

In search of stolen art

Canada can set an example of how disputes over Nazi-looted treasure can be resolved, *by Bonnie Czegledi*

War provides opportunity for the wholesale destruction and looting of cultural heritage.

It was hoped that after the devastating impact of Nazi confiscations in World War II, we would rise above such barbarism, condemn the confiscation of cultural heritage and abide by the corollary principle that property pillaged and seized under such circumstances should be returned to the rightful owner.

Although we are making progress, this hope has not been realized.

The great relief associated with discovering artwork once thought lost forever quickly changes to despair when it leads to adversarial fighting. Attempts at restitution or compensation to the original owners of stolen art seized during war do not have to lead to courtroom misery.

We have only recently learned of Nazi-looted art traced to the Montreal Museum of Fine Arts. This is not the only piece of illicitly seized art in this country. But it could serve as an opportunity to set an example of how these Nazi-looted art disputes can be resolved justly.

We need only look at the U.S. experience to see that no one wins in long, expensive, aggressive litigation of restitution cases, which force Holocaust victims and their heirs to fight for return of their property at great financial and emotional expense.

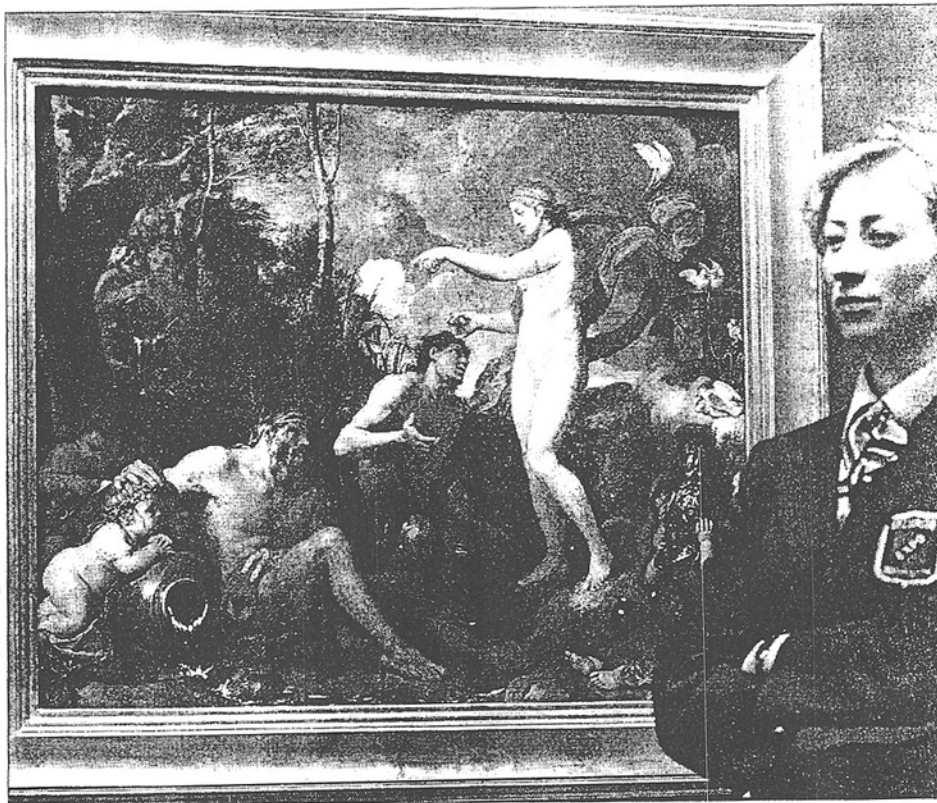
A remarkable restitution of Nazi-looted art is a case involving the North Carolina Art Museum. The 16th-century *Madonna and Child in a Landscape* painted by Lucas Cranach the Elder was returned to its heirs without acrimony. The case did not go to court.

The heirs were so impressed by the museum's response that they sold the painting back to it — below market value and commending it for eschewing arguments that statute of limitations bar the claim or that "floodgates will open." The heirs cited the museum's sensitivity and respect for justice.

The North Carolina resolution starkly contrasts such painful, drawn-out cases as the Egon Shiele case. This involved aggressive litigation during which the Museum of Modern Art in New York fought tooth and nail the rightful, Holocaust-victim heirs, the U.S. government and the New York district attorney to prevent the return of the *Portrait of Wally*.

Years later, the dispute continues.

Some auction houses are setting a precedent for restitution of Nazi-looted artwork. Upon dis-



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Security officer Camille Loiselle of the Montreal Museum of Fine Arts last month stands next to *The Deification of Aeneas*, by artist Charles Lebrun. The heir of a Jewish art collector is trying to get the museum to part with a painting she says was looted by the Nazis in 1940.

covery of pieces with questionable origins, they have begun to negotiate settlements with heirs, demonstrating willingness to avoid legal action and resolving matters quickly, fairly and outside the courts.

Artwork cannot be properly acquired without provenance research (an artwork's history). This poses many difficulties. One of the most important aspects of a painting is not its aesthetic appeal, but title.

Provenance reveals the life of a painting, including its creation and place in history. However, information is often vague and contains fictions. Currently there is no accountability for providing accurate data, making thorough, independent research into registries of stolen art all the more essential.

Most museums publish lists of pieces of questionable provenance. However, these lists are primarily made up of artwork flagged by the

gallery itself and do not necessarily reflect a comprehensive list of acquisitions.

Public art galleries should be required to provide information about their collections, including how they acquired it, specific details of pieces and the status of research. There are still many institutions who are members of the International Community of Museums who do not provide provenance lists.

Culture is at the core of a people and nations. Once stolen or destroyed it takes generations to recover.

Let's hope we do the right thing now, as we have not in the past.

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