This seminar examines why, during the Nazi era, more than 5 million artworks illegally changed hands—a disproportionate number of them being works stolen from Jewish collectors—and why it has been so challenging to restitute these pieces to their rightful owners. This course is divided into two parts: a study of the complex history of Nazi art theft and its recovery from 1945 to the present, followed by classes that focus on six of history's most important cases of Third Reich looting and restitution. Nazi-era art theft and restitution is an emerging field of study. Scholarly literature on the subject is found across various fields, including law, anthropology, criminology, international relations, and art history. It is one of the most important and highly discussed subjects in the art world as a result of media attention on cases including Austria's 2004 return of Gustav Klimt's famous Portrait of Adele Bloch-Bauer I and the 2012 discovery of 1,285 unframed artworks found in the Munich apartment of Cornelius Gurlitt, works suspected to have been looted during the Second World War. Media coverage of Nazi-era art theft and restitution has had a significant role in shaping the public perception of the subject. This course will look at the issue in a broader context: from an art historical, legal, cultural, and ethical viewpoint. Reading news coverage, critiquing films and comparing scholarly and popular representations of Nazi-era art theft and restitution is a productive way of opening up questions and studying the field. No prerequisites but students must have at least 3rd year standing.

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Course Listed Courses: HUMA 4631

INSTRUCTOR(S)

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The course investigates the outcome of the 1998 Washington Principals, signed by dignitaries of 44 countries who established regulations to help descendants restitute their families’ art, as well as other treaties, legislation, and policies designed to address this issue. It explores the responsibility of museums around the world in locating more than 100,000 paintings that remain lost to this day, or hanging in public art institutions.

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**TOPICS AND CONCEPTS**

Class topics include the history of art looting, smuggling, and theft; art provenance; Nazi-era cultural ideology; “degenerate art”; Nazi-led art looting in France, Italy, the Czech Republic, the Netherlands, and the Soviet Union; the 70-year history of retrieval and restitution of looted art; as well as the ongoing discussion of the subject; and museum ethics.

The readings and videos for this course are available electronically via Moodle. It is essential that students read the assigned texts and watch the assigned films and videos before class. In order for students to read or watch actively and to create a tangible record of their thoughts on the texts, some students find it is helpful to keep a reading journal and to print out a hard copy or annotate PDFs online. Readings, films, and videos might take 2 to 3 hours a week outside of class time. Readings will vary in difficulty: sometimes they will be quite light, either in length or substance; others will be of a more challenging nature.

Students are expected to bring discussions to the level of a fourth-year seminar by their analytical and critical responses to the texts. These will be expected in written and verbal form. Students must think critically about the readings and videos asking of the material: *What is its point of view? For whom is it written? What is the key argument? What are the larger implications of the work’s argument and its conclusion?*

**LIST OF LEARNING OUTCOMES AND EXAMPLES OF**

**CLASS 1, September 6, 2019:**

**Introduction, Why Study Nazi-Looted Art?**

An overview of what will be taught in the course, assignments, and expectations of students.
CLASS 2, September 13, 2019

**Nazi Art Looting: Motivations, Objectives, and Plans**

This class addresses the historical background on Nazi-era theft from the Middle Ages to the 1930s; the psychological cost of World War I on Hitler and Germany; why the Third Reich classified certain works of art as “degenerate”; the infamous 1937 *Entarte Kunst* exhibition; Nazi art as propaganda theory behind Nazi-art collecting and the plan for the Linz-based Führermuseum; Hitler’s visit to Mussolini in Italy; and Hitler’s plan for art looting.

**Readings:**
- Edsel, Robert M. *The Monuments Men* (chapter 1, “Out of Germany”)
- Edsel, Robert M. *The Monuments Men* (chapter 2, “Hitler’s Dream”)
- Feliciano, Hector. *The Lost Museum* (chapter 1, “Vermeer’s Astronomer, or Hitler’s Blind Spot”)
- Feliciano, Hector. *The Lost Museum* (chapter 2, “The Kummel Report, or the Nazi’s Reply to Napoleon”)
- Nicholas, Lynn H. *The Rape of Europa* (chapter 1, Prologue: They Had Four Years: Germany Before the War: The Nazi Art Purges)
- Nicholas, Lynn H. *The Rape of Europa* (chapter 2, The Nazi Collectors Organize; Austria Provides, Europe Hides)

**Watch:**
- The Nazis vs. Expressionism 1993 by David Grubin
  https://www.youtube.com/watch?v=1QE4Ld1mkoM
- The Nazi Philosophy of Beauty: The Architecture of Doom
  https://www.youtube.com/watch?v=UG8DX3LxDB8
- Initial rise of Hitler and the Nazis | The 20th century | World history | Khan Academy, 2013
  https://www.youtube.com/watch?v=QCkn5bu8GgM
- Antisemitism, Yad Vashem
  https://www.youtube.com/watch?v=re3kZcrKPmM

CLASS 3, September 20, 2019

**Restitution Efforts: From the Monuments Men to the Washington Principles**

This class addresses the Allied liberation of Nazi-Europe; the Monuments Men and their efforts to save cultural treasures from theft by Hitler and the Nazis; the Allies program to return stolen art recovered in the immediate aftermath of the war—and why thousands of valuable art works were not returned to their rightful owners or were never relocated; what happened when scholars gained access to previously classified German archives in 1995 (fifty years after the end of World War II); the late 1990s discovery of the previously untold story about how, for twelve years, the Third Reich systematically looted and destroyed art on an unprecedented scale; the creation of the Art Loss Register to assist those tracking looted or lost works; the signing of the 1998 Washington Conference Principles on Nazi-Confiscated Art, in which forty-four governments agreed to search their public collections for looted works and to collectively identify and resolve restitution claims.

**Readings:**
- Nicholas, Lynn H. *The Rape of Europa* (chapter 11, Treasured Hunts in the Ruined Reich)
- Nicholas, Lynn H. *The Rape of Europa* (chapter 12, Mixed Motives: The Temptation of Germany’s Homeless Collections)

- Nicholas, Lynn H. *The Rape of Europa* (chapter 13, The Art of the Possible: Fifty Years of Restitution and Recovery)


- Gunnar Schnabel “Nazi-Looted Art: A Legal Commentary” in Melissa Müller and Monika Tatzkow. *Lost Lives, Lost Art: Jewish Collectors, Nazi Art Theft and the Quest for Justice*


- O’Donnell, Nicholas. *A Tragic Fate* (ch 2, The Washington Conference and Its Ethical Parallels)

**Additional optional readings:**

- Kurtz, Michael J. *America and the Return of Nazi Contraband: The Recovery of Europe’s Cultural Treasures*

- Stuart E. Eizenstat. *Imperfect Justice: Looted Assets, Slave Labor, and the Unfinished Business of World War II*


- Marilyn Henry, *Confronting the Perpetrators: A History of the Claims Conference*

**Watch:**

“Hunting Hitlers Stolen Treasures: The Monuments Men”

https://www.youtube.com/watch?v=W2MSmogbyC8

**CLASS 4, September 27, 2019**

**CASE STUDY #1: The return of Oriental Woman Seated on Floor (also known as *Odalisque*), by Henri Matisse, to the heirs of Paul Rosenberg, June 1999.**

This class looks at how in June 1999, the Seattle Art Museum returned the painting Oriental Woman Seated on Floor (also known as Odalisque), by Henri Matisse, to the heirs of Paul Rosenberg. The painting was donated to the museum in 1991 by the Bloedel family. The museum decided to return the artwork following a thorough and independent investigation into the painting’s past that revealed that it was stolen by the Nazis from Paul Rosenberg’s collection in the 1940s.

**Readings:**


- Odalisque Painting – Paul Rosenberg Heirs and Seattle Art Museum, Arthemis, Art-Law Centre, University of Geneva


- Sinclair, Anne. *My Grandfather’s Gallery (“Rue la Boëtie”)*


**Watch:**
“Art is the heritage of humanity”: The race to save Louvre art during World War Two
https://www.youtube.com/watch?v=rhEgaYVH6Ig

France’s Jewish families struggle to retrieve stolen WWII-era paintings
https://www.youtube.com/watch?v=hMMHEpN-6U

CLASS 5, October 4, 2019
CASE STUDY #2: The restitution of Landscape with Smokestacks by Edgar Degas from the Art Institute of Chicago, 1997

This class addresses the theft and restitution of Landscape with Smokestacks by Edgar Degas by the heirs of Holocaust victims Friedrich and Louise Gutmann, Nick and Simon Goodman and Lili Gutmann. The heirs filed a claim against the art dealer Daniel Searle, owner of the painting and was a Trustee of the Art Institute of Chicago, where the painting was on loan. After four years of litigation, the parties agreed to share the ownership of the painting. The Gutmann heirs’ interest in the ownership was bought by the Art Institute of Chicago.

Readings:
- Landscape with Smokestacks – Friedrich Gutmann Heirs and Daniel Searle, Arthemis, Art-Law Centre, University of Geneva
- O’Donnell, Nicholas, A Tragic Fate (ch 5, Landscape with Smokestacks and Early Trends)
- Goodman, Simon. The Orpheus Clock (ch 16, Searching for Degas)

Additional optional reading:
- Howard J. Trienens. Landscape with Smokestacks: The Case of the Allegedly Plundered Degas
- Michael J. Bazyler, Roger P. Alford, Holocaust Restitution: Perspectives on the Litigation and Its Legacy

Watch:
Simon Goodman, The Orpheus Clock

Published on Dec 2, 2015
https://www.youtube.com/watch?v=9YzEx3f7Plg

CLASS 6, October 11, 2019
CASE STUDY #3: The restitution of Egon Schiele’s Portrait of Wally, 1998

Portrait of Wally is a 1912 oil painting by Austrian painter Egon Schiele. The painting was obtained by Rudolf Leopold and became part of the collection of Vienna’s Leopold Museum. In 1997 the painting travelled to New York for an show of Schiele’s work at the Museum of Modern Art. While on exhibition the painting’s ownership (provenance) history was revealed in an article published in The New York Times. After the publication, the heirs of Lea Bondi Jaray, to whom the work had belonged before World War II, contacted the New York County District Attorney who issued a subpoena forbidding its return to Austria. Bondi’s heirs, claimed that the painting was Nazi plunder and should have been returned to them. In July 2010, the Leopold Museum agreed to pay $19 million to Bondi’s heirs.

Readings:
- Portrait of Wally – United States and Estate of Lea Bondi and Leopold Museum
READING WEEK: October 18, 2019, No class

CLASS 7, October 25, 2019

CASE STUDY #4

The restitution of *Portrait of Adele Bloch-Bauer* (also called *The Lady in Gold* or *The Woman in Gold*) from Austria's Galerie Belvedere, 2004

This class addresses how Maria Altmann brought suit in the United States against the Republic of Austria and the Austrian National Gallery to recover six paintings by Gustav Klimt that the Nazis took during the Second World War from her Jewish relatives, Ferdinand and Adele Bloch-Bauer. Although the Supreme Court of the United States lifted Austria's jurisdictional immunity, the disputants reached an agreement to end the litigation and submit the dispute to arbitration in Austria. The arbitration panel ruled that Austria was obliged to return five of the Klimt’s masterpieces to Maria Altmann.

Readings:

- Six Klimt paintings – Maria Altmann and Austria, Arthemis, Art-Law Centre, University of Geneva
  https://plone.unige.ch/art-adr/cases-affaires/6-klimt-paintings-2013-maria-altmann-and-austria
- Melissa Müller “Adele and Ferdinand Bloch-Bauer” in Melissa Müller and Monika Tatzkow. *Lost Lives, Lost Art: Jewish Collectors, Nazi Art Theft and the Quest for Justice*
  https://www.nytimes.com/2006/06/19/arts/design/19klim.html?ex=1308369600&en=37e

Watch:

*Art of the Heist: The Lady In Gold. A film* on the recovery of the Bloch-Bauer Klimt paintings by Maria Altmann in Electric Sky, Nigel Janes Director/Producer
https://www.youtube.com/watch?v=Ifi3FMtF8uQ

CLASS 8, November 1, 2019
CASE STUDY #5: The restitution of The Girl from the Sabine Mountains by Franz Xaver Winterhalter, 2005.

This class explores the restitution of The Girl from the Sabine Mountains recovered by the Max Stern Art Restitution Project, which is attempting to reclaim works once owned by Montreal art dealer Max Stern. A Dusseldorf-born Jew who fled Germany in 1937, Stern lost more than 200 European masterpieces confiscated or sold by force by the Nazis before the Second World War. The Girl from the Sabine Mountains by Franz Xaver Winterhalter, a 19th-century artist famous for painting Queen Victoria, turned up in Rhode Island, in the collection of Maria-Luise Bissonnette, a German baroness who had inherited it from her step-father. She refused to return it, arguing Stern had willingly sold it.

Readings:
- Denise Dowling, Spoils of War, Rhode Island Monthly, June 24, 2009 https://www.rimonthly.com/spoils-of-war/

CLASS 9 November 8, 2019

CASE STUDY #6: The restitution of Berlin Street Scene by Ernst Ludwig Kirchner from Brücke Museum, 2006

In the autumn of 2006, a controversy exploded in Germany about the restitution of the expressionist masterpiece Street Scene by Ernst Ludwig Kirchner. The painting had been seized from the great expressionist collection of the late Alfred Hess, a German shoe magnate. Found in the collection of Berlin’s Brücke Museum, it was reclaimed by his grand-daughter and returned to her. The painting’s return and subsequent sale was widely criticized in Germany. Some suggested that the claim was not legitimate, others that it was a “betrayal of the German nation” and allowed only because Germans were “proud of their guilt”. Some in Germany suggested the claim was motivated purely by greed, that it represented a capitulation to profit-seeking American lawyers and their Jewish clients. This class looks at the story of the painting, of the Hess family and of the two year battle over the painting’s return.

Read:
- Gunnar Schnabel and Monika Tatzkow “Alfred and Tekla Hess and Hans Hess” in Melissa Müller and Monika Tatzkow. Lost Lives, Lost Art: Jewish Collectors, Nazi Art Theft and the Quest for Justice

Watch:
What Alfred Flechtheim Saw in Ernst Kirchner and Oskar Kokoschka
Published by Sotheby’s on Nov 5, 2018. https://www.youtube.com/watch?v=01WJxy5Oopw

CLASS 10: November 15, 2019
CASE STUDY #7: The failed restitution claim of Adam and Eve by Lucas Cranach the Elder from the Norton Simon Museum by Marei von Saher, surviving heir of the Dutch-Jewish art dealer.

This class looks at the legendary Dutch Jewish dealer Jacques Goudstikker, a preeminent Old Masters dealer in Amsterdam with a collection of over 1,200 artworks—lost to the Nazis during World War II. In 2006, the Dutch government restored 202 paintings to Goudstikker’s heirs; however, many of his lost painting remain unrestituted, including Adam and Eve by Lucas Cranach the Elder. In 2019 a US federal appeals court confirmed that two contested 16th-century oil-on-panel paintings by Lucas Cranach the Elder will not be returned to Goudstikker’s heirs putting an end to an 11-year court battle between them and the California Norton Simon Museum.

Read:

- Pieter den Hollander and Melissa Müller “Jacques Goudstikker” in Melissa Müller and Monika Tatzkow. *Lost Lives, Lost Art: Jewish Collectors, Nazi Art Theft and the Quest for Justice*
- Peter C. Sutton. *Reclaimed: Paintings from the Collection of Jacques Goudstikker*
  https://news.artnet.com/art-world/lucas-cranach-ruling-1326245

Watch:

“Opening Talk | Reclaimed: Paintings from the Collection of Jacques Goudstikker” Contemporary Jewish Museum, November 2010

https://www.youtube.com/watch?time_continue=3731&v=bPQD4v-J_dc

CLASS 11: November 22, 2019
Class presentations

CLASS 12: November 29, 2019
Class presentations

GRADED ASSESSMENT

Student grades will be comprised of the following four components:

1. 
   i) Class Participation: 10%
   Participation in this seminar class is mandatory and since this participation requires your presence in the classroom, attendance is mandatory as well. In order to receive full marks for participation you must be well prepared at every class and you must also contribute to the discussion in ways that are both thoughtful and respectful. Coming late to class, leaving early, not being prepared and not participating in class or small group discussions all make the class less enjoyable for everyone and will impact your grade. When you are late or absent, you are responsible for finding out what happened in class by contacting one of your classmates.

1. ii) Reading Review: 10%

Each students will be assigned a class reading to present to summarize and present to the class. Reviews should be 500 words. Students will summarize the book chapter or article they selected. In completing this exercise students should devote most of the document to analyzing and critiquing the argument and evidence provided in the article or book chapter. Questions to be addressed by students: *What is the central focus of the reading material? Why is it significant to the course? What is the wider implication of the reading?*
Reviews should end with one or two questions for discussion with the class. Students must not simply summarize the article without engaging with the arguments it presents or issues it raises. Students must bring a printed version of their reading review to class and be ready to discuss it. The objective of this assignment is to help students read critically and actively. These responses will help students digest the readings, help students identify confusing issues and provide students with ready access to their ideas to contribute meaningfully to class discussions. Many students find it useful to sketch out a reading response for their own use even when they are not signed up to submit their response for evaluation.

iii) Case Study Research Paper and Presentation: 50%
Students will choose a restitution case study to analyze (not one of the seven cases discussed in class) from the attached list. Students will identify the key issues at stake in the case. Students will chart the critical path for how the case was resolved or might be resolved in future. The major goal of the project is to give students a chance to apply the questions explored in this course to a specific case. Students must confirm their decisions about their research project by Friday October 4, 2019. Students must submit their papers on Monday November 18, 2019.
The paper will be 10 -12 double spaced pages in length plus bibliography and images. Research for this project should be based on books, journal articles, essays in edited volumes, newspaper reports and magazines. If students are not familiar with the library resources in this area, they are expected to please make an appointment with a research librarian. Internet sources may be useful to your research, but they must be verified and they will not suffice as adequate research materials alone. You may also find that films and novels are useful sources. It is important to assess your sources carefully for their reliability and particular contributions to your project.

1. iv) Final Exam: 30%
The final exam will be based on class lectures and readings.

ADDITIONAL INFORMATION

Late Assignments
Students will lose 10% from the assignment grade for each day writing assignments are late. The exception is the reading reviews, which loses 50% because one of its core purposes is to foster discussion in class. Late assignments will not always be returned to you along with assignments received on time. Exceptions to the lateness penalty for valid reasons such as illness, compassionate grounds, etc., may be entertained by the Course Instructor but will require supporting documentation (e.g., a doctor’s letter).

Academic Policies / Information
The Senate Academic Standards, Curriculum and Pedagogy (ASCP) provides a Student Information Sheet that includes:
• York’s Academic Honesty Policy and Procedures / Academic Integrity Web site
• Access/Disability
• Ethics Review Process for Research Involving Human Participants
• Religious Observance Accommodation
• Student Code of Conduct

Additional information:
• Academic Accommodation for Students with Disabilities
• Alternate Exam and Test Scheduling
• Grading Scheme and Feedback Policy
The Senate Grading Scheme and Feedback Policy stipulates that (a) the grading scheme (i.e. kinds and weights of assignments, essays, exams, etc.) be announced, and be available in writing, within the first two weeks of class, and that, (b) under normal circumstances, graded feedback worth at least 15% of the final grade for Fall, Winter or Summer Term, and 30% for ‘full year’ courses offered in the Fall/Winter Term be received by students in all courses prior to the final withdrawal date from a course without receiving a grade.
• Important University Sessional Dates (you will find classes and exams start/end dates, reading/co-curricular week, add/drop deadlines, holidays, University closings and more. http://www.registrar.yorku.ca/enrol/dates/index.htm

• “20% Rule”
No examinations or tests collectively worth more than 20% of the final grade in a course will be given during the final 14 calendar days of classes in a term. The exceptions to the rule are classes which regularly meet Friday evenings or on Saturday and/or Sunday at any time, and courses offered in the compressed summer terms.

• Final course grades may be adjusted to conform to Program or Faculty grades distribution profiles.

IMPORTANT DATES

**Tuesday September 17, 2019**
Last day to enroll in Term F & Y courses and make course changes without the permission of the course director

**Tuesday October 1, 2019**
Last day to enroll in Term F courses with written permission of the course director

**Friday October 4, 2019**
Students must confirm their decisions about their research project

**October 12 – 18, 2019**
Fall Term Reading Week (No Classes)

**Friday November 8, 2019**
Last day to drop Fall Term (F) courses without receiving a grade (Nov.09-Dec.3) withdraw and receive a “W” on your transcript

**Monday November 18, 2019**
Students must submit their research papers.

**Friday November 22, 2019** and **Friday November 29, 2019**
Class presentations

**December 5 – 20, 2019**
Fall Term Examination Period

Many courses utilize Moodle, York University’s course website system. If your course is using Moodle, click here to access it.

Moodle @ York University