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# THE RAPE OF EUROPEAN ART

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I have to say right off the bat that what happened in the neutral countries regarding art was really minuscule in comparison to what happened in terms of confiscation and the art trade both in the western occupied nations of Europe and in the massive confiscation and counter-confiscation that went on in Eastern Europe. But the neutral countries were involved as well. Works of art were transported to, and through, all of the neutral countries before, during, and after World War II for a number of complex reasons—some good and some bad.

As soon as Hitler came to power, many German collectors and dealers, Jewish and gentile alike, who felt threatened by the developing events, sent their collections to neutral lands. Baron von Hirsch moved his incomparable collection of Germanic masterpieces to Switzerland after bribing Goering with a Cranach—Goering's favorite artist—in order to get an export permit. The von Hirsch collection remained in Switzerland and was auctioned there a few years ago. Other collections, such as that of Justin Thannhauser, stayed in Switzerland temporarily and then proceeded on through other countries to the United States. Today, the Thannhauser collection forms the core of the Guggenheim Museum.

Spain and Portugal were major conduits for those wishing to move objects to the Americas. Throughout the war, the Spanish police, though admonished by Himmler as Dr. Marquina said before, allowed people and their possessions to pass through Spanish territory to the Portuguese ports, where hundreds of refugees and works of art embarked for the Western Hemisphere. Among these refugees was

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\* Ms. Nicholas is the author of *The Rape of Europa*. This paper is a transcript of the proceedings that took place at the Conference on Neutrality, Morality, and the Holocaust, which took place at the American University Washington College of Law on April 23, 1998.

Max Ernst, Peggy Guggenheim's lover. They came over together. Max Ernst even mailed one large canvas to New York from a Portuguese post office after the war had started, and it actually arrived. So, there were some happy stories.

There was a great deal of commercial activity via this route, especially after the French ports were closed down. Well known dealers like Georges Wildenstein set up offices in the Americas and used Portugal as a shipping route for sending stocks to America. This was not always successful, as I will explain a little bit later.

Wartime censorship intercepts show a large trade among art dealers in Cuba, Argentina, Mexico, and the United States. The Allies monitored this trade during the war because they wished to prevent the transfer of assets to the Axis and its occupied nations. For example, as soon as the war started, France and Holland were considered enemy countries, and the British acted to block the transfer of assets to these and other occupied areas.

As the war widened, moving objects became much more difficult and neutral Switzerland became more prominent in the art trade. However, the route through Switzerland was not easy. Swiss customs laws, requiring complete documentation, were very stringent throughout the war. It was also difficult to arrange shipments between non-Swiss nationals. Nevertheless, items could be, and were, imported and exported if properly documented. The Swiss had a free port arrangement as well, and things could be sent there and held for five years without examination.

The encapsulated continental art market was very active during the war. The Germans had available large sums of money that they had siphoned from the economies of the occupied nations. They were also able to arrange the exchange rates to their own advantage. In addition, black market operators and war profiteers tended to convert their cash into art objects.

Even before the war, Switzerland was known as a good place to market modern works of art. The Nazi government went to Switzerland to sell the "degenerate" works it had purged from its own museums. As I mentioned, many dealers fleeing Nazism took their stocks to Switzerland and continued trading. Therefore, it was natural, at the beginning of the occupation of Western Europe, for dealers to explore the possibilities of trading through Switzerland or using Swit-

zerland as a route for sending works to the Americas. This did not always turn out to be feasible. In addition to the strict Swiss customs laws, commerce was limited by the British blockade of European ports, and United States Foreign Funds Control regulations. Swiss assets in the United States and Great Britain were also eventually blocked.

All this did not affect Germans buying from Swiss nationals. Goering, through his curator, legally bought quite a number of works from Swiss dealers. The curators, of course, liked to be paid in Swiss francs, which was a problem for Goering. In order to circumvent this, he resorted to the barter system that he had used so successfully in France. He would trade "degenerate" works that were valueless in Germany for coveted old, preferably Germanic, masters. With this in mind, Goering stockpiled a significant quantity of modern works—by such artists as Matisse, and so forth—in Germany, some in Berlin, and some in the Einsatzstass Reichsleiter Rosenberg depot at Neuschwanstein in Bavaria.

All of these works had been confiscated. Most were confiscated from Jewish collections in France, Belgium, and Holland. The problem was how to get them into Switzerland. At least one shipment was sent openly through customs. But this required a lot of documentation and the revelation of the recipient and the seller. There was one dealer in particular involved in all this, a gentleman called Hans Wendland, who could not deal in Switzerland because he was a German national, so he had to work through others. It was he who suggested that Goering make use of the diplomatic bag in order to send the looted pictures into Switzerland, thereby circumventing Swiss customs controls, as well as Germany's own art exporting laws. So, the whole thing was really a totally illegal operation from every point of view. The works were sent to the German Embassy where Goering's curator picked them up and handed them over to Wendland and his Swiss front man, Theodore Fischer. These men used the same route to return the old masters. Wendland and Fischer would then market the pictures to unscrupulous Swiss collectors, in particular Emil Bührle—Bührle was the owner of Örlikon, the machine-gun makers, and was born in Germany. This process went on until August 1944 when the Swiss finally refused an entrance visa to Goering's curator. The exact reason for denying the visa was not given, but, of course, the end of the war was near.

A number of confiscated, "degenerate," works, which had been fed into the trade in Paris, are known to have been smuggled into Switzerland by other means, and were later traced to various Swiss dealers and other immigrant dealers who found refuge in Switzerland. There are probably many more such works, plus old masters and antiques, that have not been traced, and some of these could well be in the neutral countries. I have to state here that there were numerous Swiss dealers and collectors who refused such trade, notably Oscar Reinhardt who was offered the same works as those offered to Mr. Bührle, and who, because he knew they were confiscated, refused to buy them.

During the war, the Allies set up various programs to track the flow of enemy assets through neutral countries. They were particularly worried about the Nazis establishing strongholds in other countries. The British had their Ministry of Economic Warfare, with its wonderfully named "Black List Section." The United States had the so-called "Safehaven" program, whose records, I believe, form the main basis of the evidence being perused by the Eizenstat Committee. These Allied programs monitored the trade in these works of art, as well as trade in other goods. It was from these sources that Allies were informed about property that had turned up both in the neutral countries and in the former occupied countries.

After the war, there was a massive effort to recover and restitute works of art. In the first fifteen years after the war, vast quantities of art were returned. For example, of the 60,000 works that were found in various places and returned to France, 45,000 were returned, largely to Jewish owners. An additional 13,000 minor works were then auctioned, and 2,000 unclaimed and unidentified works, many of which belonged to dealers who sold them willingly to the Nazis, are still in the French museums and have always been available to claimants. Therefore, it is not quite right to say that nothing was done after the war. Hundreds of thousands of works were returned to their owners, but, of course, not everything was found or claimed.

In the neutral countries, after the war, the Office of the Secret Service ("OSS") and British Intelligence sent teams to Switzerland, Portugal, and Spain to trace looted works. These teams were authorized, in certain instances, to represent the recuperation commissions of other Allied nations. Although their initial reception in Switzer-

land was warm, they soon ran into great resistance. In comparison, it should be noted that the Spanish authorities immediately froze the few suspect objects found in Spain, although the investigations there were very superficial.

The Swiss were reluctant to sequester works in the hands of Swiss nationals, particularly those as powerful as Emil Bührle. They refused to act at the federal level, or to suspend their statute of limitations. I think it is important to remember that Switzerland is a federation similar in structure to the United States. The Swiss federal government said that claimants must bring individual suits through the Cantonal Courts using Swiss lawyers. The Allies objected to this, as all other countries had agreed to nation-to-nation restitution. The Allies continued to pressure the Swiss federal government, which finally agreed to set up an investigative commission. But, as soon as Allied pressure decreased, the matter died down. The OSS art unit was withdrawn from Switzerland in January 1946.

The United States and Britain had very little at stake at that time. The French were very inactive in regard to restitution, they really did not pursue the rights of their citizens in Switzerland at all. By 1946, the OSS had traced only about seventy-five pictures to Switzerland, which is another reason the Swiss federal government gave for not pushing the investigation.

Works *could* be recovered in Switzerland. The prime example is the dealer Paul Rosenberg, who took his case to the Cantonal Court at Lucerne and won. In that case, decency prevailed and his works were returned to him. It is interesting to note that Rosenberg immediately turned around and resold the works to Emil Bührle.

There are many rumors that large stocks of art were sent to South America—in particular, Argentina and Brazil—by fleeing Nazis in the final stages or soon after the war. We have also heard of a Nazi submarine full of loot and objects confiscated in Eastern Europe that made its way to the Americas. So far, none of these rumors has been confirmed. However, I am sure that a certain amount of art reached the Western Hemisphere in this manner and should be investigated.

What is the morality of all this? Well, there is little evidence of collusion at the government level involving works of art in neutral countries. In Switzerland, the Nazi government sold some of the “degenerate work” that was removed from its own museums, but that

was before the war and seems to have been a marketing choice more than anything else. People from many nations bought the works, and a large percentage came to the United States.

Most of the art that went to, and through the neutral countries was taken or sent by individuals. For those in danger from Nazi persecution, the possibility of escape and movement of assets through a neutral nation was lifesaving in many cases. This possibility, though more and more limited as the war progressed, never vanished completely.

The question is whether the neutrals should have done more at the time to control the illegal art trade, and aid in the recovery of looted art. Well, of course, they should, as we all should have done more to prevent World War II and help its victims and as we should all do more today to prevent the terrible massacres in Albania, Algeria, and so forth.

Are the neutral nations harboring vast hoards of art confiscated in World War II? This seems very unlikely, but there are undoubtedly numerous, individual, unrecovered works in those nations. These objects may well emerge now that the issue of restitution is open again.

It is likely that most such works have been sold by now, often many times over, and will be found far from the site of looting. It seems to me therefore necessary for all governments, including those of the former neutral nations, to be especially sensitive to war claims, and to make sure that these cases are vigorously investigated, and to open pertinent archives holding vital information.

In this regard, I should especially mention the archives of the French Vichy Commission for Jewish Affairs, which, as far as I know, are still sealed and contain enormous amounts of information on the movement of works of art and other assets.

I think it is time to seek closure to World War II. In so doing, we must clear up its injustices as much as possible. The horrors of history cannot be reversed, but they can be faced, ended, and not repeated.

It is the task of prevention, I believe, which should concern us most today.

Thank you.