

Museological Review, 14: 2010

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# MUSEOLOGICAL REVIEW

A Journal edited by Students of  
the School of Museum Studies

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2010



University of  
**Leicester**

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Editors:

Brenda Caro Cocotle

Afshan Heuer

Sally Hughes

Jennifer Jankauskas

Alan Kirwan

Cristina Lleras

Kouros Samanian



*University of*  
**Leicester**

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Department of Museum Studies*

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## Editorial

Welcome to the fourteenth issue of the *Museological Review* journal edited by Ph.D. students at the School of Museum Studies, University of Leicester, which provides a platform for current museological research. The following papers consider the complex theme of Cultural Property: Ownership, Restitution and Retention and Its Impact on Museum Collections, their Care, Display and Interpretation.

**Claire Blakey** examines those rarer and less documented instances where developed source nations make claims for the restitution of their cultural heritage. In this case, Italy's negotiations with the J. Paul Getty Museum and the Metropolitan Museum of Art highlight the internationalist arguments of the museums against a nation's claims to cultural patrimony.

**Jennifer Jankauskas** explores how more controversial uses of deaccessioning at some American museums over the last few years may potentially have wider ramifications for museums and their collections. The plight of university administered museums and galleries such as The Maier Art Gallery in Virginia and The Rose Art Museum in Massachusetts should make the sector sit up and take note.

**Dr Dietrich Heißenbüttel** analyses Nazi confiscation of German artwork from museums and galleries in Stuttgart in the 1930s and 1940s and assesses why much of its political content or artistic style still excludes it from contemporary German collections.

## Book Reviews

*Evocative Objects: Things We Think With*, Sherry Turkle (ed.), 2007. Reviewed by Ceri Jones.

*The National Museum of the American Indian: Critical Conversations*, Amy Lonetree and Amanda J. Cobb (eds), 2008. Reviewed by Jennifer Jankauskas.

*The Comfort of Things*, Daniel Miller. 2008. Reviewed by Dr Amy Jane Barnes.

We would like to thank those who have contributed to this issue and offer a special word of thanks to Jim Roberts, Senior Technician at the School of Museum Studies in managing its online publication.

Brenda Caro Cocotle  
Sally Hughes  
Alan Kirwan  
Kouros Samanian

Afshan Heuer  
Jennifer Jankauskas  
Cristina Lleras

**Editorial Committee**

## Notes for Contributors

### Aims

- To enable museum studies students and other interested parties to share and exchange museum information and knowledge.
- To provide an international medium for museums students and ex-students from around the world to keep in touch with a relevant centre of research.
- To bring to the attention of the practising and academic museum world, innovations and new thinking on museums and related matters.

### Objectives

- To provide a platform in the form of a journal to be published per annum, for museums students, staff and others to present papers, reviews, opinions and news of a relevant nature from around the world.
- To widen up the constituency of the readership beyond the normal museological boundaries (e.g. to teachers, historians, artists, sociologists, environmentalists and others) in order to emphasise the importance of museums to society as a whole.
- To promote and advertise the research of contributors to as wide a public as possible via the journal and other means as the committee may from time to time decide.

### Submission of manuscripts

The Editors welcome submissions of original material (articles, exhibition or book reviews etc.) being within the aims of the *Museological Review*. Articles can be of any length up to 5,000 words. No fee is payable.

Four copies of the typescript will be required; three copies to the Editors and a copy for you to keep for your own reference. Make sure that all copies carry late additions or corrections. ***It will not be possible for us to undertake or arrange for independent proof reading and the obligation for thorough checking is the responsibility of the authors' not the Editors.***

## **Contributions should be set as follows:**

Title of Article

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All foreign language extracts must be also translated in English.

## **Style**

- Sub-headings are welcome, although 'Introduction' should be avoided where this is obvious. They should be in bold and aligned to the left.
- Words ending in -ise or -ize: -ise is used.
- Numbers: up to and including twenty in words, over twenty in figures, except that figures should not begin in a sentence.
- Measurements are given in metric (SI) units, though Imperial units may be quoted in addition.
- Place names should be up-to-date, and in the Anglicised form (Moscow not Moskva).
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- Organisations and companies take the singular, e.g. 'the Royal Academy is...'
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## A cultural homecoming? Restitution demands from the Italian Ministry of Culture to two American museums.

*Claire Blakey*

### Abstract

Much attention has recently been focused on requests for restitution of objects by source communities and nations and the related impact this has on museum collections. To date, however, within museum literature there is little specifically on demands by developed source nations such as Italy. This paper will use research into case studies involving two prominent U.S. museums: the J. Paul Getty Museum and the Metropolitan Museum of Art, to focus on issues of restitution. The museums' internationalist arguments for retention will be explored as will the agreements reached which portray a pragmatic conciliation between cultural nationalism and internationalist loans. These have important implications for future claims, with a move away from museums towards targeting collectors of antiquities. The importance of the objects themselves will be examined as will their role as tools of cultural diplomacy. Italy, with its rich archaeological heritage, projects an image of itself as a protector of archaeological identity and these cases reveal a concerted policy to seek the return of looted objects and restore civic pride in the areas they return to. While the objects may have tenuous links to modern Italian culture, they are symbols of a far greater loss to Italy's national cultural patrimony. The display of contentious objects, both upon their return to Italy, and in the American museums, reveals the multiple identities an object can possess and also the strength of feeling evoked both in its source and 'adopted' communities. These have been exploited in the media to great effect with negotiations played out in the media arena and museums increasingly aware of the repercussions of negative publicity.

**Keywords:** restitution, illicit antiquities, cultural nationalism, cultural internationalism, Italian cultural policy, universal museum, cultural diplomacy

'Without the culture that connects us to our territory, we lose our identity'  
(Kimmelman, 2009).

The earthquake in the Abruzzo region in April 2009 highlighted the connection, and the importance, given to local cultural property in Italy. Although rescue efforts naturally focused on the population first, the assessment of damage to culture began in a timely manner alongside seeking foreign aid to help

with restoration. The above quote from one of the volunteers involved is indicative of the strong feelings culture evokes. This has been the case for cultural property within Italy's borders and also for works which the Italian state believes were illicitly looted and trafficked out of the country, some of them to re-appear on display in some of the world's most well known museums. The scale of looting of antiquities in Italy, with its rich heritage of Etruscan, Greek and Roman remains, is widespread and has been highly publicised (Lyons, 2002:117). Between 1970 and 1996 Italian police recovered more than 300,000 antiquities from clandestine excavations (Brodie *et al.*, 2000:19). This is significant in that Italy contains forty-one UNESCO world heritage sites (UNESCO, 2007). Unlike many source countries in Asia and Africa, Italy has the economic resources to pursue its claims and to keep these issues in the public eye. This article will explore two case studies, both of which deal with museums in the United States and requests for return of objects from the Italian government: one involves the Getty Museum, Los Angeles (the Getty) and the other the Metropolitan Museum of Art, New York (the Metropolitan). The cases have been chosen due to the different issues they raise as well as their high-profile nature.

These case studies will be used to explore the issues around requests for restitution. The cases can be seen as expressions of cultural nationalism on Italy's part as compared with the internationalist arguments put forward by the museums. The reality may emerge as more complicated with the significance of the objects themselves playing a role in the outcomes. The outcomes have implications for museums internationally as this is not an issue confined to museums in the USA, and the consequences are significant for all museums.<sup>1</sup>

## **Metropolitan Museum of Art, New York**

This case study involves a terracotta *calyx krater* (bowl for mixing wine and water) dated to circa 515 B.C. It is attributed to the painter Euphronios, acknowledged to be one of the greatest masters of Greek vase painting (Watson and Todeschini, 2006:IX). The *krater* was returned to Italy in January 2008. It was acquired by the museum in 1972 from art dealer Robert Hecht, now on trial in Italy on charges of trafficking in stolen/looted artefacts. Hecht told Thomas Hoving, the Metropolitan's then director, that he had bought it from an Armenian living in Beirut, Dikran Sarafin. Sarafin stated that the *krater* had been in his family since 1914. Hoving (1994:315) was not convinced by this:

'Beirut was the cliché provenance for any smuggled antiquity out of Italy or Turkey...Beirut was such an obvious laundry that I wondered why Hecht had not chosen the "Gessler collection" from Switzerland. That would have sounded more authentic.'

However, he was so taken by the object and its rarity that he did not reveal his doubts to the museum's acquisition committee (Hoving, 1994:319) and it

was acquired for the then record sum of one million US\$ (Watson and Todeschini, 2006:10). The purchase was triumphantly announced in the *Metropolitan Museum of Art Bulletin* (Hoving, 1972:1) with the claim that '...the histories of art will have to be rewritten.' However, the *krater* immediately became known as the 'hot pot' following revelations in the press that it was looted from a site at Cerveteri, Tuscany, in 1971 (Hoving, 1994:312). The publication of these claims led to an Italian police investigation. There were rumours of a further Euphronios piece, a *kylix* (cup), and contradictory evidence was given by both Hoving and Dietrich von Bothmer, then curator of the Greek and Roman department (Watson and Todeschini, 2006: XV). The legal case was later dropped due to lack of evidence until photos were found by Italian investigating magistrates when they raided the Geneva Freeport warehouse of Giacomo Medici, antiquities middleman, in 1997 (Watson and Todeschini, 2006:107). Subsequent investigations into Hecht led to the discovery of his diary written as a memoir with a version of the sale to Hoving which claimed that Hoving knew it was looted and also that Hecht had bought the *krater* from Medici (Watson and Todeschini, 2006:329, 170). In November 2005 Philippe de Montebello, then director of the museum, travelled to Italy to meet with the then Minister of Culture Giuseppe Proietti to discuss the *krater* (the Medici investigation was still ongoing in Italy). The prospective agreement involved ownership passing to Italy with the object remaining on display at the Metropolitan or to be replaced by an object of equal importance (Watson and Todeschini, 2006:327). By February 2006 an agreement had been reached on the terms initially discussed, along with the return of five other antiquities (Metropolitan, 2006). Currently, objects on loan from the Italian government are displayed with prominent 'loan signs'.

## **The J. Paul Getty Museum**

The bronze statute of the 'Victorious Youth', believed to be Greek from 300-100 B.C (Getty, 2007a), was found off the coast of Fano, Italy, in 1964 and was acquired by the Getty in 1977 (Keesling, 1998). It is believed that a Roman ship carrying it from Greece was shipwrecked in the first century B.C. (Getty, 2007a). The exact location of the shipwreck is disputed as the statue was found accidentally by fishermen who did not report the find to the authorities (Felch, 2006). The case raises interesting legal issues revolving around whether the statue was found in international waters or in Italian territorial waters and whether its passage through the Italian state confers rights of ownership. The legal complexities will not be addressed here as they would warrant an article in themselves. The statue was subsequently hidden in Fano before being sold to an antiquities dealer and re-surfacing in London in 1971. It was then restored in Germany before coming to the attention of J. Paul Getty, the founder of the museum (O'Keefe, 2002:106). This path to the museum is typical of the many countries an object can pass through before reaching its 'final' destination. The Italian authorities tried to recover the statue on the grounds of export violations and Getty wished to avoid any bad publicity (Felch, 2006). Getty died in 1976 leaving instructions to acquire the statue but

only with the permission of the Italian authorities. The trustees of the museum agreed to buy it in 1977 for \$3.98 million, it is not known whether they fulfilled Getty's instructions before doing so (Felch, 2006). Official Italian requests for its return were made in 2006 with the Getty claiming the Italians had no legal or moral claim to the statue (Getty, 2006a). The Italian Minister of Culture at the time, Francesco Rutelli, claimed the statue belonged to Italy and threatened a cultural embargo on the Getty if it was not returned by 31<sup>st</sup> July 2007 (ANSA, 2007). On the 1<sup>st</sup> August 2007 however an agreement was reached between the Ministry of Culture and the Getty agreeing to the return of forty objects to Italy. The 'Victorious Youth' was not included among them, pending the outcome of ongoing legal proceedings in Italy (Getty, 2006a). In November 2007 it was ruled that it should remain at the Getty for the time being as the judge did not believe there was enough evidence that it was found in territorial waters (Repubblica, 2007). It will be interesting to see whether this spells the end of the affair.

### **Cultural nationalism and the 'common heritage of humankind'**

Do these cases reveal an intrinsic divide between cultural nationalism on Italy's part and internationalism on the side of the US museums? Cultural nationalism has been defined by Markus Müller (1998:395) as seeking the '...integrity of national cultural heritage and state sovereignty.' Müller claims that it is characterised by a nation using legal processes to not only protect its cultural heritage but also to influence the portrayal of national culture to outsiders. Thus cultural heritage and identity are intertwined and this affects a nation's cultural policy. In contrast, Merryman (2005:11) defines cultural property internationalism as all nations having an interest in the preservation and enjoyment of cultural property, wherever its location. Linked to this is the idea of the 'universal museum', best expressed in the *Declaration on the importance and value of universal museums*, signed by the directors of nineteen of the world's leading museums, including those in the case studies. This argues that admiration for ancient civilizations would not be so great if it were not for the influence of artefacts available to an international public in major museums (Lewis, 2006:379). Simon Mackenzie (2005:227) has carried out research amongst museum professionals and antiquities dealers regarding illicit antiquities, looking at the way that people transform problematic behaviour, such as collecting these objects, and turn it into unproblematic behaviour using a 'balance sheet approach' which weighs up the negatives and positives. They ultimately justify their behaviour by claiming that overall it does more good than bad (Mackenzie, 2005:158). Their arguments are similar to those used by museums in these cases and provide a useful theoretical underpinning.

National identity is inextricably linked to cultural heritage in Italy. Italy's cultural policy objectives are laid out by Legislative Decree 368/1998 and include '...the protection and enhancement of heritage' as a priority (Council of Europe, 2007). The Foreign Ministry takes its role of protecting the nation's cultural

patrimony very seriously. They see a nation's cultural patrimony as being part of a national culture and collective memory (MAF, 2004:3). Cultural identity is seen as a code of belonging (Nigro, 1994:78) and this authenticates Lowenthal's (1996:246) theory that nations believe in the need of a rich cultural patrimony both to ensure creativity and also on a political level. Italian delegations have denied being culturally nationalist or jealous of their cultural patrimony, saying that they recognised the right of countries with 'less luck than us' to be able to display beautiful objects (MIBAC, 2005). However, in the same document, the Minister of Culture at the time (2005), Rocco Buttiglione, goes on to say that what belongs to the Italian people should return to the Italian people. This can be seen as a reaction to the notion that source countries, such as Italy, are not able to cope with the antiquities they possess and that therefore returning anything would jeopardise its safety. Mackenzie's (2005:177) study found this view to still be current, with a London dealer stating 'The Italians do have a problem, but they don't help themselves.' The dealer then went on to recount numerous visits to a museum in Paola, to view an important collection of Greek vases only to find the museum closed on all occasions over the last twenty years. Heritage professionals within Italy have expressed the same opinion, claiming '...there are treasures hidden in the basements.' (Piselli, 1994:170) Thus part of the negotiations can be seen as Italy making the point that it is able to care for its heritage and even give it pride of place upon its return.

These examples of cultural nationalism may have contributed to the view that Italy is in general parochial whilst the U.S. is more multicultural and has a greater appreciation for other cultures (Lyons, 2002:127). The restrictive nature of Italy's cultural property legislation has been commented on by Merryman (1994:61) and Cuno (2006:42). The idea that the U.S. is more internationalist has been argued by Cuno (2006:42) due to the few laws it has restricting the export of its own cultural property. This point is further raised by American art dealers (Marks, 1998:125), one of whom has stated that restrictive source nation legislation is 'antithetical' to American free trade laws. The loans of objects offered by the Italian Ministry of Culture in return for restitution of objects can be partly seen as a challenge to the notion of Italy as 'parochial', as it is offering to share its heritage with U.S. museums.

The agreement between the Metropolitan and the Ministry of Culture for the transfer of title of six antiquities, including the Euphronios *krater*, includes references to both cultural nationalism and internationalism. Part A of the agreement (Mazur, 2006a) states that Italy's archaeological heritage is '...the source of the national collective memory and a resource for historical and scientific research' which is culturally nationalist in nature. Part F however takes a culturally internationalist stance:

'The interests of the public are served by art museums around the world working to preserve and interpret our shared cultural heritage'.

This agreement illustrates that these two seemingly incompatible viewpoints can be reconciled with compromise on both sides: the source nation by

allowing loans of similar objects and the museum by returning objects which had been important parts of their collection.

The universal museum theory is repeatedly cited by the museums during negotiations as a reason both for reaching an agreement to ensure the return of objects to Italy, and also to justify retaining contested objects in the U.S. Michael Brand (2007), director of the Getty Museum, cited the '...good of museums everywhere' when discussing the ultimatum Italy had given regarding the 'Victorious Youth', writing that the museum could not let '...a shared cultural responsibility to provide public access to the world's artistic heritage' be eclipsed by political concerns. The idea of providing access mirrors that expressed in the *Declaration of the Importance and Value of Universal Museums* (Lewis, 2006:381-2), which states that museums serve the people of every nation and that their collections should not be narrowed in their focus by restitution. The museums not only claim to have world class collections, but the Getty (Brand, 2006) also claims that its Getty Villa is the most appropriate place in the USA to display an object such as the 'Victorious Youth', as it is the only museum in that country dedicated to Roman, Etruscan and Greek art and culture. Brand (2006) further refers to the needs of the museum's visitors '...who clearly value the ability of art to illuminate our shared histories.' This highlights the power of the objects themselves.

### **Cultural objects: identity and symbolism**

The 'Victorious Youth' and the Euphronios *krater* are amongst the star attractions of their respective museums. The 'Victorious Youth' has been attributed to Lysippos, personal sculptor to Alexander the Great. If this is the case, it is the only one of the sculptor's circa 1,500 works thought to have survived; most bronze statues were melted down for their metal, whereas this one may have been saved by having lain under the sea for centuries (Felch, 2006).<sup>2</sup> Geographically, the objects are linked to different Italian and Ancient Greek locations. Southern Italy and Sicily (*Magna Graecia*) were colonised by the Greeks between the eighth century B.C. and the fifth century B.C. However, how universal is the art of Ancient Greece? Lowenthal (1996:22) has discussed the global classical legacy and claims that Sicily remains '...always a colony, never a country' where Greek temples and Byzantine mosaics are riches which do not belong to Sicilian culture itself. Is the connection which is being made more an accident of geography than a real modern cultural connection? The Italian negotiators (Rutelli, 2007) have stressed these connections and the inalienability of their cultural patrimony whilst the museums have spoken of the universal nature of Greek culture (De Montebello, 2004:18). An aspect of this is the aesthetic appeal the objects have which becomes a new artistic context.

The Euphronios *krater's* acquisition was celebrated in the Metropolitan's *Bulletin* (von Bothmer, 1972:3) which stated that the object would add to the collection but also 'Conversely, this newcomer would lose some of its meaning

if it could not be seen and studied in the proper context.' The context here has been transformed into a museum context and aesthetic values have become all important. The museum's director (De Montebello, 2004:19) has written that 'Essentially we are an art museum and do approach objects primarily for their aesthetic value.' Art critics have backed this value and also advocate the sharing of antiquities, 'Art has richer import and significance in the context of other art' (Knight, 2007). The loans of antiquities could be said to add value to the objects as they will be seen in a new context. Conversely, the return of objects has an aesthetic effect, even if they are not amongst the most important objects. Brand (Felch and Frammolino, 2007) has lamented the change in status of the Getty's collection, not just because of masterpieces being returned, but the return of '...less aesthetically important items, which might be a linchpin of a particular display.' The stressing of the aesthetic over the original context is part of the debate over the universal nature of the object – can an object ever belong to only one nation?

Beyond the tangible values there is also the intangible value of the object itself. Stephen Greenblatt's (1991:42) 'resonance and wonder' best describes this: the power of objects to reach out to a larger world (resonance) and to stop the viewer in their tracks (wonder). The 'Victorious Youth' has the effect of wonder on visitors, 'Sam and Harriet Trueblood stood transfixed in the room dedicated to the bronze' (Felch, 2006). It also has resonance, as elucidated by ex-Getty director John Walsh (Felch, 2006), 'They're in love with an ideal, an idea that they're somehow personally connected to this pure and wonderful expression of human potential.' However, oHOWRocco Buttiglione (Felch, 2006), ex- Minister of Culture, compares the 'Victorious Youth' to Italy itself, 'He may be happy to visit the United States, but sooner or later he will feel nostalgia for his real home, and his real home is Italy.'

Terminology is significant in these cases, giving clues as to what values are attached to an object. The 'Victorious Youth' is a good example of this. It is also known as the 'Getty Bronze', a new identity the statue acquired once it had been added to the Getty's collection. This highlights the idea of ownership by the museum and that the object has begun a 'new life' once it enters the museum. The inhabitants of the town of Fano refer to it as 'l'Atleta di Fano' (the Athlete of Fano) to stress its links with their town (Felch, 2006).

The objects can be seen as instruments of cultural diplomacy in an effort by the Italian government to seek the return of other parts of its cultural heritage. They become symbols of wider issues, such as restitution and ownership. The reactions to the return of artefacts are in part statements to the wider international community that Italy is able to care for its heritage. This has been exploited to the full extent in the recent *Nostoi* exhibition, described by Minister Rutelli as a Christmas present to the Italian people (MIBAC, 2008). The Ministry of Culture organised the exhibition from December 2007 to March 2008 at the Palazzo del Quirinale, Rome, to showcase 67 archaeological objects returned from the Getty, Metropolitan, Boston Museum of Fine Arts and the University Museum of Art, Princeton. The location is significant in

itself as it is the official residence of the President of the Republic. An extensive press pack explains the title of the exhibition, *Nostoi*, a lost Ancient Greek epic poem part of the Trojan cycle. *Nostoi* tells of the return of Greek heroes after the fall of Troy. It is said to exemplify the long and tiring journeys of the objects on display (MIBAC, 2008). The exhibition was then extended in a further venue until September 2008. The press release claims a victory not just for Italy but also of the wider international community and focuses on the loss of context due to the manner in which the objects were acquired. It states that they will be returned, where it is possible to know their origin, to the provinces they originated from. This is described as 're-contextualisation' (MIBAC, 2008). Stressing links with local communities is at the antithesis of the idea of the universal museum. The press release is keen to stress the collaborations with the museums which have returned objects, including partnering in archaeological digs in Italy, research into excavated objects or ones already in Italian stores, conservation and then display in the USA (MIBAC, 2008). Minister Rutelli denies Italy's actions were nationalistic, claiming they were universal as all national patrimony belongs to the world therefore cannot be put in the hands of illegal organisations. He gives examples of objects Italy has returned to countries of origin, e.g. to Pakistan.<sup>3</sup> This further shows an understanding of the importance of the media which both sides have appreciated.<sup>4</sup>

## Consequences

Since the case studies above, both the Metropolitan and the Getty have been beneficiaries of loans from the Italian Government. One of the most recent is that of an Etruscan bronze, the chimera of Arezzo, from the National Archaeological Museum of Florence which will be loaned to the Getty in July 2007. Brand has described it as the 'silver lining' in the cloud of returning the museum's objects (Haithman, 2009).

Within the institutions themselves there have been varying consequences. The Getty's *Acquisition Policy* was tightened on 23<sup>rd</sup> October 2006 in response to increasing pressure to do so (Reynolds, 2006). The policy (Getty, 2006b:1) states in its conditions of acquisition that it will

'...undertake due diligence to establish the legal states of an object...making every reasonable effort to investigate, substantiate, or clarify the provenance of the object.'

It further states that no object will be acquired that has been stolen or illicitly exported in contravention of international conventions that the U.S. is signatory to. It sets the date of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (17<sup>th</sup> November 1970) as a cut-off date for determining legal exportation and importation (Getty, 2006b:1-2). The Metropolitan's *Collections Management Policy* (Metropolitan, 2005:8) refers to a 'shared cultural heritage' and claims it has a duty to exhibit art even if it has no clear provenance, in

order to educate and to preserve it. The Metropolitan uses Merryman's (2005:21) object-centred criteria (preservation, knowledge about the object and access) as a means of deciding whether to acquire an object with an incomplete provenance. The Policy (2005:9) cites potential dangers towards the object, public accessibility and a '...singular and material contribution to knowledge,' as factors to consider when an object has an incomplete provenance and which could be considered reasons to override this.

Financially, it has been calculated by David Gill (2007) that the value of returning the 40 objects from the Getty is over twenty million US\$ (based on acquisition prices). The Euphronios krater broke records for its one million US\$ acquisition price. However the costs of not reaching an agreement could have been higher in the long term, both from a PR perspective and perhaps also from future donors who would not want to donate objects to a museum 'tainted' with bad publicity.

Have the cases had any effect on the illicit trade in antiquities? The recent high profile criminal cases have decimated the illicit market in Italy according to one *tombarolo* (colloquial Italian term for grave robber) (Povoledo, 2006), 'No one is digging tombs anymore because no one is buying.' Daniela Rizzo (Mazur, 2006b), archaeologist at Villa Giulia museum, concurs, claiming that digging is down by half. This is backed up by the Carabinieri Art Squad (Mazur, 2006b), which states that the quality of objects seized has 'collapsed'. The market in illicit antiquities is now more focused on South East Asia and Latin America (De Luca, 2007). Many believe that with the return of the Getty antiquities Italy has 'completed what it set out to accomplish a decade ago: Reduce the market for illicit antiquities by attacking both the supply and demand' (Felch and Frammolino, 2007).

Italian claims have extended beyond the current case studies to other American museums and during Rutelli's ministry looked set to continue into Europe and Asia. However, with the change in government in 2008, this has not yet been the case. Interestingly, the Ministry had also begun to turn its attention towards collectors, including Shelby White, prominent collector and donor with her late husband, Leon Levy, to museums such as the Metropolitan (Povoledo, 2007). This is significant in that, according to a 2007 report by the Association of Art Museum Directors (USA, Canada and Mexico), over ninety per cent of art collections in American museums come from private donors (Povoledo, 2007). White has since returned ten ancient Greek and Etruscan objects which Italy contends were looted and linked to Medici following eighteen months of negotiations. Some of these objects had been on loan to the Metropolitan, for whom White sits on the Board of Trustees (Povoledo, 2008). As a prominent benefactor she may have been targeted because of her visibility, and investigations into the Levy collection in the past had led to concerns on the collection's provenance (Chippindale and Gill, 2006:321). White's objects were added to the *Nostoi* exhibition in March 2008.

These cases illustrate that demands for restitution and the various possible outcomes are influenced by both culturally nationalist and internationalist

factors, as well as political concerns, and the importance of the objects of contention themselves. These cases should not be seen in isolation nor are they only of significance to North American museums. The combination of loans of other antiquities alongside investigations and even court cases have been seen as successful tactics which other source nations could adopt. This has been the case with Greece, which has also secured the return of objects from the Getty (Getty, 2007b) and whose Culture Minister at the time stated that he would like to benefit from Italian expertise in tracking antiquities and also the tactical use of criminal trials and diplomacy (Eakin, 2006).<sup>5</sup>

## Notes

- <sup>1</sup> This article was up to date when it was submitted in June 2009. Since then events in some cases have moved on, for example the Euphronios *krater's* new home is now the Villa Giulia in Rome. A good source of real time information on this and other illicit cultural property matters is Derek Fincham's blog, *Illicit Cultural Property*, <http://illicit-cultural-property.blogspot.com>. Two recent publications which it has not been possible to consider are Noah Charney's *Art and Crime*, in particular David Gill's chapter on the return of antiquities to Italy and also Vernon Silver's *The Lost Chalice* on the Euphronios *krater*.
- <sup>2</sup> Carol Mattusch (Keesling, 1998) also points out that almost none of the famous bronzes mentioned in sources have left any archaeological trace, enhancing the importance of the Victorious Youth.
- <sup>3</sup> In June 2007 Italy stated it will return objects to Pakistan which the government claims is in line with their international restitution efforts. The Ministry of Culture press release (MIBAC, 2007) announcing this refers to the 'symbolic value' of the gesture and also claims that it gives '...moral strength and even more credibility to our efforts to obtain the restitution to our nation of all objects belonging to our cultural patrimony which have been illicitly removed abroad.'
- <sup>4</sup> Conflicting statements have been issued by both sides, for example over why talks between the Getty and the Italian Ministry broke down with each side blaming the other. The museums involved have also seen the importance of using the media to convey their point of view. The Getty Museum has issued numerous press releases and its director has written op ed articles for the Los Angeles and New York Times (Brand, 2006 and Brand, 2007).
- <sup>5</sup> This collaboration is yet to occur. The change in Italian Government in 2008 may have led to this potential partnership not materialising. It would be interesting to see how an object such as the 'Victorious Youth', which is Ancient Greek in origin but which Italy claims as belonging to its national patrimony, would be treated in regards to this.

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## Deaccessioning and American art museums

*Jennifer Jankauskas*

### Abstract

Long a part of many art museum collection policies, the process of deaccessioning has recently gained national attention in the United States as several museums have embarked upon selling works from their collections. This paper will explore the ethical concerns of this practice while outlining some of the issues that caused the current rise in deaccessioning.

Many museums successfully undertake this step by culling works of art that do not pertain to their mission, are beyond repair, or are copies of existing works to raise money for future acquisitions. Others pursue this course for other, more troubling, reasons including trying to raise money for general operating costs or to close budgetary gaps at parent institutions. Looking at recent cases of deaccessioning at such museums as the Albright-Knox Art Gallery, Buffalo, New York; the Indianapolis Museum of Art, Indiana; the Maier Museum of Art at Randolph College in Lynchburg, Virginia; the National Academy Museum, New York; and the Rose Art Museum at Brandeis University in Waltham, Massachusetts, this paper demonstrates the impact this step may have on the future of the individual institution and on art museums in general.

**Key words:** collection, deaccessioning, public trust, cultural patrimony, economy

An article focusing on deaccessioning may seem out of place in an issue exploring the ownership, restitution and retention of cultural property and its impact on museum collections. Why is it important to consider a museum's policies regarding deaccessioning in such a context? Primarily since deaccessioning is a counterpoint to many of the issues raised: as a tool, deaccessioning is a necessary means for shaping a collection; it is also used in cases of restitution, and in generating funds for new acquisitions. Museums, typically known for their commitment to collection, research, education and preservation of objects also often employ deaccessioning as way to develop their collections. Used carefully and considerately, deaccessioning is a healthy, if not necessary, step in maintaining relevant collections (Malaro 1997). However, over the last several years, and specifically in the United States, the frequency of deaccessioning has rapidly increased. During the economic boom years of 2002-2008, deaccessioning was an easy way to increase acquisitions funds. The exorbitant prices that many

works of art reached at auction lured many institutions into selling objects, promising a great return on works of art that did not fit into a museum's collection policy or mission. Conversely, during the recent financial downturn starting at the end of 2008, many museums turned to deaccessioning as a tool to increase their overall finances as, on average, museums endowments lost 25-30% of their funds.

Utilising this process in such a manner, and outside of accepted practices, deaccessioning has become a loaded and controversial tactic among museums and the public. This paper will highlight successful methods, but will primarily focus on a series of troubling cases that will likely have ramifications far beyond the individual institutions that employed deaccessioning in controversial ways.

### **What is deaccessioning?**

First, it is important to define deaccessioning. One of the most controversial of museum practices, deaccessioning is the permanent removal of an object that was once accessioned into a museum collection (Association of Art Museum Directors 2007, Gabor 1988-1989, Malero 1997, Malero 1998). While the definition itself is simple, the mechanisms behind it are complex and sophisticated. The practice is as old as museums themselves but the term was coined in the 1970s after much publicity surrounded a decision made by Thomas Hoving, then director of the Metropolitan Museum in New York, to sell several paintings gifted by Adelaide Milton de Groote including Henri Rousseau's *The Tropics*, (1906) and Vincent Van Gogh's *Olive Pickers* (c. 1889) (Panero 2008, White 1996). This particular case of removing objects from the collection caused a public stir when it came to light for several reasons. First, because much secrecy surrounded it, and second, since high-profile artists created the artworks. In response to this precedent-setting case, many museums instituted policies regarding the removal of objects from their collections including the Metropolitan Museum of Art who adopted a written policy for future deaccessioning. Among the new measures were evaluations and recommendations regarding deaccessioning from the curator, chief curator, and director put forth before the acquisitions committee. If the value of a work of art is higher than \$25,000 (15,692), the full board or executive committee must also pass a vote in favor of selling works into the marketplace. Finally, public notices of these decisions must occur prior to the sale (Gabor 1988-1989).

There are numerous, and often very practical, reasons why an institution may undertake the process of deaccessioning works from their collection. The work is a duplicate (more often the case with prints and photographs); the art is no longer pertinent to the institution's mission; the objects are in poor condition or cannot satisfactorily be conserved; there is inadequate storage to properly care for the work; or the process is part of restitution of cultural property. When undertaken for any of these reason, deaccessioning allows

for the growth of a museum by opening up storage facilities and bringing in additional funds to acquire more relevant and engaging objects. Very few institutions have the facilities to hold on to every object brought into the collection for perpetuity and if that were the case, museums would no longer function as dynamic institutions becoming instead mausoleums encapsulating the past and housing many works that are never seen by the public (Frey, Kirshblatt-Gimblett 2002, Panero 2008). Thus, deaccessioning, when embarked on carefully and considerately, is a necessary practice for most actively collecting institutions.

Once deaccessioning is decided upon, there are several ways that works are disposed of: by gifting to another institution, by trading for piece(s) with another museum (generally the case with natural history museums); destruction of the work which is only considered when a work is damaged beyond repair; and by far the most common especially with fine art museums, by sale. To avoid conflicts of interest, these sales are generally by public auction.

While often a practical means to shape a collection so that it continues to be meaningful to the institution that holds it, deaccessioning can be fraught with controversy even when carried out with full transparency and adherence to guidelines put forth by the American Association of Art Museum Directors (AAMD). These guidelines are the most widely kept by museums in the United States. Other procedures, including the American Association of Museums, the College Art Association and various regional branch associations follow AAMD's recommendations closely with few differences. Key excerpts state:

- Deaccessioning and disposal by sale shall not serve to provide operating funds, and the proceeds from disposal must be treated as acquisition funds.
- Preferred methods of disposal are sale through publicly advertised auction, sale to or exchange with another public institution, or sale through a reputable or established dealer.
- In general, the disposal of an object, whether by sale or exchange, shall be conducted with a view toward maximizing the advantage and yield to the institution, without, however, compromising the highest standards of professional ethics, the institution's standing in its community, or its responsibilities to the donor and the artist (American Association of Art Museum Directors 1997).

### **Deaccessioning cases**

The Albright Knox Art Gallery, in Buffalo, New York is an excellent example of a successfully executed case of deaccessioning that, despite following protocol, elicited controversy. After several years of deliberation involving the director Louis Grachos, the staff, and board of directors the Albright Knox elected to

deaccession several works in 2006. The objects, primarily antiquities, fell outside of the institution's mission of collecting modern and contemporary works and although the works chosen for removal did not coincide with the museum's mission, several were masterpieces. Additionally, these were not necessarily works hidden in storage but were favorites of audiences, critics, and historians. As such, there were ensuing protests and attempts to halt the sale brought forward by several members of the community in Buffalo. However, the fact that these works were exquisite examples of sculpture meant that they would likely bring high prices at auction, and bolstered the rationale for deaccessioning. One of the primary reasons given for undertaking such a step was the state of the Albright-Knox's acquisition fund, which at the time was \$22 million (13.8 million)<sup>1</sup>, but restrictions allowed only five percent of that amount to be used per year. With this annual acquisition amount of approximately \$1.1 million (690,000), the museum felt they could not afford to purchase work by leading contemporary artists in the inflated market of the day (Hirsch 2007). In fact, with their act of deaccessioning the Albright Knox more than tripled their acquisitions endowment and at several Sotheby's sales throughout the spring 2007, the 207 deaccessioned objects garnered more than \$72.8 million (45.7 million)<sup>2</sup>.

Among the objects for sale were the exceptional *Artemis and the Stag* circa 1st Century B.C. /1st Century A.D., bronze which sold for \$28.6 million (17.9 million)- the most expensive sculpture ever sold at auction, and *Shiva as Brahma*, Chola Period, ca. tenth-eleventh century, granite, which sold for \$3.6 million (2.25 million) and generated a new auction record in the category of traditional Indian art. Fortunately, these two key sculptures remain part of the public trust and in public view as a private collector purchased *Artemis and the Stag* and loaned it to the Metropolitan Museum of Art in New York and the Cleveland Museum of Art in Ohio purchased *Shiva as Brahma*.

What is most interesting about this case is that while Albright Knox lost a significant amount of money from their operating endowment in the recent market downturn, their newly enhanced acquisition funds remain healthy. So, while they continue to have purchasing power for new works of art, they have significantly reduced operating funds and, as a result, have cut back their fiscal responsibilities by canceling a number of exhibition programs and instituting mandatory week-long staff furloughs in 2009.<sup>3</sup>

Shifting missions, reevaluations of the appropriateness of an object to the collection, or conservation and storage concerns are all justifiable motives for deaccessioning. However, several troubling misuses of the process occurred in the recent past and each case moved forward with the agenda of raising funds chiefly to cover operating costs. Handled poorly, these controversial sales are in direct contradiction to the American Association of Museum Directors guidelines. Driven not to refine the collection and cling to their mission, most of these sales were for the sole purpose of bringing in money for operating costs for either the museum, or in some cases, for the parent institution of university galleries. Rapidly on the rise, the practice of

capitalizing a collection to generate funds for purposes other than future acquisitions is a slippery slope, destabilizing the central ideology of museums with far reaching ramifications. As critic Christopher Knight puts it, 'Professional standards prohibit it [deaccessioning] because museums exist to support art, not the other way around' (Knight 2009).

Several examples illustrate the complex implications resulting from such endeavors on museum practices. Late last year, the National Academy Museum in New York moved to sell two works from their collection specifically to cover operating expenses. The two Hudson River School paintings, Frederic Edwin Church's, *Scene on the Magdalene* (1854) and Sanford Robinson Gifford's *Mount Mansfield Vermont* (1859) sold for approximately \$15 million (9.4 million) combined.

What is most unfortunate about this case is the fact that this is the third time that the National Academy Museum has sold works to pay for operating costs. In essence, this demonstrates that the museum's board has been unable to address the underlying issues contributing to their financial difficulties and suggests that the museum may turn, once again, to deaccessioning in the future despite the fact that the director, Carmine Branagan 'called this kind of deaccessioning an act of last resort, one that she would not have considered without a "long-range financial and programmatic" plan'(Finkel 2008).

After this last incident, the AAMD imposed their strictest censure to date. In an email message to its member organizations the AAMD, called The National Academy to task for 'breaching one of the most basic and important of AAMD's principles' and exhorted members 'to suspend any loans of works of art to and any collaborations on exhibitions with the National Academy'(Association of Art Museum Directors 2008). Such a measure severely limits the ability of the museum to organize exhibitions and also served as a warning to other institutions that might be tempted to utilize deaccessioning outside of the standardised guidelines as a fundraising tool (Rosenbaum 2009).

Particularly vulnerable to this situation are university galleries as often the administration of the university is separate from the management of the museum. Several universities, in recent history, viewed the net value of their affiliated museum's collection as a commodity and a resource available for use. This is a recent phenomenon coinciding with, and compounded by, the rising and extraordinary prices achieved by artworks at auction over the last several years. As a result, some universities looked at their art museum collections in a new light- as a way to generate funds. The Maier Art Gallery at Randolph College Lynchburg, Virginia is a particularly egregious example of monetizing a collection for dubious purposes.

In this case, the museum itself was not consulted about the plan to dispose of works for sale. Instead, the decision was made by the president of the college, John Klein. In addition, the purpose behind the sale in no way benefited the museum; instead the aim was to raise money for the college's

general budget and to generate funds to help ease the financial constraints of becoming a co-educational institution by 2011. The school also thought that selling works of art from the museum's collection would alleviate the threat of losing its accreditation after it received a financial warning from the Southern Association of Colleges and Schools (Cash 2007, Katzman, Lawson 2009).

Not only are all of these reasons in direct opposition to the AAMD guidelines, but Randolph College took action to remove and sell works of art in a drastic, if not astonishing, way. After the school board voted to deaccession the works, a 'targeted heist' immediately followed (Katzman, Lawson 2009). Surprising Karol Lawson, the director of the museum, the police, the president of the college and art handlers stormed into the museum and removed four paintings for sale: Rufino Tamayo's *Troubador*, (1945); Edward Hicks's *A Peaceable Kingdom* (1840s); George Bellows's *Men of the Docks* (1912) and Ernest Martin Hennings's *Through the Arroyo* (c. 1920s). While this occurred, under the pretense of a bomb threat, security disconnected phone and computer lines and steered bystanders away from the scene (Katzman, Lawson 2009).

The road to auction for these paintings not been an easy one as initially Virginia's Supreme Court stopped the sale pending the resolution of several lawsuits brought by outraged alumni on the eve of the scheduled November 2007 auction. However, once the injunction put in place by the court expired and the alumni were unable to raise funds to continue the lawsuits, sales proceeded for Rufino Tamayo's *Troubador*. Estimated to sell for two to three million dollars (1.25 to 1.9 million) the painting ultimately brought in \$7.2 million (4.5 million) (Finkel 2008, Katzman, Lawson 2009). Edward Hicks's, *A Peaceable Kingdom*, did not fare as well. Expected to bring in four to six million dollars (2.5 to 3.8 million), it sold for only \$2.8 million (1.75 million). The other two works, including the star attraction George Bellows, *Men of the Docks* (expected to fetch \$25-35 million [15.7 -21.9 million]), and Ernest Martin Hennings's *Through the Arroyo* (valued at \$1 to \$1.5 million [627,000 to 940,800]), will go on the auction block once the market rebounds (Grant 2008).

Currently, a similar situation is at play at the Rose Art Museum at Brandeis University in Waltham, Massachusetts. On January 26, 2009 the University announced its plans to close the Rose Art Museum and sell the works from the collection. At stake is a world renown modern and contemporary collection that includes important works of art by artists such as Milton Avery, Matthew Barney, Marsden Hartley, Hans Hoffmann, Jenny Holzer, Ellsworth Kelly, Roy Lichtenstein, Morris Louis, Robert Motherwell, James Rosenquist, Richard Serra, Cindy Sherman, Kiki Smith and Andy Warhol. Many believed that the intention to close the museum was a way to circumvent AAMD guidelines. It is important to note that the museum itself was financially healthy, drawing no direct funding from the university. In fact, they had a \$21 million (13 million) endowment for operating expenses including staff salaries, and \$11 million (6.9 million) in their acquisition budget. For insurance purposes only, the

collection held a value of \$350 million (219.5 million)<sup>4</sup>. The University's then president, Jehuda Reinharz<sup>5</sup>, claimed that this step is the only way for Brandeis University to stay solvent after a significant loss in their endowment resulting from the economic downturn.

After public outcry from around the globe, Brandeis University shifted their plans, claiming that the Rose Art Museum would stay open. In fact, however, the University administration removed the director and the curator of education leaving only a skeleton staff. At this point, it is uncertain how the University will proceed and bears watching. In a report dated September 18, 2009 an independent advisory panel comprised of faculty and board members recommended that Rose Art Museum continue as an art museum, yet there has also been talk of altering the mission of the Museum and changing the building into a fine arts teaching facility complete with studio space and an exhibition gallery. Complicating matters further, the state of Massachusetts is in the process of exploring legal options such as removing the collection from the University and placing it within another Massachusetts museum. In addition, at the end of July 2009 three museum trustees, Lois Foster, Jonathan Lee, and Meryl Rose, filed a lawsuit asking a judge to:

- Issue a preliminary injunction preventing Brandeis University from closing the Rose, selling any artwork in its possession, or using any of the Rose's endowment funds, without further order of the Court.
- Enter an order declaring that Brandeis may not close the Rose Art Museum.
- Enter an order declaring that Brandeis may not sell any artwork of the Rose Art Museum except...for the purpose of purchasing new artwork.
- Enter an order that the artwork, endowment and other funds donated for use...of the Rose Art Museum...may not be claimed, taken or used by Brandeis for any purpose other than the continued benefit of the Rose Art Museum.
- In the alternative..., order Brandeis to turn over the artwork and endowment funds to the Rose Preservation Fund, Inc. [a nonprofit corporation created by the plaintiffs], or another appropriate organization, in order to further, as nearly as possible, the intent of Edward and Bertha Rose and of those many donors who followed their lead (Anonymous).

As the legal wrangling continues, the future of the Rose Art Museum and its permanent collection remains uncertain.

## **Regulations**

All of these deaccessioning examples, along with the many cases not discussed here, demonstrate the myriad of reasons and strategies involved in the act of removing works from a museum's permanent collection. Some of the complexities result from having no standardized laws governing the process. Unlike in the UK wherein national laws generally prohibit such measures, the United State has no federal law in place to regulate deaccessioning; additionally, few states have laws governing the process

(Finkel 2008). Thus, it is at the discretion of each individual state's Attorney General to take action if they feel an institution is undertaking deaccessioning in a way that violates the public trust. However, New York State recently introduced a new bill specifically outlining the procedure for deaccessioning that, if passed, will serve as a model for federal legislation. The pending bill states:

Proceeds from the disposal of an item or items from a collecting institution's collection may be used for the acquisition of another item or items for the collection and/or for the preservation, protection collecting institution's or care of an item or items in the collection. In no event, however, shall proceeds derived from the disposal of an item or items from a collecting institution's collection be used for traditional and customary operating expenses (Anonymous2009, Rosenbaum ).

This new bill also calls for greater transparency throughout the deaccessioning process. An excellent model of such transparency and an example of successful deaccessioning is the process in place at the Indianapolis Museum of Art (IMA) (Green 2009). The IMA operates by fully disclosing to the public every object in consideration for deaccessioning by profiling it on their online website prior to sale. After the sale occurs, updates to the searchable website includes information outlining the amount the work of art sold for as well as a description demonstrating the use of the proceeds. By doing so, the IMA details their collection building, waylays potential conflicts and, perhaps most importantly, keeps the public informed.

## **Ethical Considerations**

Ethical issues are an important aspect of deaccessioning . A basic concern paramount to the disposal of any object is to discover the circumstances regarding the acquisition of the work and if there are any restrictions attached to it. Specifically, if a gift, respecting the donor's intentions and wishes regarding the stewardship of the object is particularly imperative. This is an increasingly important consideration as a greater percentage of donors are specifying how they want their works kept and cared for. Such stringent requirements may keep many museums from accepting works as gifts although smaller institutions, with more limited resources, may not have this option (Gabor 1988-1989). If the original donor is no longer living, consulting any heirs before moving forward with deaccession may add additional layers of complexity to the process. Another important consideration to weigh is the possibility that, if sold, the work may end up in a private collection and lost to the public. This is often a reality as museum-quality artworks available at auction are often too expensive for other museums to purchase.

Additional considerations include issues and opinions pertaining to public trust. Specifically, how does the loss of a particular work of art affect the community? Many objects become favorites of audiences who feel a sense

of ownership - even those who do not visit the museum. For example, Chicagoans recognize and identify with Georges Seurat's *La Grande Jette* (1884-86) at the Art Institute of Chicago, and Parisians feel the same about Leonardo DaVinci's *Mona Lisa* (c.1503-1506). It is unlikely that these two paintings would ever be deaccessioned, as they consistently bring in audiences and belong to large, financially healthy institutions, yet they illustrate how a work of art rallies a community. Many smaller museums embarking upon deaccessioning purely for financial profit often select valuable works to bring the most significant gains and do not always consider the effect on their audiences.

What are the effects of monetizing a collection? This is a particularly complex issue on many levels. First, most American museums retain non-profit status and thus, their collections hold a zero value on financial ledgers, and only have appraisal values for insurance purposes. In some instances, listing the works of art as a financial asset would disqualify some museums from receiving public or government funding. Additionally, considering art as a commodity creates difficulty in fundraising for additional programming, staff wages, and other costs as the public begins to expect that the museum can just sell another work of art to pay these expenses. Stephen Weil expands upon this idea, and raises the concern that when funds from deaccessioning begin to compete against the needs of staff or other people, the people win out at the expense of the public collection(Weil 1995).

## **Future Ramifications**

In an era wherein many museums struggle with economic hardship resulting in programming and staff cutbacks, it may be hard not to think of the collection as a fiscal resource. However, selling objects from a collection to curtail financial difficulties is only a temporary solution, and will likely engender a loss of public support. Without forethought for ways to enhance the collection, deaccessioning potentially has dire consequences. What the research shows is that the selling of works, if not done according to established guidelines, can compromise donor intent, in turn affecting both future donations of artwork and monetary contributions. Additional ramifications include the revocation of a museum's tax-exempt status and government funding as well as depleting cultural heritage. When undertaken in a considered manner, thoughtful choices to sell works of art that no longer fit within a museum's mission will ultimately enhance a collection. When done poorly and/or for the wrong reasons, selling works of art from a museum collection becomes a slippery slope; as Stephen Weil has put it, once the lid of the deaccessioning cookie jar is removed, 'it may prove impossible to ever get it permanently back in place'(Weil 1995). Raids on collections may start small, ultimately stripping collections of their purpose and damaging not only the individual museum and the museological field, but also robbing the public of their cultural patrimony.

## Notes

- <sup>1</sup> The currency amounts are based on a conversion rate of \$1 to .627 as of September 30, 2009.
- <sup>2</sup> Auction prices include the auction house's commission which amounts to twenty percent of the first \$500,000 and twelve percent on additional amounts.
- <sup>3</sup> This was discussed by Albright Knox Curator Heather Pesanti during the panel discussion *Museums on the Line: Cutbacks, Closures and Opportunities* held at ArtChicago, May 2, 2009.
- <sup>4</sup> These amounts were shared by the former Rose Art Museum Director and Chief Curator, Michael Rush during the panel discussion *Museums on the Line: Cutbacks, Closures and Opportunities* held at ArtChicago, May 2, 2009.
- <sup>5</sup> On September 25, 2009, Jehuda Reinharz tendered his resignation as the president of Brandeis University effective when a successor is named or June 2010. Reinharz claimed that the controversy surrounding the Rose Art Museum had no impact on his decision.

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## Beyond Restitution: Lasting Effects of Devaluation and Re-Evaluation of German Art in the 1930s and 1940s

*Dietrich Heißenbüttel*

### Abstract

There are some ironies involved in current claims for restitution of German artworks from the 1930s and 1940s: Modern art was canonized in the west in the postwar period precisely because it was devalued beforehand as 'degenerate'. But this classification is overwhelmingly broad as not all modern artists were opposed, nor did all non-modernists bow to the Nazi regime. This is illustrated by the arts scene of Stuttgart in the 1920s and 1930s, where there was little modern art, yet a number of figurative painters were clearly opposed to national socialism. Painters like Ernst Kunkel, Hermann Sohn, and Oskar Zügel, clairvoyantly confronted the threat represented by Nazi ideology early on in their works. These artists and their works are now all but forgotten and largely ignored in German museum collections. I argue that museums should not react passively to restitution demands, but engage actively in research, investigate and exhibit artworks critical of totalitarian rule independent of style, to do justice to the artists, and also come to terms with a still painful past.

**Keywords:** Restitution, art under totalitarian rule, "degenerate art", political iconography, pictures of national socialism, strategies of concealment

The following study is just the beginning of a research project on German art of the 1930s and 1940s, centered on the zone of Stuttgart in southern Germany where in 1937, forty-two paintings, eleven sculptures, twenty-seven drawings and more than 300 prints were confiscated from the collections of the Staatsgalerie by the Nazis (Geissler 1987).<sup>1</sup>

In great part, these works had been acquired by Otto Fischer, director of the museum from 1921 to 1927 (Geissler and Kaulbach 1986). Only a few could be returned to the collection after the war, usually for higher prices than what the museum had paid in the first place.<sup>2</sup> Recently, when a small painting by Paul Klee was brought back to the collection, sponsors were needed to pay the price of 1.9 million Euro.<sup>3</sup> Conversely, restitution claims have been brought forward for Franz Marc's painting *Small Blue Horses* at the Staatsgalerie which, like the vast majority of modern works, was initially acquired by the museum to fill such gaps in the modern collection after the end of the Second World War.<sup>4</sup>

The high value attributed to modern and abstract art today is itself at least in part a consequence of its former devaluation. Modern art was canonized in western museums in the post-war era, in part as a reaction to Nazi defamation, and also in part to socialist realism (Goeltzer 1998). As a consequence, only modern and abstract works and artists were cherished; whereas more conventional, representational art, be it in a classical or realist vein, was and continues to be disregarded. The underlying ideological assumption is that modern art stands for freedom or liberalism, whereas figurative art is believed to be more servile in every sense of the term. Contrasts are frequently drawn: on the one hand the persecuted modern artist opposed to totalitarian rule, on the other, the artist in service of the regime. In this view, there seems to be no space left between Wassily Kandinsky and Adolf Ziegler, Hitler's favourite painter.

To a certain extent, this may hold for Munich, the 'Capital of the Movement' (*Hauptstadt der Bewegung*) where under the direction of Ziegler, the infamous exhibition '*Entartete Kunst*' (Degenerate Art), as well as the '*Große Deutsche Kunstausstellung*' (Large German Art Exhibition) took place. But in general, the arbitrary equation of art form or style with political facts gives a false idea of what was going on in the art world of Germany in the 1930s. It is true that all modern artists suffered from confiscation of their works and persecution, even though Emil Nolde, the artist most hated by the Nazis, would have loved to be recognized as a model 'Germanic' artist. Besides propaganda art, there were scores of artists working in more conventional idioms, who were strictly opposed to the regime. The zone of Stuttgart is a case in point that has never been properly investigated and is the basis for my research into localised art histories and the stories of those artists marginalised by events of the period. After a general overview, I will focus on three artists, all of the same generation and little known, whom I think worthy of thorough examination because in their work they have expressly, and in remarkable ways, addressed the problems of national socialist policy and have yet to be re-admitted within the canon of German art history and museum display. I will conclude by reasoning as to why, so far, West German collections have shown little interest in these works and suggest ways such a situation might be reversed.

### **The case of Stuttgart: Art in the 1920s and 1930s**

Although in Stuttgart, as anywhere in the 1920s, opposing views on art were to be found, one cannot say that modern art featured prominently. After World War Two, much emphasis has been laid in local art history on the role of the modernist Adolf Hölzel who had been the teacher of such well known artists as Oskar Schlemmer, Willi Baumeister, and Johannes Itten at the Stuttgart Academy (Venzmer 1961; Maur 2003; Ackermann 2009). But when Hölzel resigned in 1919, Schlemmer, Baumeister and others, who had assembled under the name of *Üecht-Gruppe*,<sup>5</sup> failed to have Paul Klee appointed to the academy (Mück 1989). Schlemmer went to teach at the Bauhaus, while Baumeister later taught at the Städelschule in Frankfurt. Members of the two

secessions founded in 1923 and 1928 respectively, mostly painted in a late Impressionist idiom that had been introduced in Stuttgart at the turn of the century.

During this era, Otto Fischer, director of the Gemäldegalerie, in 1924 organized the first major exhibition in Stuttgart of modern German art, and was promptly rebuked by the Württemberg parliament (Schneider and Frank 1924). Nine years before the advent of national socialism, one could already read the term of *entartet* (degenerate). An exhibition at the Kronprinzenpalais in June 1933 under the title of '*Novembergeist*' (November Spirit) foreshadowed the 1937 Munich show of '*Entartete Kunst*' (Geissler 1987). Interestingly though, Hugo Borst, chairman of the Robert Bosch company and one of the chief promoters of art, was still publicly exhibiting Expressionist art in his own private mansion as late as 1936 (Geissler and Borst 2006).

It seems difficult to understand what was going on at ground level. Hans Spiegel, who in 1919 had been one of the members of the *Üecht-Gruppe*, and therefore part of the small modernist elite, was appointed director of the academy in 1932 and held this position until the academy closed in the middle of the Second World War. Of course, in the 1930s, he had to adapt his style and subject-matter, even though he had never been as avant-garde as Schlemmer. But when the war was over, it seems he immediately made a radical turn to abstraction (Wirth 1979). His role has never been investigated; although the Württembergischer Kunstverein held one exhibition of his work in 1968, which was not documented by a catalogue. Otherwise his name is absent from research literature.

Paul Kälberer, a painter vaguely associated with tendencies of *Neue Sachlichkeit* (New Objectivity), in 1933 drafted a resolution against NS cultural policy, and when he was nonetheless offered, no less than four times, a position at the Stuttgart academy, he constantly refused. Although his paintings did not arouse suspicion, he became more and more isolated when artist friends went into exile. In 1944, he was able to help his artist friend Hermann Bäuerle, suspected to be involved in the attempted assassination of Hitler and threatened by death sentence. After the war, Kälberer became a founding member of several artists associations as well as the founder of the Bernsteinschule at Sulz am Neckar later to be directed by HAP Grieshaber.<sup>6</sup>

In spite of Nazi surveillance, staff within museums and galleries could make markedly different choices regarding collections. Klaus count of Baudissin, who had worked as a curator for the Staatsgalerie since 1925, entered the NSDAP (National Socialist German Workers' Party) in 1932 and became a fervent persecutor of modern art. Ironically in 1937, it was he who compiled the list of works to be confiscated from the Staatsgalerie, some of which some he had personally acquired beforehand. In contrast, Theodor Musper, then the director of the collection of engravings and later the first postwar director of the museum, managed to rescue forty-five watercolours and drawings by taking them to his home (Geissler 1987). The circle of artists

who were banned from exhibitions, or forbidden to work, is not restricted to the modernists. Obviously, political opposition was not tolerated, while being identified as Jewish meant that not only art, but life itself was endangered. Such was the case of Felix Nussbaum whose career and work has now been reinstated within German museums and galleries (Deppner 2008). Yet, while modern art was sanctioned in the post-war years and is now the chief attraction of many collections and exhibitions, other artists have almost completely fallen into oblivion, and museums have shown little interest in collecting or exhibiting their art work (Zimmermann 1980; Papenbrock 1996). This is not always dependent on quality or style, as I shall argue in the following section, in which I assess the careers of three artists who worked in different styles, between realism and caricature, on the one hand, and abstraction and cubism on the other.

### **Ernst Kunkel (1894 – 1984)**

'Mr. Kunkel ... is extraordinarily gifted, disposing of a distinguished artistic talent' – in his final report on Ernst Kunkel, Christian Landenberger leaves no doubt as to the ability of his pupil at the arts academy of Stuttgart. But, as Landenberger continues, Kunkel 'leaves the academy for lack of funds' (Stieglitz and Roller 1994). Kunkel's family did not belong to the upper class of Stuttgart. His father was a typesetter, an active member of the social democratic party and evidently moved by ideas of the arts and crafts movement, built a home for his family in the green outskirts of the city. Kunkel was trained as a lithographer and began to paint well before he entered the academy, frequently sending home drawings during his service at the French frontline in the First World War. Kunkel's apprenticeship as a lithographer is not unusual for the time. The influential painter Otto Meyer-Amden, for instance, was trained as a lithographer as well. Oskar Schlemmer worked as a painter in an intarsia workshop before studying at the arts academy, while Willi Baumeister retained an apprenticeship as a decorative painter. What distinguishes Kunkel from these better known artists is that he began to study only after the war, when Meyer-Amden, Schlemmer and Baumeister, only a few years his elders, had already studied with Hölzel and gained some international experience by travelling to Berlin or Paris among other places. In this, Kunkel can be compared with other artists of his generation like Oskar Zügel, two years his senior, or Hermann Sohn born in the year after him. Both began to study during or after the war with Landenberger, both had brief stints with Hölzel who was about to resign and became pupils of Heinrich Altherr who remained the only, if moderate, modernist painter at the Stuttgart academy after Hölzel had left.<sup>7</sup>

Kunkel, after the war, first took painting lessons at the Kunstgewerbeschule (School of Applied Arts) with Christian Landenberger who then persuaded him to study at the arts academy. Landenberger himself was born in Württemberg, but had made his decisive steps in Munich before he was appointed, in 1904, to the academy of Stuttgart together with Hölzel. He was



*Image 1. Ernst Kunkel, Hitler's Redegewalt, 1922/23 ca., oil on cardboard, private property, © Max Kunkel.*

one of the chief exponents of 'Suabian outdoor painting' inspired by French Impressionism, and remained greatly influential to local painters until his death in 1927.

Ernst Kunkel has remained virtually unknown as an artist, and his work is absent from German art museums. Only in 1981, were a few of his paintings shown in an exhibition organized by the federation of trade unions, before it was sent on to the European folklore department of the Württembergisches Landesmuseum where a small exhibition was held in 1994. A look at the catalogue – a twenty-eight-page leaflet – betrays the work of a most interesting painter who was able to portray the changing times in a sometimes caricaturistic, othertimes realistic, approach. In an oil painting as early as 1922/ 23 titled *Hitler's Power of Speech* (*Image 1*), flashes of light emanate from the fist of the later dictator towards people sitting around tables whose distorted, angry faces are turned to the speaker.

A watercolour from 1933 shows an attack of the SA hordes (Sturmabteilung, Hitler's Storm Troopers) on the Kunkel family home, then inhabited by his

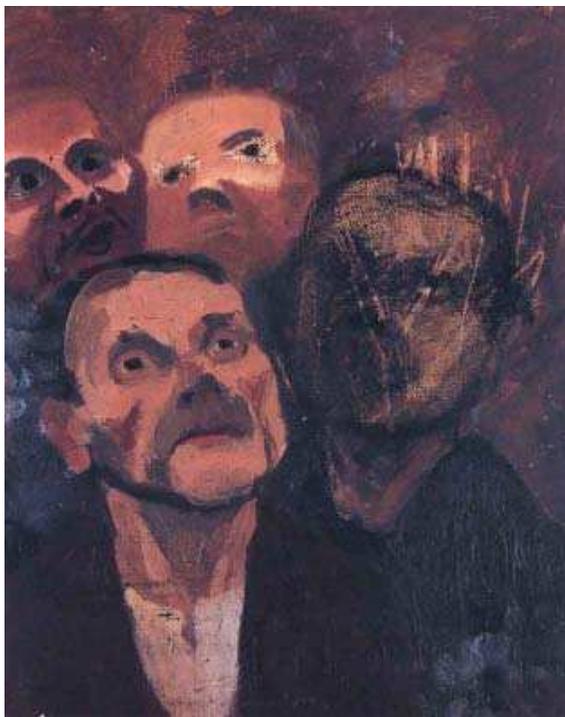


*Image 2. Ernst Kunkel, SA-Überfall auf Eugen Kunkel, 1933. Photo taken by P. Frankenstein, H. Zweitash, © Landesmuseum Württemberg.*

brother Eugen (*Image 2*). Even in war time, some of his drawings, as for instance a woman sleeping in an air raid shelter, are extremely realistic and betray the work of a very sensitive painter. (*Image 3*).



*Image 3. Ernst Kunkel, Frau im Bunker, 1944, pencil on paper, private property, © Max Kunkel.*



*Image 4. Ernst Kunkel, Menschen im Dunkel, 1945 ca., oil on cardboard, private property, © Max Kunkel.*

An oil painting, *People in the Dark (Image 4)*, seems to combine the literal meaning of people hiding in a cellar during the bombing of the city with a metaphorical proposition, the most prominent figure is slightly reminiscent of Hitler, whereas the second figure on the right seems to be crossed out. Images such as these, which document a disturbing historical reality, were too sensitive for display in post war West German museums. However, it would seem that by their exclusion today, they still pose challenging questions to curators and custodians of collections.

### **Hermann Sohn (1895 – 1971)**

Like Kunkel, Sohn was trained as a lithographer in his native Esslingen before studying at the Kunstgewerbeschule with its founder Bernhard Pankok, a highly underrated artist working in different fields who, in 1897, had been, along with Richard Riemerschmied, one of the founders of the Vereinigte Werkstätten für Kunst im Handwerk<sup>8</sup> in Munich and became one of the seminal figures of the arts and crafts movement in Germany. More important than Altherr's influence on Sohn, was his friendship with Schlemmer and Baumeister, both of whom he had met at the academy where he began to study in 1916. Their impact clearly shows in a number of abstract or cubist paintings from 1920 to 1924 and later, but Sohn did not opt for a formalistic approach. He wanted to picture the human condition, choosing the means he found adequate for each subject: realism, expressionistic colours, surrealism or cubism were for him modes of expression, not an end in itself.



Image 5. Hermann Sohn, *Die schwarzen Männer*, 1934,  
© Kunstmuseum Stuttgart.

*The Black Men* (Image 5), painted in 1934, now in the Kunstmuseum of Stuttgart, shows four men with death's heads, in black robes, reminiscent of undertakers, one of whom has a swastika armband. Subtitled, *The Rats Are Leaving the Sinking Ship*, the painting presents an allegory of intellectuals bowing to the Nazi regime: a worker, an aesthete with a bunch of flowers, a journalist with a bag full of newspapers, and a scientist with a doctor's case. Even more remarkable, but less known,<sup>9</sup> is a painting from 1938 titled *Kristallnacht* (Image 6) picturing a Jewish girl in a red robe on her knees praying, in the background a seven-armed candlestick and the star of David. Sohn had witnessed the raid of a Jewish orphans' protectory in his native Esslingen. When he tried to call the police, he was threatened by an SA henchman whilst children fled to the woods. The experience resulted in the creation of the current canvas, but was never publicly displayed.

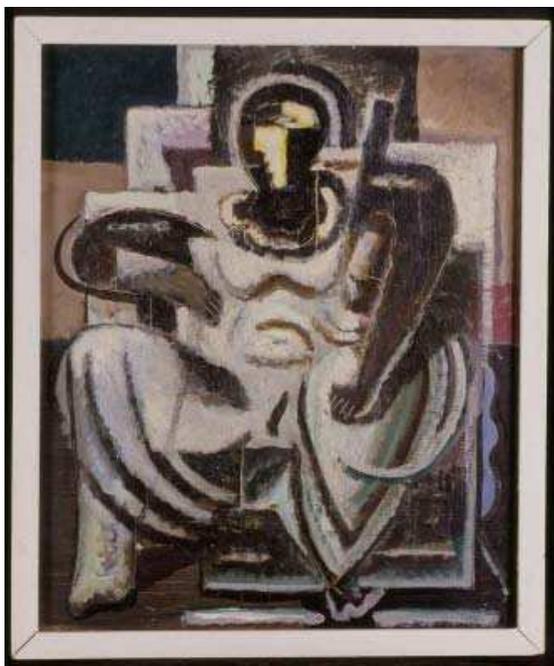


Image 6. Hermann Sohn,  
*Krystallnacht*, 1938,  
© Matthias Sohn  
and Isabella Sohn-Nehls.

## Oskar Zügel (1892 – 1968)

While Hermann Sohn, after the war, was one of the first to be appointed professor at the Stuttgart academy, Oskar Zügel remained absent from view until 1981, when the first retrospective of his work was held in Germany at the Galerie der Stadt Stuttgart, now the Kunstmuseum (Keuerleber 1981). While being trained as a joiner, Zügel a native of Murrhardt, came into contact with painting through his uncle Heinrich Zügel, who is better known than Oskar is today. Like Sohn, he first studied at the Kunstgewerbeschule with Bernhard Pankok before entering the academy in 1919, where he became a pupil of Landenberger and Altherr, and having briefly known Hölzel as well. Like Sohn, he was befriended by Schlemmer and Baumeister, though it seems his turn towards abstraction and cubism was more determined by two trips to Paris in 1926 and 1931. By the beginning of the 1930s, he had reached a cubistic style reminiscent of Fernand Léger whom he had visited, probably at the recommendation of Baumeister (Jakob 1992).<sup>10</sup>

Like Ernst Kunkel, Zügel was well aware of political developments. Starting in 1930, he began to paint a series of canvases, cubistic in style, but in a more sombre palette of black, brown and green under the common title of *Raped Art*, with subtitles such as *Dictator (Image 7)* or *Joseph Goebbels (Image 8)*. As a



consequence, Zügel was visited by a Nazi official in 1933 who confiscated the aforementioned works among others.

They were destined to be burned in the courtyard of the Staatsgalerie where they miraculously reappeared after the war. As Baumeister notes in his diary, in April 1934, warned by this and other events, Zügel sold his house and left for Spain, whence he fled at the advent of Civil War, relocating to Argentina where in turn he struggled to survive until, in 1950, he finally returned to Spain.

*Image 7. Oskar Zügel, Genotzüchtigte Kunst I, Diktator, 1930-1933, oil on cardboard, 46,2 x 33 cm, © Katja Zügel.*

Before leaving Stuttgart, Zügel had begun to work on a huge canvas that he later called his *Schicksalsbild* (picture of destiny). It was completed in Spain where it remained in his house until his return. The long title reads *Victory of Justice – Downfall of the Unlucky Star Hitler – Destruction of Stuttgart* (Image 9). The painting was not contained in the recent exhibition *Kassandra* at the Deutsches Historisches Museum (November 19, 2008 – February 22, 2009) which focused on the *Ahnungen und Mahnungen*, (forebodings and admonitions) of artists of the twentieth century in front of imminent calamities (Heckmann and Ottomeyer 2009), although a more prophetic picture has hardly ever been painted. In a cubistic turmoil of splintering forms caused by a red cannonball signed by the swastika, bodies are tumbling down like fallen angels, while flames are flickering, apocalyptic riders seem to shoot their arrows and only the ruins of burnt-out houses seem to remain at the verge. Ten years later, the town of Stuttgart, like many others, was in fact little more than a field of ruins and Hitler was doomed.



Image 8. Oskar Zügel, *Genotzüchtigte Kunst III, Joseph Goebbels, 1930, signed and dated, 46,3 x 27 cm, © Katja Zügel.*

### Extending the circle

What do these three painters stand for? In order to compare, I will briefly describe a few more cases before I come to conclusions. As has been stated before, there were not many modernist artists in Stuttgart. Schlemmer and Baumeister both managed to continue their work in secret in the lacquer factory of Kurt Herberts in Wuppertal (Ackermann 2007), Baumeister even wrote a book that became seminal after the war (Baumeister 1947). Adolf Fleischmann, the same age as Zügel, had already studied with Hölzel before the First World War. In 1917, he went to Zurich, later moving between Italy,



*Image 9. Oskar Zügel, Sieg der Gerechtigkeit, Untergang des Unsterns Hitler, Zerstörung der Stadt Stuttgart (Schicksalsbild), 1934/ 1936, signed and dated, oil on canvas, 163 x 130,5 cm, © Katja Zügel.*

Spain and France as well as Hamburg and Berlin. From 1925 on, he turned to abstraction and spent the time between 1933 and 1945 between Mallorca, Ischia and France. Evidently, he had grown out of the Stuttgart circle to become an international painter.

Likewise, Rolf Nesch, born in Esslingen like Sohn with whom, in 1923, he had a major exhibition in Ulm, had first been trained as a decorative painter, then studied at the Kunstgewerbeschule from 1909 till 1912, after which he entered the arts academy of Dresden. He became a pupil of Oskar Kokoschka and later, in 1924 in Davos, of Ernst-Ludwig Kirchner. In 1927, he briefly returned to his native Esslingen, then went to Hamburg in 1929, and in 1933 relocated to Norway. There, in 1943, in order to escape being drafted by the Germans who had occupied the country, he threw himself before a tramway surviving with severe injuries. During this year Nesch completed one of his best known works, *To Saint Sebastian*, now in the Kunstmuseum of Stuttgart, a triptych fabricated in a technique invented by the artist himself, soldering copper strips on a ground plate and filling the intermediate spaces with coloured glass. The work was inspired by Picasso's *Guernica*.<sup>11</sup>

Outside of the Stuttgart area, other artists were equally coming under pressure from the Nazis. Alfred Kubin belonged to the circle of *Der Blaue Reiter* though he was neither an expressionist nor an abstract painter. His drawing *Brown Columns* from 1933, now in the Albertina in Vienna, served as a full page illustration in the catalogue of the 1980 exhibition *Widerstand statt Anpassung* (Resistance instead of Adaptation) without any mention in the text (Hiepe 1980, 86). It seems to provide a striking allegory of the advent of national socialism; Brown hordes with huge, barely altered swastika flags and erected right arms are advancing over a wooden bridge into the open door of a fortified medieval town. The diagonal composition, not unlike Kunkel's SA hordes attacking the house of his brother, is balanced by a diagonal in the opposite direction of the raging torrent.<sup>12</sup>

Karlheinz Nowald, in the catalogue entry of the exhibition *Kassandra* (2008), where the drawing is again reproduced, casts doubt as to Kubin's intentions. In his view, the drawing can not be seen as a warning against national socialism, since any clear statement of intent by the artist is missing and who, according to Nowald, quoting the title of an essay published by Kubin himself in the same year, was living in *Dämmerungswelten* (worlds of twilight) (Heckmann and Ottomeyer 2009, 234-235). Kubin, whose wife was of partly Jewish origin, was in fact interested in the 'twilight zone' of human emotions, between good and bad, light and dark, day and night, adopting a stoicist attitude inspired by the writings of the Jewish philosopher Salomo Friedländer / Mynona with whom he continued to exchange letters throughout the twelve years of Nazi tyranny (Hoberg 1990, 13-40)<sup>13</sup>. Kubin was living in Upper Austria, initially not yet under German rule, in the castle of Zwickledt which he called, in a drawing of 1935, 'my ark'.<sup>14</sup> He was trying to convince himself that things would somehow go on, fearing restrictions of all sorts, not without cause: sixty-three of his works were confiscated in 1937 while in the same year, on the occasion of his sixtieth birthday, he was honoured with several exhibitions in both Austria and Germany. But he was clearly disgusted, as Nowald himself quotes: 'I get sick if there is to be nothing but gleichschaltung – when life demands diversity' (Heckmann and Ottomeyer 2009, 256).<sup>15</sup>

Everything becomes much clearer if we read the work *Brown Columns* as allegory: the raging torrent an image of turbulent times, the fortified town as a picture of a closed, backwards-oriented society. Likewise, another drawing mentioned by Nowald, titled *Götzendämmerung* (Twilight of the Idols) after the book by Friedrich Nietzsche, shows a mass of uniformed men out of which two huge, hooded figures emerge (Heckmann and Ottomeyer 2009, 257). Such giants, since Goya at least, are always allegories, as in one of Kubin's best known works, *The War*, of which several copies were drawn starting in 1901. Evidently, the two faceless *Götzen* (false gods) figure as an allegory of raw power and gleichschaltung under Nazi rule.

Erich Ohser, a fine portraitist and caricaturist, sometimes reminiscent of Beckmann or Grosz but more realistic – in that comparable to Kunkel – had drawn, in 1930, some sharp caricatures of the Nazis. After 1933, he adopted the pseudonym of E. O. Plauen (after his initials and birthplace), and, undermining authoritarianism with humour, invented the comic series of *Vater und Sohn* (*Father and Son*) which became a huge success. Even though Ohser was repeatedly banned from his profession, the series appeared until 1937. In 1944, not caring to hide his opinions, he was finally arrested and took his life in a prison cell. After the war, except for the comic series and pseudonym, Ohser was all but forgotten when in 1984, the Chinese artist Hua Junwu, by expressing his admiration, instigated the *Institut für Auslandsbeziehungen* (Institute for Foreign Relations) to dedicate an exhibition to him (Thiem 1984).<sup>16</sup>

## Conclusions

Crimes and injustices committed during the twelve years of Nazi rule involved many things, including mass annihilation of physical life, treating human beings as non-humans, war and torture. As far as art is concerned, there was dispossession and confiscation of artworks (not only abstract) from individuals and institutions, dismissal of artists from their positions at high schools and other institutions and their banning from professions. The really important point that has to be investigated is by which ways and means did artists try to confront the restrictions imposed on them by political power and how can such artworks and artists be re-introduced into German museums and galleries? So far, except for a series of exhibitions in 1987, fifty years after 'Entartete Kunst', museums in Stuttgart, like elsewhere in Germany, have not done much to confront these questions. When the first and so far only Oscar Zügel retrospective in the town was held in 1981, the Galerie der Stadt Stuttgart acquired a painting titled *Guardia Civil* picturing the head gear of Spanish falangists. But his *Schicksalsbild*, which would be of such great historical interest for the city, has never been shown in Stuttgart and is still in the possession of his daughter. At the opening of the Kunstmuseum in 2005, Marion Ackermann, the founding director, chose to present Sohn's *The Black Men* in the permanent collection.

The painting has recently been on display in Esslingen, in an exhibition on *'Entartete Kunst'* held by the art collection of the administrative district. Yet his *Kristallnacht*, though of great local interest, remains in private property and has never been exhibited in Esslingen.

How can such exclusions be explained today? It may be that Stuttgart, as a traditionally conservative town does not want to be reminded of its uncomfortable past. Also, in the history of West German art of the post war period, the public, in generally eschewing representational art in favour of the modern, could always avoid having to address the political and social implications of works such as Kunkel's *Hitler's Power of Speech*, by instead merely casting doubt on standards of artistic 'style' and 'quality'.

This paper has attempted to outline that there is a need to widen the scope of investigation to reveal the myriad of injustices inflicted on a whole array of German artists that have not yet come to light. Some were forced into exile and have later been forgotten. Others, like Kälberer, resisted the temptation to have a career because of his opposition to Nazi policy. Many, like Ohser, died because of their unwillingness to keep silent.

Museums, if they aim to represent and to educate on art history as truthfully as possible, according to all disposable knowledge, should highlight the plight of these excluded artists and their stories. They should engage actively in research, not only of the provenance of single works, but for a complete picture including, as far as possible, biographies and works of artists regardless of their present status. In the turbulent times from 1933 to 1945, for different reasons, many artists were prevented from reaching their public, while after the war, not all have been rehabilitated. Still, being modernist in style is not the only criterion for past and present exclusion from collections. Zügel was forgotten because he never came back to Germany, but also, I would argue, because his openly political artistic statements did not conform to the kind of 'abstract' modernism that was propagated in the postwar era, detached from societal reality. This also goes for Kunkel, who encountered the double disadvantage of not only being a traditional representational artist, but one with political opinions. After having been forced to leave the academy, he became isolated from the art world at large. His works ended up being exhibited in the folklore department of the Landesmuseum as if he were an untrained amateur painter.

Quality is not what is at stake here. Quality, first of all, cannot be equalled with modernity as such, otherwise Rembrandt, Dürer, or Leonardo would be worthless in comparison with Picasso. One may argue, hypothetically, that artists who, in the mid twentieth century, 'still' worked in an Impressionist or Realist manner, were 'belated' in comparison to the 'centres', that they were not up to date with actual tendencies and therefore of minor worth in comparison with Abstract Expressionist tendencies of the postwar era. This assertion has been called into question by the advent of postmodernism. The idea of linear 'progress' seems today less tenable, making a revision

necessary, all the more because under dictatorship it was virtually impossible to continue to produce modern art if not in secret or in exile.

In spite of all hardships, artists continued to express themselves, not always openly, but in any case, they had to be careful to conceal their views. *Kristallnacht* was hidden by Sohn and is still not well known, although a rare case of direct testimony to the events. In his *Saint Sebastian*, Nesch, used religious allegory as *the* main area of imagery sanctioned by 2000 years of history. This was his free choice, since the work was produced in Norway, but other artists, within Germany, likewise took recourse to religious subjects. Every artwork, in general, must be carefully deciphered using all means employed by art history, including iconography and style, but also, especially in this era of political turmoil, biographical details and circumstances. Only when this work has been done – and in many cases it has not even begun, although interest is growing<sup>17</sup> – judgements on moral stance or artistic quality are possible.

The small selection of works presented here is sufficient to prove that a number of artists did notice what happened and tried to convey this awareness in their works, despite all difficulties. It is time to decipher the messages encapsulated in these artworks that, at their own time, could not reach their public. Either the paintings could not be displayed or, otherwise, critique had to be so well concealed that today it is barely perceived as such, as in the case of the *Vater und Sohn* series or, in some cases, in disguise of traditional religious imagery.

Art under dictatorship cannot be judged by the same criteria as in a liberal society. Artistic desire has to grapple with strong limitations, with a different outcome in each single case. It may be that the artist is silenced, or turns to political activism, or continues to work in secret, using art, in some cases, as a valve for his frustrations. Or he tries to invent more subtle strategies hoping to be able to continue to work true to his inner convictions. All of this is immanent in the output, the artwork, from which it can carefully be carved out. But first of all, the works themselves have to come out in public, out of the secrecy where they were hidden seventy years ago, out of museum depots and private collections. Only then can the hidden stories of German art production in this period be truly told in the nation's museums and galleries.

## Notes

- <sup>1</sup> All in all, according to Andreas Hüneke, about 19,000 artworks were confiscated in 1937 from German museums, <http://userpage.fu-berlin.de/~khi/dozenten/steckbriefe/hueneke.htm> (April 22, 2009).
- <sup>2</sup> Max Beckmann's *Self Portrait with Red Scarf*, had first been acquired in 1924 for the price of 3000 Reichsmark; in 1948, the Staatsgalerie again had to spend 3500 Mark to get the painting back (Geissler 1987).

- <sup>3</sup> *Rhythmus der Fenster* (Stuttgarter Nachrichten, July 25, 2007).
- <sup>4</sup> A painting by Adolf Menzel, acquired in 2004, has recently been restituted to the heirs of the Jewish art dealer Walter Westefeld, who wished to auction them, *Eßlinger Zeitung*, 26.09.2009 (dpa).
- <sup>5</sup> The word *Üecht*, after which the group is named, is of old Swiss origin, meaning dawn.
- <sup>6</sup> <http://www.paul-kaelberer.de> (April 22, 2009).
- <sup>7</sup> All information on Sohn: <http://www.sohnde.de> (website run by his heirs, Isabella Sohn-Nehls and Matthias Sohn, May 26, 2009).
- <sup>8</sup> The Vereinigte Werkstätten für Kunst im Handwerk, founded in Munich in 1897, has been the first major association of the arts and crafts movement in Germany.
- <sup>9</sup> *Die schwarzen Männer* is now on display in the permanent exhibition of the *Kunstmuseum*; the painting has served as a cover image for a documentary on artists lives in the Southwest of Germany in the Third Reich (Ackermann 1987); it was again presented in an exhibition under the title of *Entartete Kunst* in the Esslingen *Landratsamt* in 2008.
- <sup>10</sup> The major part of Zügel's heritage is still held by his daughter, Katia Zügel.
- <sup>11</sup> <http://www.nesch.no> (website run by Eivind Otto Hjelle and Harald Hjelle, May 26, 2009); Nesch, R. (1993).
- <sup>12</sup> There is a different version of the same subject in the collection of Prince Franz of Bavaria (Hoberg 1990, 365).
- <sup>13</sup> Mynona is a palindrome of Anonym.
- <sup>14</sup> ‚Meine Arche‘, Oberösterreichische Landesmuseen, Graphic Arts Collection (Assmann 1995).
- <sup>15</sup> My translation.
- <sup>16</sup> <http://www.e.o.plauen.de> (June 13, 2009).
- <sup>17</sup> Cfr. <http://www.kominform.at/article.php/20080125221813577/print>; <http://www.karlwaldmannmuseum.com> (both May 31, 2009).

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## Book reviews

***Evocative Objects: Things We Think With*, edited by Sherry Turkle, The MIT Press, Cambridge, Massachusetts, London, England, 2007, ISBN-13: 978-0-262-20168-1, hardback, 385pp, \$26.95/£19.95**

The evocative objects described here are those which are considered to be 'companions to our emotional lives or as provocations to thought' (2007:5). They are the objects that inspire us. Arranged as a series of essays, the intention of the author is to convey the complex relationships that individuals can have with the objects in their lives, enriching the tendency to 'consider objects as useful or aesthetic, as necessities or vain indulgences' (2007:5). This seems to me to be relevant to the museum context where objects are still often presented shorn of their context, often because the information is not known or is lost, or was never written down in the first place. Some commentators such as Kathy Brewis writing in the *Sunday Times Magazine* are quite happy with this situation; Brewis complains that museums are currently being ruined by giving us too much information rather than being thought-provoking, which she spitefully claims is to make them more 'accessible to halfwits' (2009). Indeed, at times the insight given by the authors is staggeringly personal and will not be to everyone's taste as a result; I can imagine that there will be many who would respond with 'so what'? What does such disarming honesty mean for the interpretation of objects except that by making it so personal it robs the onlooker of the ability to make their own meaning, which in her very hackneyed way I think Kathy Brewis is trying to argue? As someone who likes to know the stories behind objects (and likes to imagine a story where there are none) I did warm to this book, which sought to illuminate the rich, surprising and sometimes baffling connections that human beings are inclined to make with the objects that inhabit their worlds.

In an introduction, which sets the scene for the very personal nature of this book, Turkle establishes how her own interest in the emotional connections that individuals make with objects was inspired by rummaging about in her grandmother's closet for evidence of her missing father and, later on, with the ideas of the late philosopher Claude Levi-Strauss. In particular she cites *bricolage*, the action of 'combining and recombining a closed set of materials to come up with new ideas' as a key influence. 'Material things, for Levi-Strauss, were goods-to-think-with and, following the pun in French, they were good-to-think-with as well' (2007:4). This idea of making connections is a theme throughout the book and objects serve as a both an inspiration and a conduit for ideas and ways of thinking about the world. Most of all the objects here are linked to the joy of discovery, of thinking, of learning about the self, about others; about the world. The objects described here become more than an object-in-itself - they are transformed, questioned, reconfigured by

their status and value to the 'thinker', infused with character and our ideas about the world as we want it to exist. Shared amongst the collection of essays is the way in which each object acts as a 'marker of relationship and emotional connection... the object brings together intellect and emotion' (p5). It is not that the object itself does not matter - it clearly does - but what the object stands for, the things it represents is uppermost in the mind of the contributors. Some objects are described as being so integral to the life of the author that I began to wonder who was owning who. For many, the relationship they had with their chosen object was a dynamic, active relationship that altered as the individual progressed through their life. In such situations objects took on new meanings and different representations, even if the object essentially remained the same. Some objects represented a continuity, a comforting sameness in the fluctuating patterns of life experience

The book is divided into six sections with titles such as Objects of Design and Play, Objects of Discipline and Desire and Objects of Mediation and New Vision. These sections provide a helpful framing device for the different essays included within, with each essay being twinned with a relevant excerpt from 'philosophy, history, literature or social theory' (p8). An interesting conceit, most of the passages enriched the essays, some merely confused. Fortunately the author is good at explaining her reasons for these juxtapositions, and the concrete examples often help to illuminate some of the more obscure ideas. The objects chosen for the essays are quite staggering in their diversity and unusual-ality; alongside the everyday and the mundane objects - laptop, datebook, vacuum cleaner, suitcase, rolling pin - there are the stars, Egyptian mummies, Geoid, slime mold. Each essay is a well crafted insight into the life of the person who owns the object and perhaps intentionally, each essay is more about the person who owns the object than the object itself. Sometimes this is uncomfortably so; Gail Wright discusses her mental health with alarming honesty to convey reliance she has on her pills of 'blue cheer', the drugs that suppress her depression linked to the 'wild mood swings that plague [her] family' (2007:99) and Joseph Cetevello's relationship with his Glucometer is a poignant necessity because of the need to adapt to his diabetes. Other authors celebrate their reliance on objects as a means of bringing comfort and order in a chaotic and disordered world or a means for conducting (and negotiating) relationships with others and the world more widely.

The book itself is an object-to-think-with which I consider it accomplishes; I found myself contemplating some of the objects which might play this role in my life. I also consider that it sets more than a few challenges for museums to think about enriching the opportunities for visitors to reflect on the objects that are presented to us as significant. What is clear is that people approach objects in very different ways and whilst we cannot replicate, how is it that museums can encourage similar explorations?

## Reference

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**Amy Lonetree and Amanda J. Cobb (eds.), *The National Museum of the American Indian: Critical Conversations*, Lincoln, Nebraska: University of Nebraska Press, 2008, paperback \$29.95, £. 22.99, pp. xxx+518**

Stereotypical notions and static displays have long been the accepted model in representing Native cultures. Often relegated to outdated dioramas in natural history museums, the anthropological and ethnographic endeavors to elucidate the multiple histories of the numerous cultures of Native American Indians proved to be a problematic approach. In fact, they only engendered a limited, and often distorted, understanding of these cultures while failing to recognize the devastating impact of colonization or celebrate the strength and diversity of native peoples as a living embodiment and continuation of history.

Charting a new museological approach, the Smithsonian National Museum of the American Indian (NMAI) was poised to remedy this failure of representation by evolving paradigmatic representations of native peoples. With its opening in 2004, the sixteenth and final museum added to the National Mall in Washington DC aimed to literally and symbolically tell the story of native peoples of the Americas through innovative exhibitions crafted from multiple voices, particularly those of indigenous people. In *The National Museum of the American Indian: Critical Conversations*, editors Amy Lonetree and Amanda J. Cobb compiled seventeen essays written by both native and non-native authors that investigate the birth of this museum along with its inaugural exhibitions and installations. The editors adroitly navigate multiple, and often contested, perspectives on the Museum's successes and failures.

Longtree and Cobb structured the essays into four conversations: history and development; indigenous methodology and community collaboration; interpretation and response; and questions of nation and identity. This organization cleverly eases readers through the complex history of creating a new museological model. The conversation between scholars and practitioners from disciplines including cultural studies and criticism, art history, history, museum studies, anthropology, ethnic studies, and Native American studies is brought to life through essay placement. Point and

counterpoint, authors debate one another in each of the outlined categories to create a lively dialogue.

Beginning with the history and development of the NMAI, the first three richly detailed and enlightening essays provide a fairly objective and historical overview of collecting Native American artifacts and objects and, situated within that history, George Gustav Heye's amassment of approximately 80,000 archaeological objects which, in 1916, became the heart of Heye's Museum of the American Indian (MAI)—the precursor of the NMAI. This section explores the growing involvement of Native Americans in the administration and scholarship of the MAI, the slow decline of the museum, and its rebirth as a Smithsonian Institution after an act of Congress in 1989 formally adopted the collection to form the foundation of a National Museum of the American Indian.

Hard to define, the NMAI aligns itself with both historical and anthropology museums and these juxtapositions as well as the challenges inherent in being affiliated with the Smithsonian Institution, a United States Government agency are fully explored. . Expanding on the historical overview and situating the NMAI in the present, the authors explore the building's architecture and placement in terms of both form and metaphorical meaning and investigate the political and social agendas of all parties involved in the NMAI including the US government, various communities (both native and non native), curators, educators, and even the architects. With subtle institutional critiques, each of the essays in this section clearly delineate both the accolades and the criticisms that the NMAI building, structure and exhibitions generated and seeks to locate the impetus for each decision undertaken in the foundation process evaluate the final results.

In the second section, Longtree and Cobb have selected three essays that provide the methodology regarding indigenous collaborations from the point of view of those actively involved. Curators Paul Chaat Smith, Cynthia Chavez Lamar, and Beverly R. Singer each discuss the personal decisions that they made both individually and in collaboration with the group of 'community' or 'co-curators'—the representatives from Native groups from across the Americas in developing the opening film and exhibitions. These honest, first-person accounts explicate the necessity of including indigenous voices from all of the Americas by reaching out to many different constituencies in order to tell as broad a story as possible. They speak of the integral nature of the collaborations and the choice to make the museum a cultural experience in itself, much more than the exhibitions themselves. Chaat Smith likens the NMAI to the Holocaust Museum—an institution that changed standardized museum practices by providing in-depth information and knowledge on a difficult and emotional subject. However, Chaat Smith admits that, in his view, the NMAI did not bring enough emotional power to the dark parts of the Native American story despite its successes in at least starting the conversation. Chavez Lamar, also voices criticisms of the final exhibitions. She articulates a problem with the lack of transparency regarding the nature of the collaborations and with the awkward attributions of authors on labels, an attempt to give voice to the collaborators, both of which only seemed to confuse

the viewer. Further, and most interesting, is how she felt that many of the community partners resorted to 'positive stereotypes' in order to portray themselves as they are easily understood or as 'idealized versions of "Indian"' (pg. 157).

Internal criticisms give way to interpreting and responding to reviews by the general media in the third section. The six essays included here evaluate not only the NMAI's inaugural exhibition, but also how they were perceived. Several authors defend the museum and curatorial choices by positing that reviewers who had harsh critiques of the exhibitions were likely disappointed due to either preconceived ideas about what museum exhibitions should like, or to their (un) acknowledged stereotypes of what a museum of American Indians should be rather than approaching it as a new model. Others level their own criticisms that the NMAI made their exhibitions too abstract and shied away from hard-hitting explorations on the effects of colonization, which wrought destruction and devastation to all Native Peoples. It is in this section that this book soars; woven together, these well-written and balanced discussions ground the fascinating debates surrounding the success of the NMAI.

Looking beyond the media interpretation of the successes and failures of the NMAI to elucidate the experiences and cultures of Native Peoples, the fourth section of *Critical Conversations* contains five essays that contextualize the Museum and its exhibitions to demonstrate its function as 'an instrument of self-definition and cultural continuance' (Cobb, p. 333). Several authors ruminate on the play of the word 'national' in the name of the museum, focusing on its site in the capital of the nation state of the United States, while also encompassing Native Americans from all of the Americas. Who does it belong to and whose message is it espousing? The relationship between the nation state and the museum is particularly complex, and as Ruth B. Phillips asserts, any museum connected to any federal government 'Has no choice but to navigate official ideologies and politics' (p. 414). So where does that leave the NMAI? Despite its shortcomings it, the museum is making an attempt to sensitively address the minefield of issues surrounding the portrayal of objects and culture of Native Americans. In her essay 'Brokering Identities' from the book *Thinking About Exhibitions* (Greenberg, Ferguson and Nairne, 1996:23) Mari Carmen Ramirez speaks of a need for a shift in 'curatorial function' in order to 'open up new venues for the distribution, acceptance, and appreciation of previously marginalized art.' The NMAI took on this challenge and shifted museological practice in order to collaborate with Native American Indians and introduce their voices. Five years after the opening of the museum, *Critical Conversations* significantly assesses the triumphs and failures of the inaugural exhibition. By taking stock, forward momentum is possible and as Chaat Smith suggests, this is just the beginning of a rough and difficult conversation that must continue (p.143).

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**Daniel Miller, *The Comfort of Things*. Cambridge: Polity Press, 2008. ISBN: 9780745644035 RRP: £20, 302 pages**

Daniel Miller is Professor of Material Culture at University College London. In the last decade he has published on a wide range of diverse, yet complimentary subjects: capitalism, consumption, fashion, childhood, mobile technologies and migration. Here Miller reflects upon the findings of a 17 month research project undertaken by himself and co-researcher Fiona Parrett. Miller and Parrett's aim was to explore people's lives behind closed doors and, in order, to combat 'British reserve' (Miller 2008, 2) – an embarrassment associated with talking about oneself – they would use objects, the things that people use and display in their homes, to gain insight. Located in an 'ordinary' neighbourhood - Stuart Street in South London - *The Comfort of Things* comprises a series of thirty 'portraits', which Miller describes as a kind of 'holism', each focusing upon a particular household.

A lack of possessions reflects George's restrictive family life and institutionalised adulthood ('Empty'). In contrast, Mr & Mrs Clarke's family home – their lodestone - is packed with Christmas decorations ('Full'). Elia's belongings connect with her Greek and British heritage ('A Porous Vessel'). Simon's vast record collection is manifest expression of his external persona ('Starry Green Plastic Ducks'). Veteran foster carer Marjorie's photographs tutor her disadvantaged wards in giving and receiving affection ('Learning Love'). Malcolm's Australian Aboriginal heritage is contained within his globe-trotting laptop ('The Aboriginal Laptop'). Mrs Stone is torn between life in London and life in Jamaica ('Home and Homeland'). Charlotte's 'collection' of tattoos records important moments and people in her life ('Tattoo'). Celebrity obsessed Stan is haunted by the mistake which resulted in tens of deaths ('Haunted'). Harry's dog Jeff is the centre of his universe ('Talk to the Dog'). A pub aesthetic encroaches into the home of former publicans Mary and Hugh ('Tales from the Publicans'). For Donald, a retail buyer, craft objects embody the dignity of labour ('Making a Loving'). For busy mum Marina, the collectable toys produced on behalf of McDonalds for their Happy Meals scaffold her approach to parenting ('McDonald's Truly Happy Meals'). Aidan documents his sexual adventures as most record holidays and family get-togethers ('The Exhibitionist'). Parents Anna and Louise seek out the 'authenticity' of vintage Fisher-Price toys ('Re-Birth'). In his relationships with neighbours, friends and romantic partners, Charles revisits and recreates the sense of selflessness and community instilled by his schooling ('Strength of Character'). Recovering addict and support-worker Dave lost his treasured possessions to heroin ('Heroin'). Inheritance bears heavily upon Pauline ('Shi'). Brazilian Jorge indulges his Anglophilia in London ('Brazil 2 England 2'). Peggy and Cyril plan their retirement around a travel guide ('A Thousand Places to See before You Die'). Dominic is nomadic; he has few possessions but for a ceramic owl made in Belgium ('Rosebud'). Ben's home and the objects within it reflect his recent career as an acupuncturist and adherence to Buddhist doctrine ('The Orientalist'). When ninety-one year Jenny dusts she is physically reacquainted with precious memories ('Sepia'). Together

James and Quentin have created a home 'aesthetic' as complimentary as their own characters ('An Unscripted Life'). Aging hippy Di's home is a 'museum' to her lust for life and travel ('Oh Sod It!'). Within the walls of their home Jose and his wife have retained the social and cultural practices of their Mediterranean homeland ('Jose and Jose's Wife'). Part-time wrestler Sharon fluctuates between ostensibly incompatible visions of femininity ('Wrestling'). Carpenter Daniel loves mineralogy and music ('The Carpenter'). Marcia loves ornaments but only those that reflect her personal taste ('Things that Bright up the Place'). Murray is a 'hedonistic Buddhist'; he surrounds himself with things associated with his passions ('Home Truths').

Miller uses these portraits to reveal how people express themselves through their material possessions, how they create and shape an individual's 'cosmology'; the order and process by which people develop 'a style that we recognise as theirs' (Miller 2008, 295). Miller calls this relationship between people and things an 'aesthetic', meaning not 'of the arts'. Rather an overall organisational pattern, 'the repetition of certain themes in entirely different genres and settings' (Miller 2008, 293).

Rejecting the pessimism of post-modernist discourse, Miller concludes that society (more traditionally ascribed to community or God) is not exactly dead, but – on the basis of the evidence he has gathered from Stuart Street – it plays a rather more abstract role. It underpins, but only encroaches upon quotidian life when its systems fail (policing, health services, welfare, schools, etc). Society determines an individual's circumstances, but not how they live (Miller 2008, 284). Miller thus finds that his research debunks certain tenets of the social sciences; Stuart Street is not populated by people *without* society, neither is the cult of individualism celebrated. Instead Miller suggests a new approach focused upon relationships and, by extension, relationships with objects, to reveal, in fact, that material objects are 'an integral and inseparable aspect of all relationships' (Miller 2008, 286). Notwithstanding some peculiarly British traits, *The Comfort of Things* deliberately focuses on diversity: a diversity not necessarily reduced to sociological or colloquial categories or labels (Miller 2008, 292) (i.e. sexuality, gender, class). It presents Stuart Street as, in Miller's own words, a 'post-society' (p. 289), a 'juxtaposition of a whole host of different cultural expectations' (p. 289).

Drawing upon his own doctoral research and Bourdieuan discourse, Miller concludes that the order of things in time and space reinforces beliefs about the natural order of the world; 'everyday ritual becomes an aesthetic' (Miller 2008, 287). Secondly, that the post-modernity of social science is wrong in foretelling the decline of society and culture. While individual's lives were once ordered by religion and the state, their agency in creating their personal cosmology is now uppermost: 'An order, moral or aesthetic, is still an authentic order even if one creates it for oneself and makes it up as one goes along' (Miller 2008, 293).

A principal strength of *The Comfort of Things* is its humanist foundation; its empathy and self-reflexivity (Miller 2008, 79-80). Miller is clearly appreciative

of his subjects, frequently recognising and affirming the relationships built up between them, and he as researcher (see Miller 2008. 82). But more notable is the assuredly non-academic style in which the book is written. This was deliberate. Miller's aim was to convey the warmth of humanity (Miller 2008, 296). This he has successfully achieved. Moreover, *The Comfort of Things* is an engaging read, both literary and moving. As a model for researchers wishing to disseminate their research to a wider, non-specialist audience it could and should be influential. Yet, this is no 'dumbed-down' narrative. We are assured that an appropriate level of academic rigour has been applied to this project; Miller uses the introduction, epilogue and appendix to return to a recognisably scholarly style. Here the material culturalist, or cultural anthropologist can locate Miller's methodological, epistemological and theoretical approaches. None of which are, incidentally, necessary to read in order to fully appreciate and enjoy the 'portraits'. Indeed Miller tells us that 'You can read this book as you might move through a gallery' (Miller 2008, 6). Ultimately, Miller has successfully produced a demonstrably solid research project *and* a good read. No small feat.

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