

Provenance and art looted under National Socialism

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Provenance is the documented history of a work's ownership from its creation to the present. For most of the twentieth century it was an object of scholarly interest that mattered to collectors chiefly because a distinguished provenance raised the price. Since the late 1990s it has become a legal and ethical question of the first rank. The reason is the systematic looting, confiscation and forced sale of works of art owned by Jewish collectors and other persecuted persons in Germany and the occupied countries between 1933 and 1945. Many of these works entered the art market after the war. Some passed through Switzerland, while others came to rest in public and private collections that acquired them in good faith.¹

At the Washington Conference on Holocaust-Era Assets in December 1998, forty-four states, including Switzerland, endorsed the *Washington Conference Principles on Nazi-Confiscated Art*. The eleven principles call for the identification of confiscated works, the opening of archives, the publication of information and the search for pre-war owners and their heirs. Where such owners are found, the principles call for steps to achieve a "just and fair solution". The principles are not legally binding. They have nevertheless shaped the practice of museums and of the trade, because public institutions in particular cannot easily ignore a standard that their own government has endorsed.²

The Terezin Declaration of June 2009, adopted at the Prague Holocaust Era Assets Conference by forty-seven states, confirmed and extended the Washington Principles. It encouraged states to apply them to works held privately as well as publicly and recognised that sales under duress could also call for a just and fair solution. In March 2024, on the twenty-fifth anniversary of the Washington Principles, a group of states endorsed best practices for their application, which clarify among other things how

forced sales should be assessed. Switzerland participated in these developments. Status to be verified.³

In Switzerland the Federal Office of Culture established a contact point for looted art (*Anlaufstelle Raubkunst*) in 1999. It advises museums, collectors and claimants and has supported provenance research in Swiss museums financially since 2016. In 2023 the Federal Council decided to create an independent commission for historically burdened cultural heritage, which can issue non-binding recommendations in disputes about works with a problematic history. According to the government, the commission is to cover cultural property looted under National Socialism as well as objects from colonial contexts. Its practice will show how the general principles are applied in Swiss cases. Status to be verified.⁴

1 Notes

1. On the looting and forced sales of art under National Socialism and the subsequent circulation of the works, see Lynn H. Nicholas, *The Rape of Europa* (1994), and Jonathan Petropoulos, *Art as Politics in the Third Reich* (1996). To be verified. ↩
2. Washington Conference Principles on Nazi-Confiscated Art (3 December 1998), endorsed by 44 states including Switzerland. To be verified. ↩
3. Terezin Declaration (30 June 2009); Best Practices for the Washington Conference Principles on Nazi-Confiscated Art (March 2024), published by the United States Department of State. Status to be verified. ↩
4. On the contact point for looted art at the Federal Office of Culture (since 1999), the federal funding of provenance research in museums (since 2016) and the independent commission for historically burdened cultural heritage, see the publications of the Federal Office of Culture and the Federal Council. Dates and status to be verified. ↩

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