the 1920s and 1930s, the rise of ideological and pseudo-scientific anti-Semitism made their discomforts much more than an matter of anxiety, and eventually, as much as rich and refined Jewish families wished to deny that the thugs in the street now gaining power in the chancelleries of European capitals were not interested in them but only in the East European migrants escaping explicit persecution and left wing activists of various persuasions, there came a point at which they could no longer deny the new harsh reality. But not all of these would-be-assimilated rich Jews had the insight to escape from Europe when it was possible. Many left it for the last minute and others were caught before they could make up their minds. A few, it must be admitted, reacted in what at best could be called a shameful manner, believing themselves to be exempt if they collaborated with the forces of evil that had gained power in state after state and thus betrayed their own fellow Jews, often justifying their manoeuvres as necessary under the circumstances, sometimes

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pretending that they were doing the very opposite, that is, helping their co-religionists to survive or escape to safe havens overseas.

Like many other Nazi sympathizers and self-deluded agents of cooperation, these often part-Jewish individuals offered their services to desperate families, claiming to be able to look after their affairs and possessions while the frustrated emigrants had to buy their way out of concentration camps, raise capital to pay extortionist exit taxes, turn over their businesses to Aryan directors and owners, and organize deals to transfer works of art, title deeds and other means of continuing a comfortable life overseas, for a small consideration, naturally. Desperate times call for desperate measures.

Another feature of why the Nazis extensively engaged in the plundering of art, and not just Jewish possessions, during the war was that they realized what a vast amount of money could be gained through the sale of paintings and other works, particularly when using Swiss dealers to negotiate with American collectors and institutions. Ironically, at a time when the course of the war was going against the Germans and their ability to fight on was undermined by dwindling capital and access to basic materials, they increased the time, effort, personnel and resources expended in the Final Solution, so much so that, for whatever other reasons the Third Reich had for pursuing the war and putting off the inevitable need to negotiate a peace treaty with the Allies, the continuation was due to the policy of making Europe *Jüdenrein*, the way to continue the military effort was by raising hard currency through the sale of confiscated works of art, thus making all those who profited from selling and those who took advantage of objects flooding on to the market to fill out their collections and gain prestige, all are culpable (consciously or not) of extending the Nazi ability to fight on, as well as to keep murdering Jews.

But it is one thing to operate within a tyrannical regime with a phoney legal system under the National Socialist grime, and another to continue to play the same sorts of games after the war in a pretence of justice and *Gemutlichkeit*. During the Second World War the threats to Jewish art collectors were carried out by goons and thugs, to be sure, but the system of confiscation was conducted by educated, professional dealers and museum directors, and it

Mentalities/Mentalités Volume 28, Number 3, 2016

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was made possible, as well, by the eagerness of scholars and gallery owners to purchase the flood of important *objets d'art* streaming out of Europe, usually through Swiss firms and being distributed by auction houses and dealerships in the United States. Despite warnings by the American government against this trade in stolen property, many managed to convince themselves that their greed and ambition were serving some public good—and in fact they were so pervasive that the myth still circulates that the arrival of so much looted paintings from Nazi Europe was beneficial to the art world and a way of ensuring that more objects were not destroyed by the barbarians. In subsequent years, sometimes skipping a generation or two, the grandchildren of these dealers have continued the process of obfuscation, deleted incriminating letters from archives, and penned sales catalogues and pseudo-scholarly appreciations of great artists which conveniently misrepresent the provenance of their works, wither by eliding the sensitive period from 1938 to 1945 altogether or masking it with euphemisms that fail to mention previous Jewish owners who were stripped of their collections and often murdered soon afterwards or that trivialize the reasons why families sold their paintings for way below market value or were tricked by erstwhile friends and business associates into transferring ownership to them for the duration of the war.

In terms of the Nazi looting of Jewish art it is not just a question of trying to understand the personality (or madness) of the pretentious Nazi thieves compared to the motivations of the Jewish dealers, collectors, patrons, connoisseurs and critics. If we just asked how Europe could produce two such vastly different kinds of people, we would come unstuck once we looked more carefully at the array of types of individualism involved. For it is not only a problem of seeing how evil and innocence could coexist in the same geographical space at the same historical moment. As Hannah Arendt and the people who have tried to refine her concept of the banality of evil have shown, there are three types of evil-doers who constitute the National Socialist regime from the early 1930s through the late 1940s—and, alas, even beyond: (1) the arch-Nazis, who propound the most horrendous of violent deeds to make Europe *Jüdenrein*, both by getting rid of the Jewish people altogether and by discrediting and traducing totally the meaning of Judaism; and then by either destroying, stealing, reassigning ownership of or selling off all the works of art that constitute Jewish culture, including commercial, public and private collections and the books and ideas that they generate within

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the development of European civilization; (3) the thugs, gangsters, sadists, murderers and crooks who did the actual day-to-day work of the Holocaust; and between them, (2) the men and women in-between, the facilitators, pen-pushers, spin-doctors, rationalizing intellectuals and other second level officers, agents and bureaucrats, of which ambiguously and controversially stands Adolf Eichmann as the embodiment of “the banality of evil.” For there were art dealers, bankers, museum directors, art historians, critics and academic historians who cooperated and profited from this enormous scale of confiscation, reassignment of provenance, and auctioning of stolen property which aided the war effort. Not only did the Nazi regime plan to raise vast amounts of money to give them the hard currency and credits needed to continue the war beyond the capacity of the Reich’s own industrial and commercial capacity to sustain, but they hoped to use the stolen treasures from the occupied nations to bargain with once it came time to negotiate treaties after the war. In other words, through the collusion and cooperation of the “professionals” of the art world during the war, they became responsible for the continuation of the fighting, and especially as a consequence of increasingly lethal bombing missions on all sides, and, by extended the period when the Holocaust was carried out, have the blood of millions of Jewish men, women and children on their hands who were murdered long after it was clear that Germany had no chance of a military success. Most of the mass-killings occurred after the tide of war had turned Germany and the Axis armies were in retreat, the belligerence continued simply for the fanatics in charge to have time to complete the Final Solution.

On the other hand, the Jewish victims of the Shoah included many rich, influential and well-educated men and women profoundly interested in the aesthetic culture of Europe, ranging from artists and their patrons through collectors and dealers, gallery owners and museum directors, scholars, critics and academics. Killing them or forcing them into exile, depriving them and their families of their possessions, and removing them from their positions of influence and prestige radically altered the very textures of European civilization. Yet not all Jewish individuals and families associated with the art world were totally innocent. Many in order to save their own lives and those of their spouses, children and other relatives temporized with the Nazis and collaborators, often grossly miscalculating their own ability to avoid the death camps and putting into harm’s way many business partners, associates and

Mentalities/Mentalités Volume 28, Number 3, 2016

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employees who might otherwise have decided to leave earlier or go into hiding for the duration. Some of these Jews, motivated perhaps as much by greed as by a misplaced attempt to salvage what could be taken out of Europe, relocated into neutral nations or managed to find refuge in Allied states, but maintained business connections with collaborating Aryans who took over their galleries and other businesses, acting as agents for the Nazis in the sale of so-called degenerate art, often funnelled through Switzerland, and thus providing the Reich with funds to sustain the war effort through the purchase of oil and other primary resources, keep the railroads carrying victims to Auschwitz and other death camps, and enabling high- and middle-ranking German and collaborating officials to escape from Europe as the Allied victory hove into view, whether to South America or the Middle East. In the post-war period not all, but some were unrepentant and continued their cooperation with not-so-former Nazi colleagues in Austria, Germany and elsewhere, providing these persons with opportunities to re-open their businesses, remain or regain positions in universities, bureaucratic offices, museums and art galleries and auction houses. As a result, too, when former war-time governments supposedly were de-nazified and presented themselves as friends of the West, they nevertheless continued to block and deny proper restitution of stolen art to Jewish owners who had survived or their heirs, even as they facilitated return of expropriated objects d'art to national and local museums and other institutions. When they could not resist the pressure to return such possessions, they would do so without grace, sometimes making the original owners purchase back their own family heirlooms or pay storage fees and taxes for the scores of years between the time of expropriation and return. To add insult to injury, rather than giving justice to the Jewish survivors and their heirs through restitution, they would give the contested works of art to the families and heirs of the very Nazis who first stole them, or went through the sham of purchase in the 1930s and early 1940s, as though intimidation, coercion and murder were legitimate commercial tools.

Erich Koch, Hitler's Favourite "Nincompoop"

As Hitler explained fourteen years later, the great East Prussian landlords had joined the party in the belief that they could manipulate it, so long as it was represented by some nincompoop. "When I put Koch on their backs as Gauleiter, they soon realized that this was a different proposition and then they

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immediately joined the camp of the opponents of the National Socialist party.”⁵³

Take a look at Erich Koch (1896-1986),⁵⁴ who despite being sentenced to death by a Polish court after the war managed to survive until his ninetieth year, perhaps because the Soviets and even the West believed he had information on Nazi looted art, the so-called Koch Collection, a hoard of stolen works that actually contained a significant portion of the otherwise lost Goudstikker Collection. Koch’s life is a typical case of a non-entity, a nebbish, one of the walking dead⁵⁵ who rises through the echelons of the Nazi Party with virtually no talents whatsoever, other than bombast and cruelty, somehow arousing the

⁵³ Gerald Reitlinger, “Last of the War Criminals: The Mystery of Erich Koch” *Commentary Magazine* (1 January 1959) online at [http://www/commentarymagazine.com/articles/lastiof-the-war-criminalsthe-mystery-of-erich-koch..](http://www.commentarymagazine.com/articles/lastiof-the-war-criminalsthe-mystery-of-erich-koch..)

Reitlinger, who Luck has reminded must always be read with caution, here cites from *Hitler’s Table Talk*. According to the Wikipedia entry, *Hitler’s Table Talk* (German: *Tischgespräche im Führerhauptquartier*) is the title given to a series of World War II monologues delivered by Adolf Hitler, which were transcribed from 1941 to 1944. Hitler’s remarks were recorded by Heinrich Heim, Henry Picker, and Martin Bormann, and later published by different editors, under different titles, in three different languages.” Though much of these remarks attributed to Hitler are probably fake, they nevertheless give a sense of the gibbering nonsense he spoke and the kind of ridiculously dangerous views of the world that lay behind his policies. If the Führer turned out to be less manipulatable than the great landowners and manufacturers thought he would be when they gave their support, Koch was the nincompoop he needed to stand between himself and the various factions ready to leap at him at the first sign of weakness, even as they squabbled with one another; since nobody among the various Nazi political leaders or generals really liked Koch, and since the feelings were mutual, he could be as cruel as possible and steal as much as he wanted, such was the nature of the regime.

⁵⁴ Much of the biographical narrative presented here can be found in the Wikipedia entry under his name. The presentation shows how an utter nobody, a *nebbish*, could rise through the ranks of the Nazi Party without talent, taste or charm but simply by playing off one ambitious and selfish leader against the other and never seeming to take a stand on anything except the maniacal racial ravings of Hitler, something virtually no one in their right mind could believe, but at worst supported for their own private gain.

⁵⁵ According to Reitlinger, “In 1934 a Breslau firm brought out in Koch’s name a book called *Aufbau in Östen* [Construction in the East]. It was a typical Nazi production, printed in a Gothic black-letter type of exceptionally Teutonic aspect and consisting mainly of excerpts from Koch’s speeches in praise of the ‘Führer’ and all his works. But among the honey there is a small essay, ‘The Orient of German Youth.’ A literary ghost, one Weber-Krohse, was said to have written it, but the views purported to be Koch’s remarkable. The youth of Germany were bidden to look away from the decadent capitalist West and to join their fortunes with the virile classless youth of Russia, They were to share the great land spaces of the East, not (as Koch was to advocate after 1941) in the role of armed settlers chasing Kaffirs or Red Indians, but in the role of comrades and brother pioneers” (“Last of the War Criminals” p. 3). The ghost, who may be Koch himself, demonstrates the inconsistency, incoherence and contradictoriness of Nazi speech, admirably proving that he was indeed a nincompoop, as well as a vicious thug, the product of the long madness of anti-Semitism. As Reitlinger admirably puts it, “the Nazi leaders were not just brutally savage, but childishly silly as well.... That so much confidence was placed in the half-fanatical, half-leg-pulling Koch sprang from the nature of Hitler’s system of rule.” Anyone who followed the Leader and later still tries to justify his actions is part of the long line of nincompoops who wreaked such havoc on the world. No amount of legal jargon and *Gemütlichkeit* today can hide the evil that lurks within.

Mentalities/Mentalités Volume 28, Number 3, 2016

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rancour of everybody rancour, including many German bigwigs and playing them off against each other, until in 1942 *Gauleiter* Koch became *Reichskommissar* of the Ukraine. This brutal thug fooled himself into thinking he was a connoisseur of art and consequently amassed a large number of valuable and historically important paintings, wooden sculptures, and other objects of art, not only from the Eastern zones where he could confiscate them for himself but also from the West where he purchased, traded and inveigled many possessions once belonging to Jewish families. As a shrill member of the Master Race, he let it be known that he deserved to own beautiful works of art much more than the subhuman Slavs and the inhuman Jews; and somehow, despite all the refinements of taste and education, he came to possess—at least for a short while—a very large number of great cultural treasures. Yet he pretended to be their friend and ally, and gathered around him the city councillors and other local dignitaries, but ghoul and vampire that he was —“a professional blood-drinker”, as Reitlinger puts it—he frightened them, shocked their ambitions when he spoke of taking everything away from the “primitive peoples” of the Ukraine, and contradicted himself so often there seemed to be “two totally different Erich Kochs,”: although whether he knew that and was playing games with them and himself in an unanswered question. Reitlinger says,

If half the ludicrous projects which Gisevius⁵⁶ ascribes to Koch were ever seriously entertained, then one is forced to conclude that the Nazi leaders were not just brutally savage, but childishly fanatical. Neither conclusion, however, is wholly true. That so much confidence was placed in the half-fanatical, half-leg-pulling Koch sprang from the nature of Hitler’s system of rule.⁵⁷

The two-faced madman, pretending to be a pious Christian and yet never-repenting his Nazi past, lived on until 1986. As Randol Schoenberg says of the of Austrian arbiters in the court-cases he has had to argue to seek restitution for his clients, they “rationalized their impossible decisions with a little game of trickery,”⁵⁸ and like the completely mad Erich Koch, other

⁵⁶ Cited from Hans Bernd Gisevius, *Bis zum bitteren Ende* (1946). (in English as *To the Bitter End* (1948).

⁵⁷ Reitlinger, “Last of the War Criminals” p. 6.

⁵⁸ E. Randol Schoenberg, Letter to his friends on 28 April 2008 reporting on the decision by the Austrian Supreme Court to reject “the return of the Klimt painting ‘Amalie Zuckerberg’ to the heirs of Ferdinand Bloch-Bauer.”

surviving Nazis and their respectable friends, never tired of insulting the Jews they had to deal with after the War. In recent years, as the Soviet Union collapsed and documents long hidden from public scrutiny were revealed, it has been discovered that much of the missing Goudstikker Collection was taken by Erich Koch who was captured along with his loot of furniture, amber, paintings and religious objects as he attempted to escape from the Red Army.⁵⁹ While other Nazi officers attempted to destroy everything they had accumulated in order to deprive the advancing Red Army from taking it back as booty to the Mother Land in a policy of scorched earth, Koch thought he could take it all with him.⁶⁰ But since his train was stopped and he put under arrest by Soviet authorities, nothing has been seen of this treasure horde, which includes good originally taken by Hermann Goring from the Goudstikker Collection but later “lost” or “sold”⁶¹ to Koch.⁶²

This gives to Koch, or at least to the paintings and other *objets d’art* that he tried to escape with at the end of the war an almost unique significance. Grimstead lists three ways in which the Koch Collection stands out, making clear what the Nazis themselves, their ambiguous collaborators, and modern commentators often misconstrue, overlook or deny:

[1] While well-demonstrating the pan-European migration of Nazi-looted art, the Koch Collection takes on added significance as the only known Nazi elite collection “retrieved” in part after the war by Soviet authorities. [2] As far as known, it is also the only Nazi elite collection combining questionable “purchases” of potentially looted art from private victims and Jewish dealers in the West with seizures from Soviet state museums. [3] Thus it also provides an important case study underscoring the major divergence in patterns of Nazi looting in Eastern and Western Europe.⁶³

⁵⁹ Patricia Kennedy Grimstead, “Nazi-Looted Art from East and West in East Prussia: Initial Findings on the Erich Koch Collection” *International Journal of Cultural Property* 22 Patricia Kennedy Grimstead, “Nazi-Looted Art from East and West in East Prussia: Initial Findings on the Erich Koch Collection” *International Journal of Cultural Property* 22 (2015) 7-60.

⁶⁰ Grimstead, “Nazi-Looted Art” p. 42.

⁶¹ Here she cites (pp. 26-27) Nancy H. Yeide, *Beyond the Dream of Avarice: The Hermann Goering Collection* (Dallas, TX: Laurel, 2009). Yeide’s book is a *catalogue raisonné* of Goering’s art collection, not all of it located today, but known from various printed Nazi documents to have existed before the end of the war. Part of the provenance of the 1400 paintings belonging to Goudstikker family now includes the Reichsmarschall’s sale to Erich Koch—or the Gauleiter’s secondary pilfering of art works put into his care. Throughout her long essay, Grimstead describes and sometimes prints copies of paintings from the Goudstikker collection that have been identified as coming from Koch’s stolen hoard.

⁶² Grimstead, “Nazi-Looted Art” pp. 11, 19.

⁶³ Grimstead, “Nazi-Looted Art” p. 43. Numerals added in square brackets.

Because of the discovery of the Koch Collection⁶⁴ and many of its associated documents, we now know more precisely who was involved in the dispossession of Jewish art and its distribution among Nazi leaders and supporters; and what is most pertinent for our study is, beyond the actual processes of spoliation and its consequences for art history, the emotional bonds that tied together various kinds of men and women, some Jewish, some half- or quasi-Jewish, others pure Aryans, confused in their own motivations, and, when they survived the war, ambiguously able or unable to justify their roles in the greatest art heist ever perpetrated (as some have called it):

Göring's art manager Walther Andreas Hofer also documented Koch's purchase of an additional six Dutch Old Masters from Göring in March 1943. Those had earlier been part of a lot slated for sale to Dr. Friedrich Flick (1883-1972), one of Germany's wealthiest industrialists and a strong NZDAP supporter. Flick subsequently declined their purchase, as is confirmed by Yeide's research, which correct the CIR #2 (Göring) listing regarding which paintings were involved in the sale to Koch.⁶⁵

If we were able to set out in extensor the tangled web, we would find many people caught, trapped by their own machinations, sucked into the poisonous clutches of the master thieves by the lure of greed and ambition, carrying on rather than attempting to flee because of their pride and sense of duty to a regime they otherwise despised, and so on.

For example, here is a neat little vignette of the tangled web of connections between Jews and Nazis, some of them previously related through marriage or business, who helped each other out, in a way, desperation and pride motivating the Jews to engage with their greed and ambition driving the others, and a kind of madness surrounding the whole enterprise. Here is what Wikipedia tells us about Walter Andreas Hofer:

In 1937, Hofer married the art restorer Berta Fritsch who later became the official picture restorer for the Göring Collection. Fritsch was the sister of Gottlieb Reber's secretary.^[3]

⁶⁴ Grimstead's Note 86 on p. 50 is worth repeating in full: "See the online exhibit of the Contemporary Jewish Museum, San Francisco: Reclaimed Paintings from the Collection of Jacques Goudstikker, <http://www.the.cjm.org/on-view/in-the-past/reclaimed-paintings-from-the-collection-of-jacques-goudstikker/about>, including a video of the moving presentation at the museum, 28 October 2010, with Marei von Saher, Goudstikker's grand-daughter Charlène von Saher, and their New York attorney Lawrence Kaye."

⁶⁵ Grimstead, "Nazi-Looted Art" p. 36.

In 1942, Hofer helped his brother-in-law Kurt Bachstitz, who was Jewish, obtain a visa so that he could flee the Netherlands to Switzerland. He also arranged a divorce for Bachstitz so that his art dealing firm became fully Aryan, thus avoiding confiscation. Hofer's sister took over the running of the firm.

That the relatively civilized Germans never challenged the underlying premises of the Holocaust but only worked to serve one another⁶⁶ and they left it for Koch, the most outwardly brutal and cruel among them, to gain possession of so much art, not because he had any aesthetic taste or sought to emulate Goering's or Hitler's pretensions to luxury, but simply out a lust for wealth and rapine.

The story of Koch's attempt to escape with as much art as possible, his capture and subsequent life is recounted by Patricia Kennedy Grimstead. She also suggests that the Soviet Union either formally took possession of the Goudstikker paintings and other collections that Koch had obtained from Goring as part of their policy of recompense for Nazi destruction during the Great Patriotic War by the so-called Trophy Brigades⁶⁷ or unofficially robbed by Red Army officers for their own use, often sold off for cash during the ensuing decades. Gradually, since the fall of the USSR, some of the missing paintings have appeared in state institutions of Russia, noted in private auctions or at least mentioned in archival documents released since 2014.⁶⁸

CONCLUSION

⁶⁶ This kind of contradictory behaviour is set out in documents presented to the Dutch Restituecommissie in 2004 and 2005 (online at http://www.restituecommissie.nl/en/recommendations.recommendation_115): clearly in regard to Alois Miedl: "It is true that Miedl helped Jewish families during World War II and he himself was married to a Jewish woman, but he also had clear Nazi sympathies. He profited from the war by deriving sizable profits with trade with Germans, working particularly to amass the art collections the art collections of Göring and Hitler. It is known that even in an early phase of the occupation, Miedl pressured Jewish art owners in an attempt to sway them to sell to Göring via him." (p. 5). If we were to characterize his mind, then, as we would the Hitlerite regime itself with all its incompatible elements and feuding bodies, we would have to say it was inconsistent, muddled and incoherent, much more than in ordinary intellectuals or in usual bureaucratic organizations. How that came about we leave to a further study.

⁶⁷ She here (p. 23) cites Konstantin Akinsha and Grigorii Kozlov, with Sylvia Hochfield, *Beautiful Loot: The Soviet Plunder of Europe's Art Treasures* (New York: Random House, 1995).

⁶⁸ Grimstead, "Nazi-Looted Art" p. 24 and notes.

If Koch, then, proves to be the most obviously cruel, brutal and grotesque of the Nazi art plunderers—without the real power of Goering and Hitler, without their occasional glimpses of concern for what great art is and its power to affect the aesthetic sensibilities—he nonetheless makes it possible to watch the whole story of art plundering for what it really is: an insult to the cultured personalities and refined tastes of a whole civilization. It exposes the flaws at the heart of that civilization, for as much as it may deny the Holocaust as a unique and continuously painful crime against the Jewish people and all humanity, it cannot paper over the gaps in the very material it worships in museums, art galleries, art history departments, universities dedicated to truth and governments claiming to be guardians of justice and democracy.

For one thing, as we have shown, there are two parallel and sometimes intersecting “narratives” of traumatically shocked individuals who pass on their illness to future generations **oth** Both the victims who cry out for restitution and then are repeatedly insulted recalcitrance, obstructionism and arrogance, despite occasional minor victories in court; and the perpetrators suffer long-term distortions in their personality, character and sense of selfness. Those second kind of traumatized victims—without granting them any of the sympathy and compassion due to the first kind—are those who, despite their own refined educations and experience in the world of art dealing, collecting and scholarship, nevertheless participated in the genocide going on from its mild beginnings in the 1930s through its terrible enormity in the 1940s, seemingly numb to the sufferings of their fellow citizens—many friends and colleagues, and at times family members, profiting and profiteering from the large-scale pilfering and destruction of all sorts of valuable art treasures, and then being forced to deny, **trivialize and rationalize** rationalise and trivialise what they had done, a long complex process of self-harming—forced again and again to say and do things to avoid having to confess to their crimes or to express shame, thus again blaming the Jews for being victims, for just being alive. Even **sme** then a few individuals and families managed to stash away hordes of paintings in back closets, private galleries and closed collections in public museums, manipulating provenances and inserting their own claims into court proceedings to regain possession of works of art recaptured by Monument Men or Trophy Brigades, basing their arguments on the legal charade played out during aryanization and forced sales, all that

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yields layer upon layer of emotional stress and stunted moral growth to be inherited by their own families, colleagues and neighbours.⁶⁹

⁶⁹ Many studies have been made on the transmission of traumatic states from one generation to another of Holocaust survivors, building on related studies of other families and communities which underwent catastrophic natural disasters and war. The transmission is not of specific memories but of emotionally-charged propensities to repeat the original shocking event as manifest in neurological, psychological and endocrine secretions—and inhibitions of affect. This is called epigenesis, which differs from Lamarckian evolution, in that it is based on stimulations and variations in gene expression. These changes may be triggered in second, third or subsequent generations in the same way as Aby Warburg saw *Pathosformeln* (passion-laden or cathected engrams) through conventionalized images, verbal formulae and ritualized gestures as the *Nachleben* or afterlife of the original occasion. For instance see N.P. Kellermann, “Epigenetic transmission of Holocaust trauma: can nightmares be inherited?” *Isr J Psychiatry Relat Sci.* 50 (2013) 1:33-39 and Josh Nathan-Kazis, “Can Holocaust Trauma Affect ‘Third Generation’?” (5 September 2012) online at <http://forward.com/news/162030/can-holocaust-trauma-affect-third-generation/>

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