

Basel cases: the 1939 purchases and the Glaser collection

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Basel's public collection has its own chapter in this history. In 1939 the Kunstmuseum Basel, under its new director Georg Schmidt, acquired a group of important modern works that the National Socialist regime had removed from German museums as "degenerate art". With a special credit approved by the cantonal government, the museum purchased some works at the auction held by the Galerie Fischer in Lucerne in June 1939 and others directly from the dealers commissioned by the regime in Berlin. The purchases secured for Basel works by Kirchner, Marc, Kokoschka, Chagall and others. Because they concerned works removed from public museums under a German law of 1938, they have generally been treated differently from confiscations of private property. The ethical assessment of buying from the regime has nevertheless remained a subject of discussion.¹

A more difficult case concerned the collection of Curt Glaser, a Berlin art historian and director of the State Art Library, who was persecuted as a Jew. After losing his position in 1933, Glaser sold much of his collection at auctions in Berlin in May of that year and emigrated, eventually to the United States. The Kunstmuseum Basel acquired about two hundred works on paper at these auctions, including drawings and prints by Edvard Munch and Ernst Ludwig Kirchner. A claim by Glaser's heirs was initially rejected by the competent body of the museum. After renewed examination, the museum and the heirs agreed on a just and fair solution in 2020, which according to the published statements included a payment to the heirs, while the works remain in Basel. The museum documented the case in an exhibition on Glaser's life and collection.²

The Glaser case shows the significance of the debate on sales under duress. Because Glaser sold his works himself at public auctions, the transfer of ownership was valid in the legal sense. His decision to sell was, however, a direct consequence of persecution, which deprived him of his position and

his future in Germany. The Washington Principles and the Terezin Declaration treat such sales as a ground for a just and fair solution, even where no claim under civil law exists. Swiss museums have increasingly applied this approach, although its boundaries remain disputed for flight property sold in Switzerland itself.³

1 Notes

1. On the purchases of works of "degenerate art" by the Kunstmuseum Basel under Georg Schmidt in 1939, including at the Galerie Fischer auction in Lucerne on 30 June 1939, and their assessment, see the publications of the Kunstmuseum Basel and the Bergier Commission study cited above. Number of works and details to be verified. ↩
2. On the claim of the heirs of Curt Glaser against the Kunstmuseum Basel, its initial rejection (2008), the renewed examination from 2018 and the agreement of 2020, and the exhibition Der Sammler Curt Glaser (2022/2023), see the press releases of the Kunstmuseum Basel and the Canton of Basel-Stadt. Dates and terms to be verified. ↩
3. On the assessment of sales under duress and flight property in Swiss museum practice, see the publications of the Federal Office of Culture, the Swiss Museums Association and the specialist literature on restitution. To be verified. ↩

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