

## Provenance Guide

### Introduction

Provenance research was once the province of art scholars dealing primarily with issues of attribution and authenticity. But recent legal claims by heirs of Holocaust victims whose art works were looted or otherwise misappropriated by the Nazis, and claims by foreign “source” countries for objects they believe were exported in violation of patrimony or export laws, have raised awareness of the need for provenance research in regard to due diligence in acquiring works of art. Provenance research is often painstaking and not easy to do, and not every work has a discoverable provenance.

### What Is Provenance?

The word provenance derives from the French *provenir* meaning “to originate”. Although the term is sometimes, incorrectly, used synonymously with “provenience,” the latter is an archaeological term referring to an artifact’s excavation site or findspot, whereas the provenance of a work of art is a historical record of its ownership. A work’s provenance comprises far more than its pedigree, however; it is also an account of changing artistic tastes and collecting priorities, a record of social and political alliances, and an indicator of economic and market conditions influencing the sale or transfer of the work of art. It also provides valuable information about the attribution of an object. Provenance research is by nature interdisciplinary. While it generally begins with art historical resources, provenance research often leads to other historical or genealogical materials. This interdisciplinary nature is particularly evident in World War II-Era provenance research.

What information should one look for when conducting provenance research? An ideal provenance provides a documentary record of owners’ names; dates of ownership; methods of transference, i.e. inheritance, or sale through a dealer or auction; and locations where the work was kept, from the time of its creation by the artist until the present day. Unfortunately, such complete, unbroken records of ownership are rare, and most works of art contain gaps in provenance; indeed, it is more common for an object to have an incomplete ownership history than a complete one.

Essentially a kind of detective work, provenance research must be approached with creativity, persistence, attention to detail, and the ability to think outside of the box. And like detective work, provenance research can be difficult and time-consuming. Often, the difficulties researchers encounter involve the state of extant records. Many archives have suffered damage, destruction, or dispersal due to wars or natural disasters, and the records of smaller or short-lived galleries have not always been preserved. Moreover, private owners may not have saved purchase records, particularly for works of lesser monetary value, and sometimes no records of transfer were created in the first place. Even those records that do exist may not be reliable: they may provide unclear, inadequate, conflicting, or incorrect information. Sometimes records document collections as a whole, rather than individual items within it. Thus, once an item is removed from that collection, it may become difficult or impossible to track its subsequent owners or to identify it as formerly belonging to a particular collector.

Tracing an object’s ownership history may be further complicated by the variety of means by which the transfer of ownership took place. The object may have been commissioned; or purchased, whether from an exhibition or directly from the artist; or traded by the artist for supplies or another art object; or otherwise transferred by sale, gift, or inheritance, to name a few methods.

Complicating the situation even further is the fact that forgers are notorious for creating false documents, thereby intentionally confusing the historical record. Published provenance information must be critically evaluated and not simply accepted. Each piece of information must be independently corroborated, as incorrect provenance information is often repeated from one secondary source to the next. If information from a secondary source cannot be confirmed, the provenance researcher must note this and record the source of the information.

## Researching Provenance

### I. Why is Provenance Research Important?

**For Authenticity:** Provenance can bolster claims of a work's authenticity. Inventory records of an object's presence in a particular collection or in the artist's studio provide strong evidence of a work's authenticity. As noted, art forgers often falsify provenance information - forging receipts of sale, ownership marks, dealers' records, exhibition labels, and collectors' stamps. For this reason, provenance history is seldom accepted as the sole proof of authenticity.

**For Valuation:** As a factor in establishing authenticity, a complete or distinguished ownership history may have a positive impact on the value of a work of art. Conversely, the absence of a documented provenance may raise questions about the attribution or authenticity of a work, particularly in the case of an artist whose life and work are well documented.

**For Ownership:** An established provenance can also help document proof of ownership if legal title is contested. Transaction records and other proofs of sale or transfer of ownership may help determine the legitimacy of a sale or provide a defense in repatriation and restitution claims. In some cases, the presence of a "red-flagged" name in the provenance may indicate that an artwork was stolen, subjected to a forced sale, or otherwise misappropriated during the Nazi Era, thus warranting further research. See the [Art Law & Cultural Property](#) section of IFAR's Website for examples of legal cases where provenance, or lack thereof, was a factor.

### II. Getting Started

An invaluable tool for the new and experienced provenance researcher alike is *The AAM Guide to Provenance Research* (Nancy Yeide, et al.; Washington, D.C.: American Association of Museums, 2001). The guide is divided into two parts. The first explains how to conduct basic provenance research and also includes appendices with useful bibliographic and archival information. The second part specifically concerns World War II-Era provenance research, addressing the period between 1933 and 1945. It provides an overview of provenance issues from this era, as well as an introduction to Nazi-Era collecting activities. It discusses archival resources in the United States and in Europe relating to looting and post-War restitution. Helpful appendices include a bibliography on looting and restitution; lists of names associated with looting during the Nazi Era; a list of wartime and post-War interrogation reports; and codes used by the Einsatzstab Reichsleiter Rosenberg (ERR) in their confiscation of collections. World War II-Era provenance research will be discussed in Part V of this guide.

The first steps in conducting provenance research on a specific object are to gather whatever information is available from the object itself, and second, to examine the object file of the institution in which the object is held. The object itself is the most important primary resource and a valuable source of provenance information. The medium and support of the painting or work on paper must be determined, and the front and back examined for any inscriptions, dates, or other distinctive marks; any alterations to dimensions or changes in support should be noted.

Other information can be gleaned from exhibition stickers, seals, dealers' and collectors' marks, and transport and customs stamps, all of which are often found on the backs of paintings.

Useful provenance information may also be found in institutional and collection records:

- Registrarial records, which generally contain information on the acquisition, loan, sale, and transport of a work of art
- Curatorial records, which contain research on and correspondence relating to the work of art
- Conservation files, which may include X-rays, infrared photographs, and technical and condition reports
- Other institutional archival material, which may contain additional exhibition history for the object, bequest or gift information, and other donor correspondence beyond that in registrarial files

When dealing with institutional records it is crucial to document your sources:

- Make careful note of the medium and support materials; dimensions; signatures, dates, and inscriptions; current and past attributions; and variations in title
- Determine whether there have been any significant changes to the condition, support or size of the object
- Obtain a photograph of both the front and the back of the object so that you can later compare it to illustrations in published sources and other photographic documentation
- Compile a list of any exhibitions and publications in which the work has appeared
- Record what is known about the provenance and include the source of each piece of information; note any gaps in ownership history, as well as any previous version of the object and its provenance
- Note the previous owners of the object; you will want to try to contact them or their heirs. Even if they no longer have any records, their recollections could be helpful in adding to the provenance
- Make a list of all leads to pursue through library and archival research or written correspondence

Once a provenance has been established, it needs to be recorded. Provenance information should be presented in a clear, organized, and complete manner. A provenance may be organized in list or in paragraph form, and the sequence of ownership should be given in either chronological or reverse chronological order. Owners should be distinguished from dealers or auction houses. The source of information about each owner or transaction should be documented in footnotes or, if the information is brief, in parentheses.

In the format used by many museums and auction houses, punctuation indicates transfers. A semicolon indicates that the work passed directly between two owners, and a period is used to separate two owners if a direct transfer did not occur or is not known to have occurred. The life dates of the owners, if known, are enclosed in brackets or parentheses. Uncertain information is indicated by the terms “possibly” or “probably” and explained in footnotes. Dealers, auction houses, or agents are sometimes enclosed in parentheses to distinguish them from private owners.

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Below is a sample provenance, in list form, from a major auction house sale of an eighteenth-century Venetian painting:

Acquired by Peter William Baker M.P. (d. 1815) shortly after he moved into Ranston House, near Blandford, Dorset, in 1779;  
Thence by descent to Mrs. W.H. Gibson Fleming;  
By whom sold London, Sotheby's, 23 March 1960, lot 36, for 20,000£ to Leggatt (the previous lot was its pendant, and sold for 32,000£ to L. Koetser);  
Mrs. Nora Prince-Littler, Chestham Park, Henfield, Sussex;  
Her deceased sale, London, Christie's, 2 December 1977, lot 73;  
Anonymous sale ("The Property of a Lady"), London, Christie's, 11 April 1986, lot 54;  
There purchased by Lord and Lady Forte

### III. General Provenance Research

#### A. Art Historical Resources

General provenance research should begin with library research and the consultation of art historical resources. Library research should stem from the information collected from the object itself (see discussion above) and the institution's files. Start by checking all citations to published references, sales, and exhibition catalogues. Try to go back to the original source, as there may have been references overlooked or inaccurately recorded by previous researchers. Make photocopies of every reference when possible. When checking citations, be aware of other versions of the object that exist or have existed in the past. Carefully document the provenances, size, support, and inscriptions for each other version; when possible, document each with a photocopy or photograph. Also note pendants or related works. Since such works often have shared early provenances, a published reference to the provenance of the pendant may provide clues to the provenance of your work.

Look for references to the artist to whom the object is currently attributed, as well as all previous attributions. You can use the Bibliography of the History of Art, Grove Dictionary of Art (available both online and in print), and the biographical dictionaries by Thieme-Becker and Bénézit to locate references. Resources such as monographs, catalogues raisonnés, exhibition catalogues, scholarly journal articles, and photo archives, for example those at the Frick and Witt libraries, should all be checked for references to the object in question. When no published resources exist for a particular artist, try to determine whether a scholar or graduate student is currently researching that artist by consulting lists or abstracts of recent dissertations or dissertations in progress.

A good place to begin your research is by consulting the artist's catalogue raisonné. This is a detailed compilation of an artist's work and often includes some provenance information, exhibition history, publication references, attributions, current owners, and identifying features of the work, such as dimensions, inscriptions and condition. To discover whether a catalogue raisonné for a specific artist exists or if there is a catalogue raisonné currently in preparation, you can conduct a search of IFAR's [Catalogues Raisonnés Database](#) on this Website. It is best to begin with the most recent catalogue raisonné if more than one exists, but consult earlier publications as well.

While still worth consulting, monographs are generally less useful than catalogues raisonnés in documenting the current locations of paintings, since they may be based on secondary sources and are generally not focused on objects.

Exhibition catalogues document the owner and location of an object at a specific time. Some catalogues list lenders as a group, separated from their loaned work; even so, these lists can be cross-referenced and corroborated with other references. Provenance information in exhibition

catalogues generally comes from the lender, and should therefore be confirmed. Exhibition catalogue essays may include useful information about past owners.

Photo archives, containing actual photographs of works of art, as well as clippings from sale and exhibition catalogues, are valuable resources for the provenance researcher. These images can be useful in documenting whether a work has been altered, restored, or cut down. This information is particularly helpful in identifying works by artists who executed many versions of the same subject, where the issue is often whether the work in question is the same as another work. Annotations on the mounts or backs of the photographs can be very helpful, sometimes listing the owner or former owners, exhibitions where the work was shown, and bibliography. Often the annotations can provide insights into the ideas and opinions of the dealer or scholar from whom the photographs were acquired. As with all citations, these annotations should be independently confirmed.

The most important photo archives are as follows:

- Archives of American Art, Smithsonian Institution, Washington, D.C.
- Frick Art Reference Library Photoarchive, New York
- Getty Research Institute, Los Angeles
- Louvre and Musée d'Orsay documentation centers, Paris
- National Gallery of Art, Washington, D.C.
- PHAROS: The International Consortium of Photo Archives
- Rijksbureau voor Kunsthistorische Documentatie (RKD) The Hague
- Villa I Tatti, Florence
- Witt Library, Courtauld Institute of Art, London
- Zentralinstitut für Kunstgeschichte, Munich

The following is a list of general art historical resources useful for conducting provenance research:

[Art History Research Centre](#) (defunct, last updated 2007)

[Art History Resources on the Web](#)

[Art Museum Image Consortium \(AMICO\)](#) (consortium dissolved in 2005; content no longer updated)

[Artcyclopedia](#)

[ArtSource](#) (compilation of online art and architecture resources)

[ARTstor DIGITAL LIBRARY](#) (subscription-based)

[Art UK](#) (artworks in UK public collections)

[Bibliography of the History of Art \(BHA\) and Répertoire International de la Littérature de l'Art \(RILA\)](#) (content no longer updated; covers material published from 1975 to 2007)

[CAMEO](#) (Conservation and Art Materials Encyclopedia Online)

[FirstSearch](#) (includes Arts & Humanities Search and Art Abstracts)

[FRESCO – Frick Research Catalog Online](#)

[Frick Photoarchive](#)

[Getty Research Institute Research Tools](#)

[Getty Vocabularies](#) (includes the Art and Architecture Thesaurus; the Cultural Objects Name Authority; the Getty Thesaurus of Geographic Names; and the Union List of Artist Names)

[The History of Art Virtual Library](#)

[International Bibliography of Art \(IBA\)](#) (covers material from 2008-present)

[Joconde](#) (database of art in the collections of 75 French museums)

[Metropolitan Museum of Art Collections Database](#)

[Mother of All Art and Art History Links Page](#)

[Museum of Fine Arts, Boston Collections Database](#)

[New York Public Library](#) – Research Collections

[NYARC Discovery](#) (an integrated research tool of the libraries of the New York Art Resources Consortium: the Brooklyn Museum, The Frick Collection and The Museum of Modern Art)

[Oxford Art Online](#) (fee-based; includes Grove Art Online; Bénézit Dictionary of Artists; The Oxford Companion to Western Art; Encyclopedia of Aesthetics; The Concise Oxford Dictionary of Art Terms)

[PHAROS](#) (searchable image database of the PHAROS consortium of European and North American art historical photo archives)

[Rijksbureau voor Kunsthistorisches Documentie \(RKD\)](#) (database portal for information on Dutch art)

[Rijksmuseum Collection Index](#)

[Smithsonian Institution Research Information System \(SIRIS\)](#)

[Thomas J. Watson Library](#) (Metropolitan Museum of Art)

[Web Gallery of Art](#) – Virtual Museum and Searchable Database

## **B. Researching Collectors and Dealers**

Once research has been conducted on the artist in question, the next step is to determine when and from whom a collector acquired the work. It is also important to identify ancestors or heirs of the collector who also may have owned the object at some point. When reading biographical resources, take note of any dates of the collector's life, including birth, marriage and death, as well

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as dates of collecting activity and any information about when the collector owned the object. If exact dates cannot be determined, try to identify the general period of collecting activity.

There are several resources helpful for identifying major collectors and obtaining bibliographical references. For works of art produced from the 16th to early-20th century, as well as by less prominent artists, an excellent resource is the [Getty Provenance Index](#), a series of searchable databases comprising Archival Inventories, Sale Catalogs, Payments to Artists, Dealer Stock Books, and Public Collections. The Archival Inventories database includes inventories and other documents from city, state and national archives from the period 1550-1840, while the Sale Catalogs database comprises auction catalogues from Belgium, France, Germany, Great Britain, the Netherlands, and Scandinavia from 1650-1840. The Public Collections database contains the descriptions and provenances of paintings by artists born before 1900 in British and American public institutions.

Other institutions have a significant amount of information on collectors as well: the documentation centers of the Centre Pompidou, Louvre, and Musée d'Orsay, for instance. The [Getty Collectors Files](#) comprise approximately 20,000 folders containing information on dealers, collectors, and other art institutions from the Middle Ages to the present. These files, which are available only on-site in Los Angeles, although the catalogue can be searched online, contain such documents as genealogical references, photocopies of inventories and sale records, articles, and other biographical materials.

Frits Lugt's *Les marques de collections de dessins & d'estampes* (originally published in 1921 and also available [online](#)) compiles the collectors' marks found on works on paper and identifies the collector associated with each mark.

Some subscription-based Internet resources for researching individual collectors include the De Gruyter Saur [World Biographical Index \(WBIS online\)](#), which provides basic biographical information about the individuals it includes. [Grove Art Online](#) includes more than 2,000 articles on collectors, patrons, and dealers, in addition to artists. Both the *Grove Dictionary* and the Saur biographical indexes are also available in book form and can be found in the reference sections of libraries. Other print resources useful in gathering information about collectors include national biographical dictionaries, encyclopedias, *Who's Who*, *The Titled Nobility of Europe*, *Burke's Peerage*, and *The Social Register*. During the nineteenth and twentieth centuries, major collectors often published catalogues of their collections. These publications include catalogue entries that often cite the object's provenance, and may help to identify the dealers and collectors from whom an individual acquired a work of art.

Articles on collectors can be found in the *Gazette des Beaux Arts*, *Oud Holland*, *Apollo*, *Connoisseur*, the *Oxford Journal of Collecting*, and other journals that include cumulative indexes. There are also monographic studies of individual collectors; these rarely go into detail, but sometimes describe the history of the collection, identifying sources and analyzing the collector's taste. Finally, auction sales catalogues devoted to a single collector often include biographical introductions.

The transfer of a painting from one owner to another often involves a dealer or a public auction. Although such information should be included in a provenance, it is often omitted from catalogues raisonnés, exhibition catalogues, and occasionally even from sales catalogues. Therefore, the only way to confirm that a work of art passed through the hands of a dealer is to ask the dealer or to check a dealer's files. Dealer files are recorded in varying degrees of completeness, and the records of defunct galleries and dealers can be difficult to find. However, a growing interest in the history of collecting has encouraged the preservation, and in some cases, digitization, of dealer files. Information about galleries still in existence can be obtained by the contacting the dealer directly, but not all dealers make their files accessible. Archives of defunct galleries can be found, among other places, at the:

- [Archives of American Art, Washington, D.C.](#)
- [Getty Research Institute, Los Angeles](#)
- [Museum of Modern Art, New York](#)
- [Rijksbureau voor Kunsthistorische Documentatie, The Hague](#)
- [Zentralarchiv des internationalen Kunsthandels, Cologne](#)

The Archives of American Art, headquartered in Washington, D.C. but with research centers in other U.S. cities, is home to numerous collections, including those of dealers and galleries, some of which have been fully digitized and are available online. These include the Betty Parsons Gallery, the Irving Blum Gallery, and Jacques Seligmann & Co. Non-digitized and unmicrofilmed records at the Archives of American Art must be viewed in Washington, D.C. The [Getty Research Institute](#) also has vast holdings of gallery and other dealer records, several of which, including the records of the Knoedler Gallery, Alphonse Wyatt Thibaudeau, and Goupil & Cie, have been digitized.

### C. Auction Records

Auction records are generally easy to track and are useful resources for tracing periodic appearances of individual works of art. When digitized, they are searchable by a variety of parameters: title of the work, artist, medium, etc. Privacy concerns may prevent the auction house from divulging the names of sellers and buyers unless the information is printed in the catalogue, but it may be willing to forward a letter of inquiry.

When searching auction records, certain points should be kept in mind. First, library copies of auction catalogues, especially older ones, sometimes contain useful handwritten notations - often by a dealer or collector who attended the sale - indicating the buyer of a particular object. Therefore, it may be helpful to check multiple copies of the same catalogue if buyer information is lacking. Second, it is important to keep possible variations in title and/or description and dimensions in mind when performing auction record searches. A work may be cut down or measured with or without its frame or mat. Finally, when looking for a particular object, it is worthwhile to search for artists to whom the object *might* have been attributed, even if erroneously. The following is a list of the most frequently used auction record search tools, some of which are fee-based (but may be available in research libraries):

[artnet](#) Fine Arts Auction Database (fee-based)

[Artprice](#) (fee-based)

[Artvalue](#) (fee-based database for international auction house results)

[Blouin Art Sales Index](#) (fee-based)

[British Sales 1680-1800](#) (a joint project of the Getty Research Institute and the National Gallery, London)

[Christie's](#)

[Invaluable](#)

[Répertoire des catalogues de ventes publiques](#) (fee-based online version of Frits Lugt's répertoires of auction catalogues)



### [Sotheby's](#)

There are also print resources that are helpful in general provenance and auction research. Among the most well-known resources is Frits Lugt's *Répertoire des catalogues de ventes publiques intéressant l'art ou la curiosité* (4 vols.; La Haye: M. Nijhoff, 1938-1987). The *Répertoire*, which is now available online (see link above), lists more than 100,000 art sales catalogues dating from 1600 to 1925 from libraries in Europe and the United States. All catalogues are listed in chronological order, and the date, location, provenance of each property, type of objects sold, number of lots, library in which the catalogue may be consulted, and details of any annotations in the catalogue are all provided. A similar, but less comprehensive, resource is the Bibliothèque Forney's *Catalogue des catalogues de ventes d'art* (1972).

## World War II/ Holocaust-Era Looted Art Provenance Research

### I. Art Looted During World War II

From 1933 through the end of World War II in 1945, the Nazi regime was responsible for the confiscation, sale, looting, and destruction of millions of artworks and other items of cultural property from public and private collections throughout Nazi-occupied Europe. The scale of the systematic looting was unprecedented. Most items were stolen or taken forcibly from the private collections of Jews and other Holocaust victims. Objects were also taken from public collections in occupied lands. Some of the stolen works entered the collections of Nazi officials; others were intended for Hitler's planned museum in Linz; and still others were sold or traded for cash or other artworks. The *AAM Guide to Provenance Research* provides a historical overview of the Nazis' art "collecting" activities on pages 42-44. A more detailed examination of the subject can be found in Lynn H. Nicholas' *Rape of Europa* (1994), which provides the most comprehensive overview of Nazi art policy. In *Art as Politics in the Third Reich* (1996), Jonathan Petropoulos examines the rivalries between Nazi leaders and agencies, and his *The Faustian Bargain* (2000) discusses in detail the careers of several prominent Nazis associated with the arts. In *The Lost Museum* (1995 in French and 1997 in English), Hector Feliciano focuses on Nazi looting in France, while Konstantin Akinsha and Grigorii Kozlov concentrate on the Soviet repositories of looted art in *Beautiful Loot* (1995).

### II. Restitution

The United States was closely involved with the effort to protect art in Europe during the war, and in the recovery and restitution of looted art after the war. In 1943, President Roosevelt established the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas, known as the Roberts Commission. The Commission advised the military on the location of art and other cultural property in war areas and protected those monuments whenever possible. Representatives from prominent American institutions served on the Commission, and art historians also became officers of the Monuments, Fine Arts and Archives program attached to the Allied military forces in Europe. These "Monuments Men," as they were known, worked at collecting points where loot was inventoried, catalogued and returned to countries of origin after the war.

Post-War Allied policy called for the restitution of confiscated works to the countries where their pre-War owners resided for return by those governments to the rightful owners. Although the majority of these works were eventually returned to their owners or heirs, an untold number were not. Some remained in government collections, were resold on the art market, or were otherwise dispersed. Still other works have never been found and were presumably destroyed during the war.

In the 1990s, the unresolved issue of unrestituted art re-emerged; it became clear that many objects misappropriated during the Nazi Era without subsequent restitution - with neither the return of the object nor payment of compensation to the original owner or legal heir - had made their way

into museums and private collections. Claims were made by heirs of Holocaust victims, and in some cases the victims themselves, for artworks once belonging to their collections.

The increased awareness of World War II-Era art looting can be attributed in part to the appearance of a number of scholarly publications on the subject, including the publications cited above. Research for these publications was facilitated by the declassification in the United States of wartime archival documents and the opening of archival resources in Europe following the fall of the Berlin Wall and the breakup of the Soviet Union.

### III. Guidelines and Legislation

In 1998, the [Washington Conference on Holocaust-Era Assets](#), organized by the United States State Department, laid down principles for the identification of unrestituted artworks confiscated by the Nazis, free access to records and archival materials, and the publication of artworks known to have been stolen by the Nazis. Forty-four countries signed on. In 1999, the American Association of Museums (AAM) issued [Standards Regarding the Unlawful Appropriation of Objects During the Nazi Era](#) for its member museums to identify and publicize possibly looted artworks in their collections. In 2000, based on an agreement reached by the AAM, the Association of Art Museum Directors (AAMD), and the Presidential Advisory Commission on Holocaust Assets in the United States (PCHA), the AAM published the [Recommended Procedures for Providing Information to the Public about Objects Transferred in Europe During the Nazi Era](#). Museums were to examine works in their collections that were created before 1946, acquired after 1932, underwent a change of ownership during 1933-1945, and/or may have been in Continental Europe during that time period. It should be noted, however, that gaps in provenance do not necessarily indicate that the works were, in fact, looted.

Both the guidelines and the recommended procedures acknowledge the difficulty of the research required, and both are based on the fundamental truth that the very nature of World War II provenance research is interdisciplinary. It requires knowledge not only of art history, but also of politics, the history of collections, and the locations of archival materials. Other sets of guidelines, declarations, and legislation relating to Nazi-Era provenance research include:

[AAMD – Report of the Association of Art Museum Directors Task Force on the Spoliation of Art during the Nazi/World War II Era \(1998\)](#)

[Art Dealers Association of America Guidelines Regarding Art Looted during the Nazi Era \(2006\)](#)

[Federal Law on Cultural Valuables Displaced to the U.S.S.R. as a Result of World War II and Located on the Territory of the Russian Federation \(1998\)](#)

[Presidential Advisory Commission on Holocaust Assets in the United States \(2000\)](#)

[Terezin Declaration \(2009\)](#)

[U.S. State Department – Holocaust Issues](#)

[Vilnius International Forum on Holocaust-Era Looted Cultural Assets \(2000\)](#)

### IV. First Steps in World War II-Era Provenance Research

There are numerous reasons for provenance gaps in any given time period. Nevertheless, checking for a gap in known ownership during the period from January 1933, when Hitler came to power, until the end of the war in 1945, is the first step in the prioritization of Holocaust-Era provenance research. The next step is to evaluate the gap. Was the object in Continental Europe during the pertinent time period? For example, a gap between 1933 and 1938, the year of the

Anschluss with Austria, is more significant if associated with Germany or Austria than it is with England or France. The invasion of Poland in 1938 led to increased Nazi confiscations of art there, while the fall of Holland and France in 1940 led to escalated looting activities in those countries. That said, these dates are not absolute, as claims have been made even on objects that left their collections in the early- or mid-1930s and may have been sold under duress.

Another step should be the identification of so-called “red-flagged” names within provenances. The most frequently cited source for these names is the Office of Strategic Services (OSS) Art Looting Investigation Unit’s (ALIU) *Biographical Index of Individuals Involved in Art Looting*, which can be found in Appendices H and I of the *AAM Guide to Provenance Research*. The ALIU list, created after the war, includes the name of virtually every person interrogated, investigated or mentioned during the unit’s investigation into art looting. Most of the individuals on the list were middlemen who, while associated with looting activities, would not be considered “owners” or “possessors” of looted art. While the presence of a name from the ALIU list in a provenance indicates that further research is necessary, the list must be used judiciously. What matters is *when* an individual on the list was associated with a particular object. For instance, Hans Wendland, perhaps the most notorious dealer associated with the smuggling of looted art from France to Switzerland, had a legitimate pre-War business in Paris. That said, certain names on the ALIU list should always raise a red flag, and Appendix I in the *AAM Guide* contains a selection of the most important names to be aware of and the known archival documentation of their activities.

There are two types of “red-flagged” names, however. The ALIU list represents only the looting side. The provenance researcher should also be aware of the names of collectors whose collections are known to have been looted. There are several places to begin when researching victims’ names. A good starting point is the list of collections confiscated by the ERR in France and elsewhere. See Appendix K in the *AAM Guide* for a list of collection codes used by the ERR, and the digitized [Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg](#) for items looted from particular collections. See also, for France, the list of names in the *Répertoire des biens spoliés en France durant la guerre, 1939-1945* (see bibliography below).

### **A. Case Study: The Provenance of Degas’ *Landscape with Smokestacks***

The provenance of Edgar Degas’ *Landscape with Smokestacks*, a monotype pastel executed in 1890, which was the subject of a highly publicized legal dispute (Goodman and Gutmann v. Searle), illustrates some of the complex issues that can surround an object’s ownership history. In 1987, Daniel Searle, a noted collector and member of the Board of Trustees of the Art Institute of Chicago, purchased the work from Emile Wolf. Eight years later, Searle received an ownership claim from the heirs of Holocaust victims Friedrich and Louise Gutmann.

When Searle purchased the work through a New York dealer, it came with a seemingly excellent provenance that went back to the artist himself and did not raise concerns for him or for the curators at the Art Institute who advised him on his purchase:

PROVENANCE: Atelier Degas (Vente IV, July 2-4, 1919, no. 45, ill.); Nunes et Fiquet, Paris; L. Wolff, Hamburg ; Collection of S.S. (Vente Galerie Georges Petit, Paris, June 9, 1932, no. 5); Lutjens Collection, Holland; Hans Wendland, Paris; Hans Fankhauser, Basel; Emile Wolf, New York (since 1951).

The painting had been in Degas’ possession at the time of his death, and was sold in the fourth posthumous sale of his collection in 1919. At the time of Paul-André Lemoisne’s 1946 catalogue raisonné, *Degas et son oeuvre*, the last ownership transaction was a 1932 sale at the Galerie Georges Petit in Paris. Although not noted in that provenance, it was Gutmann who purchased the painting at the 1932 sale. Helmut Lutjens, who was listed as the buyer at the 1932 sale in the provenance provided to Searle, was in fact the Amsterdam director of the Paul Cassirer Gallery who bid on Gutmann’s behalf.

In 1939, Gutmann, from his home in the Netherlands, sent the painting along with several other works from his collection to the gallery of Paul Graupe in Paris for safekeeping. A 1945 letter to Gutmann from the Graupe firm confirms that the painting, as well as eleven other objects from Gutmann's collection, was sent from the Graupe gallery to the Wacker-Bondy storage facility in Paris.

In October 1942, after the fall of France, the ERR confiscated works from the Wacker-Bondy facility, but *Landscape with Smokestacks* was not one of the works recorded on the ERR cards. In fact, there is no extant ERR documentation that proves that the Degas *Landscape* was confiscated from Wacker-Bondy.

So what happened to the Degas *Landscape*? One possibility is that it was sold before the Germans confiscated works from Wacker-Bondy; indeed, another transaction proves that not every Gutmann object held at the storage facility was still there when the ERR arrived in 1942, and there is additional evidence that was interpreted by Searle during the legal arguments to support the suggestion that the *Landscape* was sold voluntarily prior to the ERR's arrival.

The next names in the provenance are Hans Wendland and Hans Fankhauser, Wendland's brother-in-law. Today Wendland is a highly recognizable "red-flagged" name; he was described by the Office of Strategic Services after the war as "probably the most important individual engaged in quasi-official looted art transactions in France, Germany, and Switzerland." However, when Searle acquired the painting in 1987, Wendland's association with looted art was not well known.

While there is no evidence to prove it, *Landscape* could have been transferred from the ERR to Wendland for sale in Switzerland, or as Searle's attorney suggested, Graupe could have sold the painting to Wendland before the ERR arrived at Wacker-Bondy. Indeed, Graupe and Wendland knew each other from at least the early 1930s and were known to have jointly owned art that was part of the shipment of works from Graupe to Wacker-Bondy. On the eve of the trial in 1998, the case was settled out of court, so the disputed facts were never adjudicated. The monotype pastel remains in the collection of the Art Institute of Chicago.

The important lessons for the provenance researcher from this ownership claim are that all available archival materials must be consulted; as much information as possible must be gathered about all of the individuals named in a provenance; documentary evidence may be open to interpretation; and, despite exhaustive research, absolute documentary proof of looting—or clear title—may not materialize.

## V. Resources for World War II-Era Research

### A. The National Archives and Records Administration

The primary source in the United States for the documentation of the looting of art during World War II is the National Archives and Records Administration (NARA) in College Park, Maryland. NARA holds some 15 million pages of documents relating to [Holocaust-Era assets](#). Materials referring to specific works of art, however, constitute a relatively small percentage of that documentation.

The most important record groups at NARA for tracing art provenance include:

- American Commission for the Protection of and Salvage of Artistic and Historic Monuments in War Areas (RG239); Department of State (RG59)
- Foreign Service Posts of the Department of State (RG84).

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- Office of Strategic Services (RG226)
- U.S. Occupation Headquarters, World War II, Office of the Military Governor, United States (RG260)

NARA also holds the records of the Einsatzstab Reichsleiter Rosenberg (ERR) which confiscated Jewish property in Nazi-occupied France and Belgium. The collections of the ERR are documented by meticulously catalogued inventory cards, organized by codes assigned to the families from whom the objects were looted. The ERR also photographed many of the confiscated objects, and some of these photographs are at the National Archives.

Other records available at the National Archives and which have been digitized are those relating to: the Linz Museum Project; Munich Central Collecting Point Property Cards for Linz Objects; the Goering Collection; Nazi shipping records; complete or partial lists of confiscated collections; salt mines and other Nazi repositories of art; Roberts Commission Files and individual claims files. Records relating to restitution include those of the Munich Central Collecting Point; the Wiesbaden Central Collecting Point; and the Marburg Central Collecting Point.

NARA's 1999 publication, *Holocaust-Era Assets: A Finding Aid to Records at the National Archives at College Park*, compiled by Greg Bradsher and also available [online](#), is crucial for locating and understanding the materials held there. Both versions of the *Finding Aid* deal with all types of assets, not only art, but real estate, gold, insurance, and cultural property as well. Many of the NARA documents have been digitized and are available at [Fold3](#). The NARA records comprise the records of the Wiesbaden Collecting Point and those created by Ardelia Hall, the State Department's post-War Fine Arts and Monuments Adviser. The [NARA International Research Portal for Records Related to Nazi-Era Cultural Property](#), which contains records dating from 1939 to 1961, including seizure orders, inventories and images of looted objects, field reports, claim forms for seized property, and interrogation reports of art dealers, draws from the archives of eleven participating institutions.

## B. Selected Digitized Resources/Databases

[American Alliance of Museums Nazi-Era Provenance Internet Portal](#) (launched in 2003, this registry lists objects from more than 170 participating museums that were or could have been in continental Europe during the Nazi era and contain gaps in their known provenance)

[Art Loss Register](#) (private fee-based database of lost and stolen art, antiquities, and collectibles; its services include item registration, search and recovery services for collectors, the art trade, insurers, and law enforcement agencies)

[Collection Schloss: Archives et Patrimoine](#) (catalogue of non-restituted works of art stolen from the Schloss Collection in France during the war)

[Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg \[ERR\]: Database of Art Objects at the Jeu de Paume](#) (searchable illustrated database of the registration cards and photographs produced by the Einsatzstab Reichsleiter Rosenberg, containing more than 20,000 art objects taken from Jews in German-occupied France and, to a lesser extent, Belgium; searchable by object and by owner; a Claims Conference project)

[Cultural Values – the Victims of War](#) (Ministry of Cultural Affairs of the Russian Federation) [contains an illustrated catalogue of lost Russian cultural objects, organized by site, and a list of returned items]

Provenance Guide

[Datenbank entartete Kunst](#) (sponsored by Berlin's Free University, this database documents the fate of more than 21,000 artworks condemned as "degenerate" by the Nazis and seized from German museums in 1937)

[Datenbank "Sammlung der Sonderauftrages Linz"](#) (database established by the Deutsches Historisches Museum listing works of art purchased or confiscated by the Nazis for Hitler's planned museum in Linz)

[Datenbank zum "Central Collection Point München"](#) (searchable database of the Collecting Point property cards documenting objects recovered and processed through the Munich Central Collecting Point after the war)

[Herkomst Gezocht/Origins Unknown](#) (digitized version of the Nederlandsch Kunstbezit archive, which contains thousands of records of art objects stolen from the Netherlands)

[Internet Catalogue of Polish Wartime Losses](#)

[Kunst-Datenbank des Nationalfonds](#) (information on art and cultural objects that may have been seized by the Nazis and are today located in Austrian museums and collections)

[Lootedart.com](#) (run by the Commission for Looted Art in Europe; contains an Information Database, which includes laws and policies, reports, publications, archival records, and current cases from forty-nine countries, and an Object Database, which lists the details of over 25,000 missing, looted, and/or identified objects from over fifteen countries)

[Lost Art Internet Database](#) (administered by the *Koordinierungsstelle Magdeburg*, Germany's main office for documenting lost cultural property, this database lists unclaimed art held in German institutions and facilitates the registration of cultural assets that were relocated, transported, or confiscated during World War II)

[Restitution-Art](#) (Czech Republic Ministry of Culture's database of works of art in Czech collections that come or may come from victims of the Holocaust)

[Anlaufstelle Raubkunst, Bundesamt für Kultur](#) (Government sponsored Internet portal with links to museums conducting research on their collections and other World War II-Era provenance resources. The website will be available in 4 languages.)

[Site Rose Valland – Musées Nationaux de Récupération](#) (searchable database of approximately 2,000 unrestituted objects currently in the possession of French national museums)

[Spoliation of Works of Art during the Holocaust and World War II Period](#) (searchable database of the lists maintained by almost 50 British museums of objects with incomplete provenances from 1933-1945)

[Zentralinstitut für Kunstgeschichte](#) (Central Institute for Art History) [includes the auction catalogues of Münchener Kunstversteigerungshaus Adolf Weinmüller and online access to the business records of Galerie Heinemann, Munich]

### C. Hardcopy Publications/Resources

Bernhard, Marianne. *Verlorene Werke der Malerei in Deutschland in der Zeit von 1939 bis 1945 zerstörte und verschollene Gemälde aus Museen und Galerien*. Munich: F.A. Ackermann, 1965. (lists works missing from German museums after the war)

Provenance Guide

British Committee on the Preservation and Restitution of Works of Art, Archives, and Other Material in Enemy Hands. *Works of Art in Austria (British zone of occupation): Losses and Survivals in the War*. London, 1946.

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*Vermisste Zeichnungen des Kupferstich-Kabinettes Dresden*. Dresden: Staatliche Kunstsammlungen, 1987.

**D. Additional Web-based World War II-Era Provenance Resources**

[Museum Security Network](#) - WWII and Looted Art Resources

[National Gallery of Art World War II Resources](#) (includes the photographic archives of the Munich Central Collecting Point Archive)

[United States Holocaust Memorial Museum](#) (International List of Current Activities Regarding Holocaust-Era Assets)

[IFAR Art Law & Cultural Property Database](#); Case Law: World War II-Era/Holocaust-Related Art Loss (summaries of U.S. and international civil and criminal cases relating to art believed to have been looted or otherwise misappropriated during and after World War II)

[IFAR Section on Professional Guidelines](#) (list of ethical standards and professional guidelines, including those pertaining to World War II-Era looting, enacted by various professional arts groups)

**E. Organizations that Facilitate WWII-Era Research, Claims, and Restitution**

[Bundesamt für zentrale Dienste und offene Vermögensfragen](#) (conducts provenance research on works of art involved in unresolved property issues)

[Commission for Art Recovery](#) (established in 1997 to spur efforts to restitute art seized, confiscated, or otherwise wrongfully taken during the war)

[Commission for Looted Art in Europe](#) (researches and recovers works of art on behalf of families, negotiates restitution policies and procedures and provides restitution-related news and information)

[Conference on Jewish Material Claims Against Germany](#) (organization dedicated to providing a measure of justice for victims of the Holocaust; conducts, together with the World Jewish Restitution Organization, a comprehensive program aimed at the restitution of Jewish-owned art and cultural property lost and stolen during the Holocaust)

[European Shoah Legacy Institute](#) (seeks systematic solutions on an international level leading to the restitution of art and Jewish cultural assets stolen by the Nazis; provides social welfare to Holocaust survivors; promotes Holocaust research and education)

[Holocaust Art Restitution Project](#) (founded in 1997, this organization documents the cultural property losses suffered by Holocaust victims and conducts research into the fate of stolen and misappropriated cultural property)

[Holocaust Claims Processing Office, New York State Department of Financial Services](#) (provides institutional assistance to individuals seeking to recover artwork that was lost, stolen, or forcibly sold between 1933 and 1945)



[ICOM \(International Council of Museums\)](#) (Spoliation of Jewish Property [international resources concerning the spoliation of Jewish cultural property during World War II])

[World Jewish Congress](#) (an international organization whose mission is to address the interests and needs of Jews and Jewish communities throughout the world)

[World Jewish Restitution Organization](#) (consults and negotiates with national and local governments to reach agreements and ensure legislation concerning the restitution of property to the Jewish people and conducts archival research on Jewish property)

## F. Records Collections

[German Sales 1930 – 1945](#) [index of digitized German and Belgian auction catalogues; German Sales 1901 - 1929 (forthcoming)]

[Grosse Deutsche Kunstausstellung \(GDK\)](#) (over 100,000 images documenting the Nazi-sponsored GDK, an annual art exhibition that documents the artistic tastes of the Third Reich)

[Mémorial de la Shoah, Center of Contemporary Jewish Documentation](#) (archives containing collections of more than thirty million documents)

[Project for the Documentation of Wartime Losses](#) [posted in 1998, this now defunct but still accessible site digitized the records of the Art Looting Investigation Unit (ALIU)]

## G. Selected Museum-based Provenance Projects

[Art Gallery of Ontario, Toronto - Spoliation Research](#); [Provenance Research](#);

[Art Institute of Chicago](#)

[British Museum, London](#)

[Clark Art Institute, Williamstown](#)

[Cleveland Museum of Art](#)

[The Detroit Institute of Art](#)

[Freer and Sackler Galleries, Washington, D.C.](#)

[The J. Paul Getty Museum, Los Angeles](#)

[Guggenheim Museum, New York](#)

[Hood Museum of Art, Dartmouth College](#)

[The Jewish Museum, New York](#)

[Metropolitan Museum of Art, New York](#)

[Museum of Fine Arts, Boston](#)

[Museum of Modern Art, New York](#)

[Musée des Beaux-Arts de Montréal](#)

[National Gallery, London](#)

[National Gallery of Art, Washington, D.C.](#)

[National Gallery of Canada, Ottawa](#)

[Philadelphia Museum of Art](#)

[Princeton University Art Museum](#)

[Seattle Art Museum](#)

[Toledo Museum of Art; Toledo Museum Provenance Research Project](#)

[Vizcaya Museum and Gardens, Miami](#)

## Antiquities

### I. Antiquities and Cultural Patrimony

Both the provenance (ownership history) and provenience (findspot) of a work of art are critical to the study of archaeological artifacts/antiquities. Knowing the findspot and detailing the object's position within the site and its proximity to other documented items helps researchers identify the culture from which the object originated, its function, and probable date. Looters, however, often destroy archaeological sites and cause damage to movable, as well as immovable objects.

The looting and illicit export of antiquities from their countries of origin pose threats to the cultural heritage of many nations, as well as to archaeological sites. In recent years, several international agreements, most notably the 1970 [UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property](#), have been adopted to address these threats. Similarly, many countries have enacted patrimony laws to vest ownership of antiquities—found or as yet unfound—in the State. Many countries have also enacted legislation to restrict export of archaeological objects (See the [Art Law & Cultural Property](#) section of IFAR's Website for more information).

These agreements and laws are rarely retroactive. Therefore, the enactment date of a national ownership law or an international or bilateral agreement may be significant in determining legal ownership of cultural property. Therefore, a documented provenance, including the date the object left its country of origin, its ownership and publication history, and its means of acquisition, are crucial for a current owner to demonstrate legal title and the ethical acquisition of the objects.

The United States became a party (with reservations) to the 1970 UNESCO Convention in 1983, with the passage of the Cultural Property Implementation Act (CPIA). Under the CPIA, countries that are signatories to the 1970 UNESCO Convention and whose cultural property is in jeopardy of pillage may ask the U.S. to restrict the importation of designated types of threatened objects as of a certain date. Such bilateral agreements last for five years, but are renewable under the CPIA, so long as the cultural property remains in jeopardy of pillage and a recommendation for renewal is

made by the Cultural Property Advisory Committee, housed in the U.S. State Department. The types of restricted objects are listed in the Federal Register. Once the import restriction is put in place, an owner or importer must be able to prove that an object imported from that country left that

country before the date the restriction went into effect. This puts additional pressure on owners to do appropriate provenance research.

In 2008, new guidelines for the Association of Art Museum Directors (AAMD) in the United States and Canada adopted the threshold date of 1970 - the date of the UNESCO Convention and not the date of 1983 when the U.S. became a State Party to the Convention - for applying more stringent acquisition standards for archaeological objects. Member museums were given a mandate to undertake provenance research to substantiate that an object was "outside its country of probable modern discovery before 1970 or was legally exported after 1970."

In addition to IFAR's own [Art Law & Cultural Property](#) Website, which has the most extensive information and legislation on this subject, we are listing below a few other resources for information about laws and provenance research concerning antiquities and other cultural objects:

[Association of Art Museum Directors \(AAMD\)](#) – Object Registry

[American Bar Association \(ABA\)](#) – Art and Cultural Heritage Law Committee

[Archaeological Institute of America](#)

[Art-Law Centre \(Switzerland\)](#)

[Chinese Historical and Cultural Project \(CHCP\)](#) – Chinese Cultural Heritage Site

[Federal Office of Culture](#) (Switzerland)

[Heritage Law Bibliography](#)

[Heritage Watch](#)

[HG.org Legal Resources](#)– Art and Cultural Property Law

[Illicit Antiquities Research Centre](#) (Cambridge, UK) [digitized articles on the illicit trade in antiquities from 1997-; defunct since 2007, but still available for viewing]

[Institute of Art and Law](#)

[International Council of Museums \(ICOM\)](#) – Art and Cultural Heritage Mediation

[International Council of Museums \(ICOM\) Red List](#)

[International Foundation for Art Research \(IFAR\) – Art Law & Cultural Property Database \(ALWI\)](#)  
[summaries of international cultural property legislation from more than 120 countries, including links to the full legislative texts in their original language and English translation (fee based)]

[Kluwer Law Online](#)

[Lawcrawler](#)

[Lawyers' Committee for Cultural Heritage and Preservation \(LCCHP\)](#)

[Legal Protection of Cultural Property](#) – A Selective Resource Guide

[Lexis-Nexis](#) (fee-based legal search engine)

[Oriental Institute](#) - Lost Treasures from Iraq

[Restitution Worldwide](#)

[Saving Antiquities for Everyone \(SAFE\)](#) (cultural heritage advocacy Web portal)

[UNESCO - Protecting our Heritage and Fostering Creativity](#)

[UNESCO – National Cultural Heritage Laws Database](#)

[UNESCO – World Heritage List](#)

[U.S. Department of State – Cultural Heritage Center of the Bureau of Educational and Cultural Affairs](#)

[U.S. Department of State – Iraq Cultural Heritage Initiative](#)

[Westlaw](#) (fee-based legal search engine)

## II. Web Resources for Art Theft

[The Art Loss Register](#)

[ARTIVE](#)

[Carabinieri](#) – Comando Carabinieri per la Tutela del Patrimonio Culturale

[FBI Art Theft](#)

[International Foundation for Art Research \(IFAR\)](#)

[Interpol](#) – Works of Art

[Los Angeles Police Department Art Theft Detail](#)

[Museum Security Network](#)

[National Stolen Art File](#)

[Object ID](#)

[Saztv – Art Theft](#) – World's Most Wanted Art

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