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**Defending National Treasures**

*French Art and Heritage under Vichy*

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*To Ryan and Grant*

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and certain definitions of “good taste,” during the 1960s it came to include the whole body of past cultural production—“from the cathedral to the little spoon,” in the words of Malraux.<sup>40</sup> Thus, the *Inventaire général* included historic landmarks as well as common everyday objects that were considered distinctively French. This expanded definition of *le patrimoine* allowed for a reevaluation of the figurative statuary that had been previously shunned. Moreover, an increase in urbanization projects during the 1960s and 1970s prompted a heightened awareness of cultural heritage in local communities. As city centers were redesigned to accommodate the rapid increase in automobile traffic, people in some communities feared an irreversible loss of local history, culture, and distinctiveness.<sup>41</sup>

It was during this time that some communities sought to replace bronze statues that had been dismantled during the Occupation. One of these cities was Chambéry, which had sacrificed the much-maligned *Sauvartte* by Alexandre Falguière (discussed in Chapter 8). The republican allegory had been found in 1950 near Hamburg, inexplicably missing its head. It was returned to the city of Chambéry, where it was stored and largely forgotten in a municipal studio. Over the next twenty years, proposals periodically surfaced to restore and reinstall the statue. Finally, in 1978 the association *Société des amis du vieux Chambéry* (Friends of Old Chambéry) launched a survey to discover whether the city’s residents would support a reinstallation project. When a majority of respondents favored the project, the municipal council secured forty thousand francs to cover the cost of the restoration, including a new head. The artist who received the commission, Serge Bloch, used Falguière’s original model, which was held at the local fine arts museum.

However, not all Chambériens supported the restoration project. The statue, which had been originally installed to commemorate the centenary of the French Revolution, continued to generate controversy nearly one hundred years after its initial dedication. Socialists dominated the municipal council that had approved the reinstallation project in the late 1970s, and they were eager to celebrate Savoie’s revolutionary heritage. Conservative members of the council, like their predecessors during the Occupation, viewed “La Sasson” as a reminder of the region’s troubled past, when it was invaded by the revolutionary armies and forced to join the French republic. However, the socialists ultimately won this battle, and the refurbished *Sauvartte* finally was reinstalled on 1 June 1982, near its original location on the place du Centenaire.<sup>42</sup>

### *Whose patrimoine? Disputes over Looted Art*

Another aspect of the Vichy legacy is postwar French policy toward “ownerless” works of art from looted Jewish collections. During the Occupation, the Direction des musées had exercised its right of first refusal in appropriating works from several sequestered art collections for a total of 66 million francs, not including preempted pieces from the Schloss collection. Although Huyghe had hoped the art would be housed in French museums—recall his use of the terms “growth policy” and “filling gaps” in the Louvre’s collection—there was no effort to deny restitution of the sequestered collections after the Liberation.<sup>43</sup> An ordinance of 21 April 1945 nullified all spoliation by the Vichy regime, and the Direction des musées began the process of returning the preempted works to their rightful owners. Some received their works quickly, such as the owners of the May collection, who obtained theirs in July 1945. However, the Direction des musées held works from the Bois collection until 1954 because of quarreling among the collector’s heirs. The museum office eventually returned all of the preempted works to their rightful owners, with the exception of a lost case of porcelain pieces, for which it compensated the owner.<sup>44</sup>

However, the Schloss collection, from which the Direction des musées had exercised its right of first refusal on forty-nine pieces, remained a unique case. As the Schloss heirs had remained in France during the Occupation and maintained their French citizenship, their assets did not fall under the spoliation framework of the other sequestered collections. The spoliation nullification of April 1945 likewise did not apply to their collection. The legal complexities surrounding these paintings, in the end, meant delayed restitution.

Huyghe remained determined to acquire for the Louvre at least some of the works. In the months following the Liberation, museum officials tried to convince the Schloss family to donate some of the preempted paintings to the Louvre. This gesture, in Huyghe’s mind, would convey the family’s gratitude to the Direction des musées for keeping at least part of the collection in France. If the family proved unwilling to donate the paintings, Huyghe reasoned, perhaps they would sell them to the Louvre.<sup>45</sup> In November 1944, Jaujard instructed Huyghe and Salles to discuss the proposal with the Schloss family’s attorney, Max Gontfreville. Huyghe wrote a letter draft for Salles, which explained to one of Schloss heirs, Juliette (a.k.a. Mme Prosper-Emile Weil), that the Louvre sought to protect famous paintings in the collection. But curators also preempted lesser-known paintings

that, signed and dated, were important in the broader scope of art history and “for a museum like ours.” These less famous paintings were important historical documents, with a great role to play “in a museum where they are available to historians and art students.”<sup>46</sup> A few weeks later, Gonfreville informed Huyghe that the Schloss heirs had categorically rejected the idea, though they would certainly keep the Louvre in mind if they found themselves ready to sell some of the pieces. In the meantime, they wanted all of them back immediately.<sup>47</sup>

Huyghe was surprised that the Schloss family did not show a bit more gratitude toward the Direction des musées. He wrote to Salles, “I deeply regret that [the Schloss heirs] did not feel the need to recognize through a kind gesture that the Louvre had saved the principal masterpieces of their collection. But given the circumstances, I do not know what else we can do.” In trying to clarify the legal status of the paintings during the restitution process, Salles reported to the head of the Commission de récupération artistique (CRA; Art Recovery Commission) in February 1945 that the Schloss heirs were demanding “in an imperious fashion the forty-nine paintings in our possession.” The delayed restitution was due at least in part to bureaucratic entanglements. Salles was unsure whether Direction des musées had the authority to return the collection directly to the Schloss family, or if the paintings had to be released by the CRA. Because of the slow channels of bureaucracy, and perhaps a lingering hope in the Direction des musées for a donation or sale, the Schloss heirs waited another year and a half, until 26 July 1946, when they finally received the forty-nine paintings.<sup>48</sup> Bazin, who selected the paintings with Huyghe, would later argue that the paintings were “immediately [aussitôt] returned to their owners after the Liberation,”<sup>49</sup> stretching the truth a bit too far.

Even with this restitution, the Schloss family lost roughly half the collection. In 1998, the French Ministry of Foreign Affairs prepared a catalog of works from the collection that the heirs had not yet recovered. The stated purpose of the catalog was to help the heirs search for lost pieces and to prevent unsuspecting buyers from purchasing them and ending up in legal trouble. Of the 333 works seized in 1943, the heirs have reacquired 167 pieces, 4 of which have been returned to them since 1999. As for the remaining 166 objects, the Nazis had sent some paintings to Munich for storage, and many were lost when Allied forces reached the city. According to the director of an art-collecting point in Munich, Lieutenant Craig Smith, the warehouse had been looted by German soldiers and civilians

as well as American soldiers. In 1945, four American officers offered to sell four of the pieces to the Schloss family, an unseemly proposal that the heirs promptly refused. Of the works recovered in the early postwar years, the Schloss heirs ended up donating a piece to the Louvre in 1949, a portrait by the sixteenth-century painter Corneille de Lyon (*Portrait présumé de Clement Marot* [1496–1544]). The family sold other works at auction in 1949, 1951, and 1954. In the 1951 sale, the Louvre also finally acquired the covered *Pietà* (*La déposition du Christ*) once attributed to Petrus Christus, though the painting’s authorship is now uncertain.<sup>50</sup>

Other pieces from the Schloss collection have been identified in museums outside France or in auction halls and are part of ongoing litigation or diplomatic negotiations. In the late 1990s, writer and journalist Hector Feliciano asserted in his book *The Lost Museum* that the Carnegie Museum of Art in Pittsburgh held a Rembrandt portrait looted from the Schloss collection, *Portrait of an Elderly Jew in a Fur Hat*. The museum had obtained the painting in a 1975 exchange with the Israel Museum of Art, believing it was a Rembrandt. More recent research has shown that the artist was most likely an eighteenth-century imitator, whereas the Schloss family had owned the true Rembrandt. A French filmmaker, Mark van Dessel, further exonerated the Carnegie in 1998 when he claimed to have found the family’s lost painting at the Czech National Gallery in Prague. Following negotiations between French and Czech art experts, the Czech museum returned it to the Schloss heirs in 2002.<sup>51</sup>

In a high-profile 2001 case, a French court convicted Adam Williams, former head of Newhouse Galleries in New York, of attempting to sell a well-known painting from the collection. Frans Hals’s *Portrait of Pastor Adrianus Tegularius* had been sold at auction several times in the 1960s and 1970s, and Williams purchased it at Christie’s in London in 1989. The following year, a Schloss heir recognized the painting at a Paris art fair, and French police promptly confiscated it. Though Williams denied knowledge of the painting’s provenance, French prosecutors argued that its storied history was widely known among art dealers. The court gave him an eight-month suspended sentence—a rather generous ruling, as he could have faced five years in prison—and ordered him to return the painting to the Schloss heirs.<sup>52</sup>

Beyond the Schloss collection, thousands of objects looted in France were found in the Reich and its territories as Allied military forces moved into central Europe. In addition to their more traditional military objec-

tives, these forces took on the enormous responsibility of locating looted works of art, book collections, and archives. Within the Supreme Headquarters of the Allied Expeditionary Force (SHAEF), an American agency known as the Monuments, Fine Arts, and Archives section (MFAA) was charged with locating the storage caches, identifying works that had been sent to the Reich from the entire European continent, and organizing shipments to the countries of origin. Some top American curators served in the MFAA, earning the nickname the “Monuments Men,” including James Rorimer, future director of New York’s Metropolitan Museum of Art, and Calvin Hathaway, future director of the Cooper Union Museum. Rose Valland, the French museum official who had served as attaché at the Jeu de Paume during the Occupation, was made a captain in the French army and joined the recovery effort. The secret inventories she had created at the Jeu de Paume proved invaluable as teams traced the journey of the pillaged objects to the Reich’s art depots.<sup>53</sup> During the final months of the war, Hitler had ordered the transfer of looted art from various German warehouses to the Alt Aussee salt mines in Austria, where the MMFA found thousands of objects intact. American forces in Germany also located a large cache in the Neuschwanstein castle. The combined Allied forces recovered about sixty-one thousand objects that had been seized in France.<sup>54</sup>

The French provisional government of 1944 to 1946 approached the question of seized Jewish assets within the larger issue of German reparations. It began organizing the CRA in September 1944 and fully authorized it two months later, under the leadership of Albert Henraux, vice president of the national museum advisory council. Coordinating its efforts with the MFAA, the commission was charged with receiving and identifying works recovered from Germany. The restitution of assets was then handled by a division in the Ministry of Foreign Affairs, the Office des biens et intérêts privés (OBIP; Office of Private Assets).<sup>55</sup> Over the next five years, around forty-five thousand pieces, or roughly 80 percent of recovered objects, were returned to victims or heirs who held proof of ownership.<sup>56</sup>

For owners of the most prestigious collection, providing proof of ownership was a relatively straightforward process. As the Baron de Rothschild himself has pointed out, his family was among the few that had extensive ownership documentation and whose collections were well known by the administration.<sup>57</sup> For smaller collectors or heirs, however, the assertion of ownership was much more difficult. Many of these families had lost everything—their homes and all possessions, including personal pa-

pers and any provenance documentation that may have existed. Some heirs were children when the art was looted and had only vague recollections of paintings owned by their parents. Others may have been able to identify works but could not provide documentation. In 2000, the French daily *Libération* described the difficulties of one heir in locating two paintings—one by Picasso and another by Braque—that had belonged to his parents, both of whom were deported and killed. A teenager during the war, he had only vague memories of the paintings and no proof of ownership.<sup>58</sup>

By the fall of 1949 around sixteen thousand works still had not been claimed. Postwar officials, some of whom had also been civil servants under the Vichy regime, including Jacques Jaujard, devised a plan to manage these pieces. Some of the unclaimed works were highly valuable and indisputably part of the nation’s artistic patrimony—works by Monet, Daubier, Courbet, Corot, Picasso, and Léger. This situation provided an opportunity for the Direction des musées that was strikingly similar to the wartime sequestration. As long as there was no legal private owner and the works otherwise would be sold at public auction, the Direction des musées could exercise a right of first refusal and house the objects in public museums.

This approach to “ownerless” art appears in a striking note from Rose Valland to Jaujard, written in September 1941. Valland reported that German looters had left behind bas-reliefs in the residence of Edouard de Rothschild and twenty or so paintings in the home of L. L. Dreyfus. Valland believed that both collectors had lost their French citizenship: “That is why I am drawing your attention to this matter, before it is too late.” She then described other works of interest for which there was no legal owner. A room at the Jeu de Paume, most likely the one she would dub the Room of Martyrs, was displaying abstract art by Picasso, Matisse, Léger, and Klee. “These paintings belong to an artistic style condemned by the Third Reich,” she continued. “Couldn’t we take advantage of this and try to keep them? [*Ne pourrait-on en profiter pour essayer de les garder?*]”<sup>59</sup>

A few years later, after the Liberation, French museum officials again faced a situation in which works of art from Jewish collections, some of which would enhance public museums, lacked a legal private owner. According to a decree instituted on 30 September 1949, all unclaimed works were to be held by the Domaines agency, which would sell them at public auction. Realizing that these works most likely would be bought by foreign collectors and exported abroad, the museum administration sought

permission to hold some of the works, as it did when exercising its right of first refusal on sequestered collections under Vichy.

As a result, the decree of 30 September also created two *commissions de choix* (selection commissions), one that would cull art objects worthy of museum collections and another that selected books and manuscripts. Jaujard headed the art commission, which also included the following fine arts officials: Jean Cassou, who had been reintegrated into the administration as curator of the national Modern Art Museum; and three Louvre curators, Pierre Verlet, René Huyghe, and Marcel Aubert, from the departments of art objects, paintings, and sculpture, respectively. Representing other government divisions were the director of the Domaines agency, the director of civil affairs in the Ministry of Justice, a magistrate, and the director of the OBIP. The commission met eight times between 1949 and 1953, reviewing thousands of objects. Minutes from these meetings provide little information about criteria used in selecting pieces. It appears that decisions were made rapidly, without much discussion about the merit of each object. In all, the commission retained more than twenty-one hundred pieces, describing them as “high quality paintings, worthy of the Louvre, then works by secondary masters that are signed and dated, or curious and rare works destined for rooms in the Louvre and its storage reserves.” Some paintings would be presented to historical or provincial museums. Commission members also sought to “seize the opportunity to begin a collection of works destined for embassies, ministries, and other official organizations.”<sup>60</sup> These pieces included more than nine hundred fifteenth- to twentieth-century paintings, six hundred decorative objects, sixty sculptures, and twenty Greek and Roman antiquities. Most of the chosen pieces had been sold on the wartime art market, either by individuals or dealers, and two hundred pieces had been looted by the ERR.<sup>61</sup> The Domaines agency then took control over the 12,463 objects not selected by the commissions and oversaw their liquidation at public auctions between 1950 and 1953. The agency exhibited the items prior to auctions and provided descriptions and illustrations of the most valuable pieces in its official bulletin.<sup>62</sup>

The art commission created abbreviations for the selected objects: MNR (musées nationaux récupération, for paintings), OAR (objets d’art récupération), and Rec for drawings and other minor pieces. (For the sake of clarity, I will refer to the works collectively as MNRS, the best-known abbreviation, which also covers the majority of objects.) The Direction des

musées distributed the objects to public museums throughout France, the most important pieces reserved for the Louvre and other national museums in the Paris region. As stipulated in the 1949 decree, the museum office made a list of the selected objects available to the public, and the works were displayed at the Compiègne charreau, a national museum, from 1950 to 1954.<sup>63</sup>

The unclaimed art was largely forgotten as successive administrations maintained the status quo and kept the works in French museums. This postwar policy served the interests of the museum administration by keeping important paintings and other objects in France, preventing sales to foreign buyers. It also allowed museums to display these examples of the French artistic patrimony to the public. While the MNRS may have provided a public service in this respect, they also conveniently expanded the holdings of the museum system during the penury of the postwar reconstruction period.

The policy recalls Huyghe’s plans for the sequestered collections, even though the MNRS were not fully integrated into French museums. The postwar commissions could have taken a further step toward outright acquisition by establishing a deadline for restitution claims, after which the objects would become part of the national collections. The Direction des musées had considered this possibility, but such a law never materialized.<sup>64</sup> Instead, the postwar administration continued to classify them as “recovered.” Yet the Direction des musées also made no effort in the following years to search for the works’ rightful owners—despite holding 919 boxes of provenance archives, inventories, and documents created by the German ERR, today housed at the French Ministry of Foreign Affairs.<sup>65</sup>

One can argue that the Direction des musées should have tried to use the documents to link the objects to survivors or heirs rather than place the burden of proof on claimants—a more ethical approach, from our twenty-first-century perspective. Given norms of the time, however, such an effort was unthinkable, and I have found no evidence that it was even discussed. By maintaining the status quo, arts officials were respecting common practices; their counterparts in Belgium and the Netherlands followed similar procedures.<sup>66</sup> A challenge remains to study this period more extensively and continue deepening our understanding of those norms and the actions taken by Jaujard, Huyghe, Salles, and their colleagues, when holding not only assets from Jewish art collections but ownership documentation that could have linked objects to survivors or heirs.

In the private sector, art dealers stymied claimants' restitution efforts by refusing to grant access to wartime sales records. An estimated 80 percent of art dealers in France sold works to Germans during the war, either directly or indirectly. They often knew that pieces came from looted collections and did not record the sales in their accounting books. According to a German officer who was questioned by Allied forces after the war, "The cleverest buyers and sellers never filled out forms or issued receipts. . . . Many of the transactions were done in complete secrecy, or using third parties."<sup>67</sup> Renowned French dealers who were involved in such transactions included André Schoeller, who facilitated sales to the Folkwang museum in the Ruhr valley, and Paul Caillex, whose clients included high-ranking German leaders.<sup>68</sup>

In January 1945 members of the French art dealers' syndicate discussed these issues in a closed meeting, the details of which were leaked to the French provisional government. The art dealers agreed to conceal information about wartime sales and deny any involvement in illegal art trafficking. Postwar legislation, moreover, has not required them to share private sale records. The key role played by German art dealers in France, such as Werner Grote-Hasenbalg and Karl Habersstock, makes research of potential claimants all the more difficult.<sup>69</sup>

Rose Valland, who became a national museum curator after returning to France from Germany, continued to pore over the art recovery archives into the 1970s. Some members of the museum administration grew frustrated by her continuing preoccupation with the unclaimed pieces. In 1965, the director of French museums, Jean Châtelain, instructed her to leave the past behind.<sup>70</sup> Hubert Landais, the former head of administration for French museums from 1977 to 1987, later described the situation as follows: "It is a very bizarre story. We never attempted to look for the owners. I realize how surprising that must seem. The weak point in the justification offered by museum administrators is that no one in the last fifty years has taken the initiative."<sup>71</sup>

The museum administration was able to maintain this position until the mid-1990s. A few factors converged at this time, prompting greater public and journalistic scrutiny. Perhaps most important, a new generation had come to power whose members had not participated in the Vichy regime. François Mitterrand's past involvement with right-wing associations, his well-known connections to Vichy police chief René Bousquet, and his belated conversion to the Resistance helped maintain an official

silence about the Vichy regime's role in the Holocaust into the early 1990s. However, on 16 July 1995 newly elected Jacques Chirac—who was only thirteen years old in 1945—was the first French president to recognize the responsibility of the French state and the French people in the deportation of Jews.<sup>72</sup> He did so in a ceremony honoring Jewish victims on the fifty-third anniversary of the infamous Velodrome d'hiver roundup, in which French police forces arrested and detained an estimated seven thousand Jews, including four thousand children, and detained them for five days in an indoor cycling arena without adequate food, water, or bathroom facilities.<sup>73</sup> This presidential declaration was followed by similar statements from a wide range of organizations, including members of the French police whose predecessors carried out the July 1942 roundup, in a kind of collective mea culpa. At the same time, special-interest groups in the United States and Europe began to mobilize and demand compensation from banks, businesses, and governments for the material and psychological hardships that Jews had endured during the Occupation.

Within this broader reevaluation of French responsibility in the persecution of Jews, journalists began to investigate the role of the French museum administration in the confiscation of Jewish art collections. Hector Feliciano stirred controversy in 1995 when he published *Le musée disparu*, the French edition of *The Lost Museum* (1997). Feliciano analyzed the museum administration's mishandling of the MNRRs, emphasizing the agency's failure to do ownership research using the classified provenance archives. Since the public could not yet gain access to these archives, Feliciano used duplicate copies that had been given to American forces during the recovery effort and are now held at the National Archives in Washington, D.C. In a matter of months, he traced the probable owners of a few paintings, demonstrating that the French government could do the same using its own copies of the archives. Perhaps not by mere coincidence, the Musées de France conducted its own research on three paintings that Feliciano had studied—*Léger's Woman in Red and Green* (1914), Picasso's *Head of a Woman* (1921), and Gleizes's *Landscape* (1911)—and eventually returned them to the Kann and Rosenberg families. These paintings are three of only six twentieth-century pieces that the Musées de France has returned since 1997.<sup>74</sup>

Unfortunately, those who investigate cases of looted art are also susceptible to opportunism. In July 2001 Feliciano surprised the art world by filing a lawsuit against Elaine Rosenberg, the widow of Paul Rosenberg's son, alleging that she had broken an oral agreement to compen-

sare him for finding the family's lost paintings. Feliciano contended that Mrs. Rosenberg owed him 17.5 percent of the estimated \$39 million value of the paintings, or \$6.8 million, which he claimed was a standard recovery fee. Art experts criticized Feliciano's actions, arguing that there is no such standard finder's fee in art recovery cases. Nearly two years after filing the lawsuit, Feliciano replaced his initial legal team, and his new attorney, Michael Dowd, blamed his predecessors for failing to produce documents or depose witnesses to support Feliciano's claims. New York State Supreme Court Justice Charles E. Ramon dismissed the case in February 2003, at Mr. Dowd's request.<sup>75</sup>

As the MNRS increasingly became a nasty public relations problem in the mid-1990s, the Musées de France organized a conference in November 1996 entitled "Pillages and Restitutions: The Fate of Artworks Taken from France during the Second World War" and published proceedings with the same title. Promoting transparency and open discussions, museum officials invited Feliciano to present a paper, along with art historians, Baron Elie de Rothschild, and several current and retired members of the museum administration. The Musées de France also published a catalog listing all the MNRS and launched a Web site with photos of the works of art and all available provenance information ([www.culture.gouv.fr/documentation/mnr/](http://www.culture.gouv.fr/documentation/mnr/)).

Over the next year, however, the Musées de France appeared to make little progress toward restitution. In a major setback to the museum administration's public relations effort, on 28 January 1997 the French daily *Le Monde* ran a damaging front-page headline: "Museums Hold 1,955 Artworks Stolen from Jews during the Occupation," an article co-authored by Feliciano.<sup>76</sup> The newspaper had gained access to a confidential report issued in January 1996 by the Cours des comptes, the French equivalent of the General Accounting Office, and sent to the Musées de France, the budget office, and the Ministries of Justice and Culture. The report declared that since the end of the war, the museum administration had "failed to meet its obligation to publicize" the status of the unclaimed works and had not sufficiently pursued research to find the rightful owners. The issue of the Jewish collections, the report noted, "illustrates how a troubling situation could continue for almost fifty years without alarming anyone, including the Direction des musées de France."<sup>77</sup>

The same week Prime Minister Alain Juppé announced the creation of a new investigative commission that would examine the role of the Vichy

regime in the confiscation of Jewish assets during the war and would recommend means of adequate compensation for victims and their families. As we saw in Chapter 9, Juppé appointed Jean Martéoli, a former Resistance activist and deportee, to head the commission, which would determine who the victims were, calculate the extent of their losses, and define the current legal status of the seized assets. The ensuing report would also "fully inform public officials and our compatriots about this painful chapter in our history."<sup>78</sup>

In the meantime, the Musées de France could no longer avoid pursuing provenance research on the MNRS. This important work finally began at the end of 1998 and greatly increased the rate of restitution. For example, between 1991 and 1998 an average of less than one work was returned each year. Once the provenance research was under way, the Musées de France made nineteen restitutions in 1999 alone. (As of 2010, forty-seven objects had been returned to successful claimants.)<sup>79</sup>

Juppé's commission finally published its findings on 17 April 2000 under Lionel Jospin's socialist government. Some sixty-six researchers had helped produce the multivolume, three thousand–page report. The document accomplished Juppé's previously stated goals in several important ways. It provided detailed information about the Vichy regime's confiscation of Jewish bank accounts, real estate, and cultural objects. The report also launched useful public discussions, serving as a kind of collective catharsis and an important step in the recognition of French responsibility in the persecution of Jews. In more concrete terms, it prompted the French government to create a foundation to promote awareness of the Holocaust, the *Fondation pour la mémoire de la Shoah*. Charged with promoting "history, memory, and solidarity," the foundation supports educational and research projects and celebrates Jewish culture through lectures and exhibits. Its activities are funded by seized Jewish assets previously held by the French state and private institutions, totaling \$385 million.<sup>80</sup>

In its analysis of the museum administration's handling of confiscated works of art, the commission's report, overall, was positive. According to the commission, the museum administration's decision to hold the two thousand unclaimed objects, which otherwise would have been sold at public auction, reflected "a continual concern that is quite noble: the defense and preservation of the national patrimony." However, it did note that decisions about which works of art would be preserved were carried out hastily and with *une extrême légèreté* (carelessness).<sup>81</sup> The report also

indicated “an absence of transparency” in the museum administration’s handling of the MNRS, underscoring its “abandonment of all research for the owners of these works in order to make eventual restitutions.” Yet it also added that “these criticisms—justified for the past—are no longer valid today.” The report then described the efforts of the *Musées de France* since 1996: the Internet site, the launching of ownership research in 1998, and the recent increase in restitutions. The press, overall, did not challenge this positive evaluation of the museum administration. Following the report’s publication, *Liberation* reported that the Martéoli Commission had “tipped its hat to the museums for the ‘in-depth’ research carried out in recent years.”<sup>82</sup>

Although the *Musées de France* deserves recognition for initiating the ownership research in 1998, the Martéoli Commission report missed an important opportunity to provide a critical analysis of the administration’s actions during and after the war. The volume on art looting omits the Schloss affair, with the exception of a reference to the family’s voluntary postwar art sales.<sup>83</sup> One reason for the lack of in-depth scrutiny is that the commission relied on the *Musées de France* to provide the volume, overseen by Isabelle le Masne de Chermont, at the time head of libraries and archives for the *Musées de France*, and Didier Schulmann, director of documentation at the National Museum of Modern Art. Le Masne de Chermont and Schulmann had extensive knowledge of the museum system and its archives, but their role in editing the report may have created a conflict of interest, particularly in the wake of the agency’s public relations difficulties in the late 1990s.

In its contribution to the Martéoli report, the *Musées de France* described the confiscation of Jewish art collections solely in terms of German activity, which led to a blunt declaration in the general report that the art pillages were “a German affair.”<sup>84</sup> This conclusion is based on the distinction between “French spoliation” and “German pillages,” which allowed Le Masne and Schulmann to disregard French attempts to control Jewish-owned works of art—attempts that were made not in an effort to return them to Jewish collectors but to enrich the holdings of French museums. The issue of the sequestered collections received only a few short paragraphs in the museum administration’s contribution to the report. The authors described the sequestration as a clever way to save “key elements of the national patrimony” from “Nazi appetites,”<sup>85</sup> leaving one to assume the works were being saved for the Jewish owners. We see none

of the language of “growth policy” or “filling gaps” that appears repeatedly in René Huyghe’s wartime letters and reports, in archives at the time overseen by Le Masne de Chermont. The Martéoli Commission report also failed to scrutinize adequately the leadership of Georges Salles and Jacques Jaujard in the early postwar period, when the *Direction des musées* mishandled the MNRS. The volume on art looting devotes fewer than four pages to this topic, without specifically naming the men behind the policy. Instead, we read sentences in the passive voice: “One regrets today that research in German, American, and French archives was all but abandoned until its recent reinstatement.”<sup>86</sup>

There are a few possible explanations for this interpretation of events. The staff of researchers who produced the volume on art looting perhaps were unable to spend adequate time surveying with a critical eye all of the documents in the archives of the *Musées nationaux* related to sequestered collections. They also may have interpreted the wartime policy on sequestered collections as part of a double game, following the standard narrative of events. Yet given the number of documents within the agency’s own archives that contradict the narrative, one cannot help wondering if the authors disregarded information that might tarnish the reputation of the *Musées de France*.<sup>87</sup>

A more recent history of this topic produced by the *Musées de France*, again coedited by Le Masne de Chermont, also is misleading. In September 2008, the agency organized a symposium in Paris entitled “The Plundering of Artworks: Acknowledging and Compensating.” The *Musée d’art et d’histoire du Judaïsme* (Museum of Jewish Art and History) in Paris hosted and co-organized the event, which brought together an international group of curators, government officials, historians, and other experts to comment on the restitution process since the 1990s. The museum also held an exhibition of unclaimed paintings, “A qui appartenaient ces tableaux? / Looking for Owners.” An accompanying exhibition catalog in French and English details the history of art looting, restitution challenges, the Martéoli report, and “new approaches” to the issue.

The catalog is an important resource for anyone seeking to understand the fate of looted art and obstacles to restitution, in France and elsewhere. However, again there is insufficient attention paid to the sequestered collections. In less than one page the authors again describe them as “the best means of saving art assets from the clutches of the Occupier.” The payment of 66 million francs likewise is described as having “seriously

limited” results, which misses the larger point of curators’ intentions at the time.<sup>88</sup> The catalog, moreover, includes a section on the Schloss collection but does not address efforts by Huyghe and Jaujard to acquire the forty-nine preempted paintings.<sup>89</sup> Emphasizing discontinuity from Vichy to the Fourth Republic, the authors argue the following related to the sequestered Rothschild art collections:

Their fate is typical of the various orientations of the policy of the Vichy State and the action of the administrations: on the one hand, the regime of racial discrimination introduced by the Pétain government had the incidental effect of providing considerable economic and financial benefits, and on the other hand, there was a desire to preserve the “national” heritage when it was or had been in private hands.<sup>90</sup>

What the authors fail to recognize is that “the Vichy State,” with its desire to preserve what had been in private hands, was not only those leaders who, like Pétain and Vallat, were wholly discredited and purged at the Liberation. It was also civil servants like Huyghe, who initially remained director of paintings at the Louvre, and Jaujard, who was promoted in the cultural administration. It should surprise no one that continuity in cultural policy accompanied this continuity in key personnel.

Perhaps the catalog’s most misguided statement is in the preface, jointly submitted by Bernard Kouchner, minister of foreign affairs, and Christine Albanel, minister of culture and communication. The authors confidently proclaim, “The acronym MNR is evidence of French policy implemented during the immediate post-war years to identify the owners and return their property to them. We are proud of this policy.”<sup>91</sup> Given revelations since the mid-1990s of postwar museum policy and the lack of effort to return the objects to owners once the MNR designation was created, as acknowledged in the Martéoli Commission report, this claim seems highly disingenuous.

### Whose World Heritage?

While the historical narrative produced by the *Musées de France* has remained deceptive, the agency has made a commendable effort in pursuing research on the MNRs and raising international awareness of restitution issues. It seems fitting that the French would take a leadership role in this area of cultural affairs, asserting a special expertise in the management of public collections, as they have since the Louvre became a national mu-

seum during the French Revolution. The French also have played an influential role in shaping notions of a world heritage. Headquartered in Paris, UNESCO’s World Heritage Center has adopted a global interventionist approach, identifying and preserving sites of value to all humankind in a kind of patrimonial civilizing mission. The 1972 Convention concerning the Protection of the World Cultural and Natural Heritage has facilitated international cooperation in the preservation of selected sites around the world. In 2010, the list contained 911 properties in 148 countries, including 704 cultural sites, 180 natural sites, and 27 properties with both cultural and natural elements. In this established canon of treasures with “outstanding universal value,” some sites would be recognized by many people in the United States and Europe: the Taj Mahal, the Great Wall of China, Chartres cathedral, the Yellowstone and Grand Canyon national parks, and—the French Third Republic’s gift to the United States—the Statue of Liberty. Other sites such as Nigeria’s Osun-Osogbo Sacred Grove are less known outside the home country.<sup>92</sup>

In the summer of 2007, UNESCO’s World Heritage Center was quick to distance itself from a bold experiment in the democratization of heritage site selection. In 2005, the nonprofit New7Wonders Foundation, created by Swiss filmmaker and curator Bernard Weber, launched a competition in which anyone with access to a telephone or the Internet could select seven sites as “the New 7 Wonders,” updating the 2,000-year-old list. Using the motto “Our Heritage Is Our Future,” the foundation’s goal was to heighten awareness of “the destruction of nature and the decay of our man-made heritage,” with the hope of saving sites by “publicizing their beauty and highlighting their plight to the international community.” The campaign generated excitement around the globe. The government of Peru opened computer terminals in public areas to encourage people to vote for Machu Picchu, Brazilian soccer players campaigned for the Christ Redeemer statue, and Chilean president Michelle Bachelet urged Chileans to cast a vote for Easter Island.<sup>93</sup> After tallying millions of votes, the foundation announced the new seven wonders in an elaborate ceremony in Lisbon, Portugal, on the cleverly symbolic date of 7 July 2007. Celebrities such as Hilary Swank, Jennifer Lopez, and José Carreras headlined the highly publicized event, culminating in the announcement of winners: the Great Wall of China, the rock-carved village of Petra in Jordan, Rio’s Christ Redeemer statue, Machu Picchu, Mexico’s Chichén Itzá, the Roman Colosseum, and the Taj Mahal.<sup>94</sup>

Despite the campaign's international popularity and success in heightening awareness of important cultural sites around the world, UNESCO was quick to criticize it as "more directed toward commercial purposes than the conservation of heritage." Yet the foundation became an official partner in another United Nations program, the Millennium Development project to combat global hunger and poverty. The foundation further claims that "50 percent of all net revenue . . . is to be used to fund restoration efforts worldwide," having generated funds through donations and broadcasting rights for the televised announcement ceremony. Voting campaigns continue, including the selection of the top natural wonders of the world. But the Web site features many other, less seemingly campaigns (best female Asian singer, best-looking football [soccer] player).<sup>95</sup> Time will tell if Weber can focus attention and resources on truly valuable restoration to historic and natural sites, working in cooperation with local and national communities.

The tech-savvy, global approach of the New7Wonders Foundation—devotees can friend them on Facebook and follow them on Twitter—feels far removed from the low-tech offices of Paris and Vichy, where French civil servants during the Second World War discussed and wrote about the importance of heritage. These men were mindful of the value of heritage in shaping identity, as well as its potential for fostering economic growth, and believed in the intrinsic value of a cultural patrimony that must be protected for the common good. Those core twentieth-century ideas are not so far from the essential, twenty-first-century aims of Bernard Weber. Yet also common to both eras is the danger of excess in the noble drive to preserve.

## Conclusion

IN MARCH 1949, Louvre curator Pierre Verlet inspected a sequestered art collection; he had been charged with the task of evaluating whether the pieces were worthy of state palaces or museum collections. These pieces were not formerly owned by Jews or Vichy's other state enemies but by Philippe Pétain himself, now imprisoned on the island of Yeu. Verlet issued his report to the director of French museums, Georges Salles, describing a sorry collection of knickknacks and bric-a-brac. Many of the objects were "unusable": embroidery, wood or metal work that at times showed notable artisanal craftsmanship but also "hideous taste, filled with *françaises* [the Vichy two-headed harchet symbol]," and stars. Other worthless objects, in his view, included engraved glass plaques, candy dishes, Sèvres vases with the inscription "a gift from the Marshal," evidently unoffered, and "an awful Limoges painted enamel portrait."

More promising, however, were two complete Sèvres porcelain services and a silver flatware service. All of these items also bore the *française*, but, according to Verlet, the symbols could be simply removed or covered up. Once redecorated, the porcelain could be used at official residences, and a flatware service of knives and forks with ivory handles could be used at Rambouillet or the music pavilion at the Hôtel Mari-gnon. Vichy emblems on a coffee and tea service made by Puiforcat, a prestigious French silversmith, could be replaced by insignia of the Republic and used at the presidential Elysée Palace. This recycling of Vichy pieces made sense to Verlet, as the items would not fetch a good price if the state property agency tried to sell them at public auction.<sup>1</sup>

Verlet's recommendations, however, go beyond mere practicality. Beneath the Vichy symbols, the objects made by prestigious French firms were part of an enduring French *patrimoine*, the value of which transcends any short-term government. Vestiges of the Vichy regime could be scraped

away or covered up, making the pieces worthy of elegant republican banquets. One imagines Fourth Republic officials who had once served the Vichy regime winning and dining at state palaces, networking over meals served on the redecorated silver and porcelain.

Continuities from the Third Republic to Vichy and the postwar period thus took many forms. As demonstrated throughout this study, the Vichy regime drew on ideas from the Third Republic in implementing cultural reforms to protect the French *patrimoine artistique*, and postwar governments retained several key measures. One might wonder whether it truly matters that these cultural reforms were promulgated under Vichy, as cultural policies were trending toward centralized preservation before the war and the wartime measures were only fully implemented afterward. Yet the Vichy years do matter because attention only to continuities from the Third to Fourth Republics would overlook the specific circumstances of the Occupation—the rupture that fostered reform.

The Occupation created a propitious moment for the development of patrimonial legislation, particularly from 1940 to 1942, as a result of the convergence of several factors. The war and presence of German troops created a new urgency for state protection of public art collections, historic sites, and archaeological artifacts threatened by Allied bombs and Nazi looting. The absence of parliamentary governance then enabled officials to promulgate new legislation with relative ease and efficiency. A few activist civil servants—Carpino, Hauteceur, and Jaujard—prioritized conservation policy and convinced other key figures such as Pétain and Bouthillier that reform measures should be implemented immediately.

In addition, these wartime measures reflect traditionalist notions of *patrimoine* that arose specifically in the context of war and defeat, a point that histories of postwar cultural policy commonly neglect. For Hauteceur and Carpino, protecting the French patrimony bolstered objectives of the National Revolution in rebuilding the French spirit along conservative lines and strengthening the nation's moral fiber. Hauteceur, in particular, envisioned cultural reforms as a way to help reshape the French soul in the wake of the defeat, combating what he considered the most dangerous trends in modern French society—excessive individualism, materialism, secularism, and socialism.

It would be a mistake, however, to exaggerate the coherence of these wartime measures and the extent to which they were implemented during

the Occupation. Most were piecemeal measures, at times initiated by Carpino, other times by Hauteceur and Jaujard. They did not constitute a planned, more coherent patrimonial policy, the sort that only developed later in the 1960s and 1970s. Full implementation of the laws was continually stymied by a lack of adequate state funding, German requisitions of resources and labor, and the logistical difficulties of a government operating in divided and occupied territory. These significant obstacles to domestic reform make the goals of fine arts leaders under Vichy seem all the more quixotic. Yet they established a policy foundation that postwar administrations would further develop, particularly under André Malraux's Ministry of Culture (1959–1969), with Jaujard serving Malraux as secretary general until 1967.

This case study of the Vichy regime shows that the evolution of patrimonial policy is not merely one of triumphant progress. The circumstances of war and deprivation led the arts administration to allow the destruction of hundreds of bronze statues in France, most of which were recycled into armaments in Germany. The Vichy regime's exclusionary laws, moreover, stripped Jews of citizenship and property rights, leaving thousands of valuable works of art “ownerless” and vulnerable to looting and appropriation. The wartime policy of saving sequestered art through the right of first refusal continued in the form of the museum administration's postwar guardianship over unclaimed art from looted collections. French leaders' actions reflect cultural property norms of the time, relying on claimants to provide proof of ownership instead of using the documents they held to find owners. Today, however, opportunism is apparent in both the wartime and postwar policies toward “ownerless” art, providing clear examples of patrimonialism. So long as the guardianship exists, the Musées de France will have a duty to continue pursuing research whenever possible and raising awareness of restitution issues.

This history raises the difficult question of whether anti-Semitism influenced arts policy. Official correspondence among these leaders shows no hint of anti-Semitism. Jews such as David David-Weill were among the most important benefactors of museums and leaders of advisory councils before the war and dear friends to many in the museum administration. Yet when examining cultural property norms in the early postwar years, one has to ask whether anti-Semitism helped prolong the guardianship over the MNRs without efforts to return works to victims or heirs—not the overt, violent sort of literary anti-Semitism expressed by men like Bon-

nard, but a more subtle, latent, and durable variety. It is a question with no easy answers, but worth asking and exploring nonetheless.

Today in France, a general societal consensus on the importance of *le patrimoine* has had clear positive effects. As Hauteocour and his Vichy colleagues foresaw, effective cultural preservation sustains a dynamic and vital tourism industry. The nation's well-preserved chateaux, cathedrals, and pristine medieval villages help make France the most visited country in the world. In 2007, some 80 million French and foreign tourists spent 117.6 billion euros in France, totaling 6.2 percent of the French gross domestic product.<sup>2</sup> *Le patrimoine* displays the grandeur of France to these visitors, from the palace of Versailles to I. M. Pei's glass and metal pyramid in the Louvre courtyard.

With the heightened awareness of cultural heritage comes new challenges. While the very idea of France seems to be tied to the definition of *le patrimoine*, ever-expanding parameters threaten to dilute the concept. With the revival of the *Inventaire général* in 1964, the definition of cultural heritage expanded from the fine arts and pre-1800 historic sites to include modern buildings and works of art, as well as everyday objects that in some way reflect French genius. Once the little dessert spoon becomes part of *le patrimoine*, how do the French ensure that the concept retains gravitas?<sup>3</sup>

Some also would argue, as André Chassel has suggested, that too much state intervention in this area has made the French overly dependent on regulation. This reliance on the state, "so characteristically French," he argues, can actually foster public indifference and a kind of administrative inertia.<sup>4</sup> As Alain Guéry puts it, "The originality of the French is to have made the common good into an attribute of the state. In the minds of the French today, it is the state's duty, and its alone, to implement all that is necessary for the realization of the common welfare."<sup>5</sup> Seen in a more positive light, the expertise of French curators, conservators, and other civil servants, many trained by the state in the Institut national du patrimoine (National Institute of Patrimony), appears to guarantee a continuing important role for France on the world stage in cultural and patrimonial affairs.

This case study of France during the Second World War, on a broader level, is useful for understanding postwar international cooperation to protect cultural patrimony. With massive Nazi looting and widespread destruction from bombing by Axis and Allied powers across Europe, the war is a milestone in the twentieth century toward greater appreciation and preservation of heritage, building on protections afforded after the First

World War. The Nuremberg trials of 1945–1946 codified art plunder as a war crime, and the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict expanded previous measures to protect cultural heritage in wartime.<sup>6</sup>

Unfortunately, the priorities of war at times override concerns for art and heritage. Iraq ratified the 1954 Convention in 1967, but forces under Saddam Hussein looted the Kuwaiti National Museum in the 1990 invasion. War in the former Yugoslavia in the early 1990s claimed numerous important sites, such as the national library of Bosnia-Herzegovina and the Stari Most Bridge in Mostar, both destroyed by Serb shelling.<sup>7</sup> Although the United States was not a party to the 1954 Convention during the Persian Gulf War of 1990–1991, having signed but not ratified the treaty, the U.S. military claimed to have respected its provisions by establishing no-strike zones around important historical and archeological sites. The effort appears to have been genuine, coordinated among coalition forces, and largely effective, demonstrating an awareness of the 1954 Convention and the importance of Iraqi and Kuwaiti heritage. However, in the 2003 U.S.-led invasion of Iraq, members of the George W. Bush administration, including Secretary of Defense Donald Rumsfeld, disregarded pleas from archeologists and other experts to protect Iraqi art and heritage. As a result, U.S. forces failed to prevent the looting of thousands of precious objects in the Iraqi National Museum. According to Wayne Sandholtz, this devastating loss of art and artifacts from the earliest human civilizations prompted a new cycle of international cultural property norms that, one hopes, will prevent the loss of heritage in future military operations. Partly in reaction to international outrage over the looting in 2003, the U.S. Senate finally ratified the 1954 Convention on 25 September 2008. The United States is now among 123 states that are parties to the treaty, including most European countries except Andorra, Ireland, and the United Kingdom.<sup>8</sup>

Along with conventions to protect cultural heritage in wartime, the postwar period yielded greater international cooperation in establishing ethical guidelines for museum acquisitions. In 1946, a group of museum directors, including Georges Salles, founded the International Council of Museums (ICOM), a nongovernmental organization with twenty-eight thousand members—museums and museum professionals—in 137 countries. Housed within the UNESCO headquarters in Paris, ICOM is "committed to the conservation, continuation and communication to society of the world's natural and cultural heritage, present and future, tangible and

intangible.”<sup>9</sup> It adopted a Code of Professional Ethics in November 1986, retitled the Code of Ethics for Museums in 2001 and most recently revised in 2004. The code “sets minimum standards for professional practice and performance for museums and their staff, including guidelines for acquisitions, the return of cultural property “to a country or people of origin,” and appropriate relationships with the communities museums serve.<sup>10</sup>

International treaties and conventions have further aimed to prevent the illicit trade of objects looted during the Second World War. In 1998 the Washington Conference on Holocaust-Era Assets, sponsored by the U.S. State Department, produced a set of nonbinding restitution principles, approved by representatives from forty-four countries. Five years later the European Union initiated talks to establish a common set of rules to settle claims over looted assets.<sup>11</sup> As discussed previously, the *Musées de France* and the Museum of Jewish Art and History in Paris cohosted an international symposium in September 2008 on restitution issues and challenges. Several months later, the European Union sponsored a conference in Prague on Holocaust-era assets. The conference yielded the nonbinding Terezin Declaration on 30 June 2009, signed by forty-six countries—including France, Germany, and the United States—who agreed to promote just and fair resolutions to asset disputes.<sup>12</sup>

Outside the realm of Holocaust-era assets, countries also have coordinated efforts to prevent illegal trafficking of art and antiquities. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property aimed to prevent trafficking in objects considered part of a nation’s cultural patrimony. As of 2010, some 120 countries were parties to the Convention, at least agreeing to its central principles. Among these parties, France and Germany ratified the treaty in 1997 and 2007, respectively, while the United States has avoided ratification.<sup>13</sup>

Despite cultural property norms established by professional codes of ethics and international treaties, numerous heritage disputes around the world remain intractable, at times degenerating into lengthy and highly publicized lawsuits. An ongoing dispute between Britain and Greece over Parthenon sculptures also known as the “Elgin marbles” dates to the early 1800s, when Lord Elgin, British ambassador to the Ottoman Empire, removed the sculpture fragments from the Parthenon. Held by the British Crown since 1816, the marbles are housed at the British Museum, which has repeatedly rejected Greek claims to them.<sup>14</sup> Over the past thirty years,

museums in the United States have been embroiled in numerous ownership cases. Former curator of the J. Paul Getty Museum in Los Angeles, Marion True, testified in a Rome court on 20 March 2009 regarding her role in antiquities acquisitions between 1986 and 2005. In a trial that began in 2005, True and American antiquities dealer Robert Hecht have faced charges by the Italian government of knowingly acquiring looted objects. Meanwhile, the Getty agreed to return to Italy forty objects from its collection, some of which had been under scrutiny in True’s trial. Though the restitution had no effect on the case, it reflected Getty officials’ desire to quiet the international controversy. The Italian government has made similar charges against the Metropolitan Museum in New York and the Museum of Fine Arts in Boston.<sup>15</sup> Domestically, museums in the United States face restitution claims from Native American nations. With an increased awareness of their cultural patrimony, Native Americans have claimed their right to recover from museums sacred objects lost over the past two hundred years to successive waves of settlers, vandals, and fortune seekers. Congress responded to these claims in 1990 by creating the Native American Graves Protection and Repatriation Act (NAGPRA), which allows tribes to recover treasured pieces of their heritage.<sup>16</sup>

The Louvre also has faced high-profile claims. In 2008, the Egyptian government accused the museum of purchasing four fresco fragments in 2000 and a fifth in 2003 that it knew may have been stolen from an Egyptian tomb in the 1980s. Questions about the fragments’ origins had been raised in November 2008, when a team of archeologists found a 3,200-year-old tomb in the Valley of the Kings, near Luxor, from which the frescos appeared to have been stolen. French minister of culture Frédéric Mitterrand convened an advisory committee of the nation’s museum administration to review the evidence provided by Egypt. The committee confirmed unanimously that the pieces most likely had been illegally removed from the tomb. Putting more pressure on the French government, Egyptian officials suspended archeological cooperation with the Louvre on 7 October 2009, announcing that the research projects would resume when the fragments were returned to Egypt. The French could no longer avoid restitution, though Mitterrand continued to assert that the Louvre had purchased them “in good faith.”<sup>17</sup> The case shows how cultural property norms have shifted since the Second World War. Curators and museum directors are under much greater media and public scrutiny to ensure that acquisitions have been fair and ethical. Negative press and the appearance of scandal

can be damaging enough to prompt restitution, even when officials may be able to claim a *legal* right to hold the objects in question.<sup>18</sup>

International agreements to prevent art trafficking are only as strong as national regulations established by individual countries. A lack of adequate cultural and archeological regulation still exists across the globe in antiquities-rich nations—developing former colonies as well as developed former colonizers like Italy. With so many potential buyers in the art market willing to pay high prices, through the black market and legal sales, looters remain motivated to bolster supply. As David Lowenthal argues, “The growing worth of heritage aggravates conflicts over whose it is, what it means, and how to use it.”<sup>19</sup>

There is a tension common to disputes over Holocaust-era assets and objects claimed as cultural patrimony: the mission of museums to acquire, preserve, and display art versus property ownership rights claimed by other parties. On the one hand, museums showcase extraordinary examples of human genius, democratizing culture for the benefit of the collective. On the other hand, disputes over acquisitions carried out years or decades ago call into question the museums’ right to use certain objects in carrying out their mission. The art market exacerbates this tension, promising great profits to successful claimants who are willing to sell recovered art.

As these disputes play out, some may lament that we have entered an age of increased patrimonial litigation. Cultural historian Dominique Poulot prefers to see our time in a positive light, suggesting that heightened public awareness of cultural justice issues may foster a “new age of ethical patrimony.”<sup>20</sup> Such a cultural environment would entail a widespread and global recognition of the ways in which people have plundered the heritage of others and a willingness among curators and political leaders alike to relinquish objects once stolen from colonies, tribes, exploited communities, or societies that lack adequate cultural protections. Governments around the world also would need to regulate archeological sites on their territories to diminish the market supply of looted artifacts, perhaps drawing inspiration from French legislation—created under Vichy. With market forces strong and regulations weak, the ideals of Poulot’s ethical age may continue to elude us. Yet there appears to be widening acceptance of a self-evident truth that governments, museums, and other institutions have a solemn duty of just restitution in response to just claims. This may be the most valuable lesson to be learned from the legacy of Vichy patrimonial policy.

## Reference Matter

11. *Ibid.*, 104–105.
12. See Bertrand Dorléac's interview of Cassou, 3 May 1983, in "Art, culture et société," vol. 2, 425–430.
13. Bazin, *Souvenirs de l'exode du Louvre*, 107–108, 123.
14. Huyghe, *Une vie pour l'art*, 148–149.
15. According to Bazin, Jaujard refused to recommend Huyghe for the Resistance Medal, as the latter had combined duties as depot director and Resistance member. See Bazin, *Souvenirs de l'exode du Louvre*, 121.
16. See Carcopino's trial dossier in AN 3W 121, 80–83; AN 3W 122, *Le pilori*, 9 April 1942; statement by the general prosecutor, 10 July 1947, AN 3W 122. On anti-Semitic legislation, Carcopino wrote the following: "The truth is that overall, the government to which I belonged sought to escape the brutal application of laws that the Nazis had imposed on the Marshal and, in my case, I fought as much as I could to deflect the blows." Carcopino, *Souvenirs de sept ans*, 358.
17. Corey-Debray, "Le ministre Carcopino," 301–302, 358.
18. Notice of pension payment, 5 January 1950, BIF MS 6890; letter from Yvon Delbos to Louis Hautecoeur, 16 March 1950, BIF MS 6890.
19. Letter from Louis Hautecoeur to Yvon Delbos, 11 March 1950, BIF MS 6890; Balon, "History of Louis Hautecoeur," in Pollock, *Education of the Architect*, 221.
20. Hautecoeur, *Les beaux-arts en France*, 303.
21. "Arrêt de condamnation," trial of Abel Bonnard, 4 July 1945, AN 3W 82; Namer, "La politique artistique de Vichy," 82.
22. "Acte d'accusation," trial of Abel Bonnard, n.d., AN 3W 77.
23. *Ibid.*
24. Deposition of Jacques Jaujard during the second trial of Abel Bonnard, 4 May 1959, AN 3W 82; deposition by Georges Hilaire during the second trial of Abel Bonnard, 11 March 1959, AN 3W 82.
25. Deposition of Jacques Jaujard during the second trial of Abel Bonnard, 4 May 1959, AN 3W 82; deposition of Louis Hautecoeur during the second trial of Abel Bonnard, 8 June 1959, AN 3W 82.
26. See "Acte d'accusation," n.d., AN 3W 77. (Other documents in the series suggest a date around 6 June 1945.)
27. See Le Masne de Chermont and Sigal-Klagsbald, *A qui appartenait ces tableaux?* 34–35.
28. Cited in Châtelain, *Droit et administration des musées*, 20.
29. *Ibid.*, 19–20; "Ordonnance n° 45-1546 du 13 juillet 1945 portant organisation provisoire des musées des beaux-arts," *Journal Officiel de la République Française*, 14 July 1945, 4342–4344.
30. The 1945 validation also nullified the law of 21 January 1942, which had divided the archaeological administration into districts. The *exposé des motifs* stated that this measure would be modified in a subsequent decree. See "Ordonnance n° 45-2092 du 13 septembre 1945 portant validation de l'acte dit loi du 27 septembre 1941 . . .," *Journal Officiel de la République Française*, 14 September 1945, 5750.

31. On the 1992 export law, see Châtelain, *Droit et administration des musées*, 611–617; on protection of areas adjacent to historic monuments, see Poulain, "Un exemple de la continuité de la politique du patrimoine sous le régime de Vichy: La loi sur les abords des monuments historiques," in Poirrier and Vadelorge, *Pour une histoire des politiques du patrimoine*, 335–349; on regulations concerning commemorative monuments, see "Décret du 16 janvier 1947 portant réglementation pour l'érection de monuments commémoratifs," *Journal Officiel de la République Française*, 18 January 1947, 702.
32. Louis Hautecoeur wrote in his memoirs that he commissioned artists "to substitute mediocre works with ones that, we hope, will be better." See *Les beaux-arts en France*, 315–316.
33. "Décret du 16 janvier 1947 portant réglementation pour l'érection de monuments commémoratifs," article seven, *Journal Officiel de la République Française*, 18 January 1947, 702.
34. Memorandum from the interior ministry, Office of Political Affairs to prefects, 22 September 1951, AN F21 7079; memorandum from Jacques Jaujard to the interior ministry, Office of Political Affairs, 1 October 1951, AN F21 7079.
35. For general histories of patrimonial policy, see Poulain, *Une histoire du patrimoine en Occident*; Audreie, *La notion et la protection du patrimoine*, 15–27; Ministère de la culture et de la communication, *Patrimoine*, 13–69.
36. Letter from Robert Rey to regional commissioners, 20 December 1944, AN F21 7071; letter from Robert Rey to Mlle Lenoir, 14 March 1945, AN F21 7075; letter from M. Montreux to prefect of the Basses Pyrénées, n.d., AN F21 7075.
37. Maurice Agulhon, "La statuomanie et l'histoire," 163–175.
38. Letter from Jacques Jaujard to N. Nèpveu-Degas, secrétaire général of the Comédie-Française, 8 November 1948, AN F21 7075; letter from Horn-Maval, secrétaire du Comité d'amis François Coppée, to Jacques Jaujard, 1 June 1959, AN F21 7075; Poisson, "Le sort des statues," 266–267.
39. Influential studies included Boime, *The Academy and French Painting*; and Mainardi, "Double Exhibition in Nineteenth-Century France," 23–28; as well as Mainardi's *The End of the Salon*.
40. Malraux cited in Ministère de la culture et de la communication, *Patrimoine*, 63.
41. See Poulain, *Une histoire du patrimoine en Occident*, particularly the introduction, "Histoire, mémoire, patrimoine," 1–24.
42. "La Saxon . . . quelques dates," n.d., Musée d'Orsay documentation center, Falguière dossier. As for Chambéry's two other dismantled statues, the city inaugurated a reconstructed Rousseau in 1955 and reinstalled the monument to the Mairie brothers, which had been found intact at the Etablissements Dumont-Girard in Lyon.
43. These terms appear in a letter from René Huyghe to Jacques Jaujard, 4 July 1941, AN F21 4773.
44. Marrus and Paxton, *Vichy France and the Jews*, 156–157; on the sequestered collections, see Le Masne de Chermont and Schulmann, *Le pillage de l'art en France*, 29.
45. Note from Max Gonfreville to René Huyghe, 22 January 1945, AMN R32 3(3); note from René Huyghe to Georges Salles, 24 January 1945, AMN R32 3(3).

46. Letter from Georges Salles to Mme Prosper-Emile Weil, 16 November 1944, AMN R32 3(3).
47. Note from Jacques Jaujard to Georges Salles, 27 November 1944, AMN R32 3(3); note from Max Gonfreville to René Huyghe, 22 January 1945, AMN R32 3(3).
48. Note from René Huyghe to Georges Salles, 24 January 1945, AMN R32 3(3); letter from Georges Salles to president of the CRA, 16 February 1945, AMN R32 3(3); declaration from Schloss heirs, 25 June 1946, AMN R32 3(3); receipt of paintings signed by Raymond and Henry Schloss, 26 July 1946, AMN R32 3(3).
49. Bazin, *Souvenirs de l'exode du Louvre*, 97.
50. Hamon-Jugnet, *Collection Schloss*. Stated goals for the catalog appear on p. 10; statistics on recovered and nonrecovered pieces, pp. 8–9. An online version contains updated information on restitutions: [www.diplomatie.gouv.fr/archives/dossiers/schloss/index.html](http://www.diplomatie.gouv.fr/archives/dossiers/schloss/index.html). On sales to the Louvre, see the museum Atlas database at [www.louvre.fr](http://www.louvre.fr). The database contradicts Feliciano's assertion that the Schloss family donated the piece to the museum. On the fate of this and other Schloss collection pieces, see Feliciano, *The Lost Museum*, 173–176.
51. For Feliciano's account, see *The Lost Museum*, 178–179; Marylynn Pitz, "Scandal at the Getty Has Far-Reaching Implications for Museums Acquiring New Works," *Pittsburgh Post-Gazette*, 5 April 2006, [www.post-gazette.com](http://www.post-gazette.com); on the restitution, see online version of Hamon-Jugnet, *Collection Schloss*, <https://pastel.diplomatie.gouv.fr/editorial/archives/dossiers/schloss/sommaire.html>.
52. Raphael Rubinstein, "Nazi Loot Finder Sues, Hails Buyer Found Guilty," *Art in America* 89, no. 9 (September 2001): 35.
53. Lynn Nicholas tells the story of the "Monuments Men" in *The Rape of Europe*, also told in a 2006 documentary of the same name, directed by Richard Benge and Bonni Cohen and produced by Actual Films. Robert Edsel honors the men in *Rescuing Da Vinci*, a collection of photographs documenting the recovery effort with a narrative written by Edsel. Rose Valland recounts the recovery of pillaged collections in the last two chapters of *Le front de l'art*.
54. Le Masne de Chermont and Schulmann, *Le pillage de l'art en France*, 37.
55. The OBIP originally was created after the First World War to oversee German reparation payments. It held a similar mission after the Second World War, managing transfers of a wide range of goods from Germany, not only despoiled assets. See *ibid.*, 33–34.
56. *Ibid.*, 33–38; Nicholas, *The Rape of Europe*, 413–414.
57. Baron Elie de Rothschild, "Les collections parisiennes des Rothschild," in Ministère de la culture et de la communication, *Pillages et restitutions*, 60–61.
58. See "Jo et les souvenirs en héritage," *Libération*, 18 April 2000.
59. Rose Valland to Jacques Jaujard, 16 September 1941, AMN R32 2(4).
60. Minutes from commission meeting of 21 December 1949, cited in Le Masne de Chermont and Schulmann, *Le pillage de l'art en France*, 39–40.
61. See Le Masne de Chermont and Sigal-Klagsbald, *A qui appartenaient ces tableaux?*
48. The authors estimate that it is impossible to determine the history of about one-quarter, or roughly five hundred, of the objects.
62. See minutes from the meetings of the Commission de choix, sessions of 27 October, 17 November, 29 December 1949 and 29 May 1951, AMN R20 3(3); Le Masne de Chermont and Schulmann, *Le pillage de l'art en France*, 40–42, 55–56, 97–100.
63. Decree 49-1344, 30 September 1949, *Journal Officiel de la République Française*, 2 October 1949, 9815.
64. Le Masne de Chermont and Schulmann, *Le pillage de l'art en France*, 42–43.
65. These archives came from the CRA, OBIP, and the restitution office of Baden Baden. See Le Masne de Chermont and Schulmann, *Le pillage de l'art en France*, 59–61.
66. Le Masne de Chermont and Sigal-Klagsbald, *A qui appartenaient ces tableaux?* 34–35.
67. Cited in Feliciano, *The Lost Museum*, 127.
68. See *ibid.*, 128–144.
69. Présidence du gouvernement provisoire de la République française, Direction générale des études et recherches, Section des études culturelles, extrait du Bulletin de renseignements, numéro 4, 16 January 1945, AMN R32 3(3).
70. Bouchoux, *Rose Valland*, 114–116; Le Masne de Chermont and Schulmann, *Le pillage de l'art en France*, 12; on Châtelain's advice, see Nicholas, *The Rape of Europe*, 441.
71. Cited in Feliciano, *The Lost Museum*, 221.
72. See Jackson, *The Dark Years*, 621–623.
73. See Marrus and Paxton, *Vichy France and the Jews*, 249–252.
74. See Feliciano, *The Lost Museum*, 219–244; Le Masne de Chermont and Schulmann, *Le pillage de l'art en France*, 10; on the restitution of twentieth-century MNRS, see the Musée national d'art moderne Web site dedicated to MNRS: [www.cnac-gp.fr/musee/mn/index.htm](http://www.cnac-gp.fr/musee/mn/index.htm).
75. Terry Pristin, "Judge Dismisses Writer's Suit over Payments," *New York Times*, 10 March 2003, [www.nytimes.com](http://www.nytimes.com).
76. Philippe Dagen and Hector Feliciano, "Les musées deviennent 1,955 oeuvres d'art volées aux juifs pendant l'Occupation," *Le Monde*, 28 January 1997.
77. *Ibid.*
78. Letter from Alain Juppé to Jean Martéoli, 5 February 1997, cited in Mission d'étude sur la spoliation des Juifs de France, *Rapport général*, 9.
79. Le Masne de Chermont and Schulmann, *Le pillage de l'art en France*, 100; on overall restitutions, see the MNR database at [www.culture.gouv.fr/documentation/mnr](http://www.culture.gouv.fr/documentation/mnr). Click "Consultation de la base," and under "localisation" search "restitué."
80. Mission d'étude sur la spoliation des Juifs de France, *Rapport général*, 174; "Une fondation pour la mémoire," *Le Monde*, 18 April 2000. See the foundation's Web site at [www.fondationshoah.org](http://www.fondationshoah.org).
81. Mission d'étude sur la spoliation des Juifs de France, *Rapport général*, 135.
82. *Ibid.*, 136–139; "Musées: Un tableau en demi-teinte," *Libération*, 18 April 2000, 4.
83. Le Masne de Chermont and Schulmann, *Le pillage de l'art en France*, 41.
84. Mission d'étude sur la spoliation des Juifs de France, *Rapport général*, 79.
85. Le Masne de Chermont and Schulmann, *Le pillage de l'art en France*, 28.
86. *Ibid.*, 38.

87. Ibid.
88. Le Masne de Chermont and Sigal-Klagsbald, *A qui appartenaient ces tableaux?* 20.
89. See *ibid.*, particularly on the Schloss collection, 107–113.
90. *Ibid.*, 21.
91. Bernard Kouchner and Christine Albanel, preface in Le Masne de Chermont and Sigal-Klagsbald, *A qui appartenaient ces tableaux?*
92. See the World Heritage Center Web site at [whc.unesco.org](http://whc.unesco.org).
93. Kathryn Westcott, "More Than a One-Hit Wonder?" BBC News Special Reports, 6 July 2007, [news.bbc.co.uk](http://news.bbc.co.uk).
94. See [www.new7wonders.com](http://www.new7wonders.com).
95. *Ibid.*

## Conclusion

1. Report from Pierre Verlet to Georges Salles, 4 March 1949, AMN R32 7(4).
2. For tourism statistics, see the Web site of the French Finance Ministry, Division of Tourism, [www.tourisme.gouv.fr](http://www.tourisme.gouv.fr). Click on "Statistiques et études économiques/Chiffres clés du tourisme."
3. See Charstel, "La notion de patrimoine," in *Les lieux de mémoire*, vol. 2, 1453–1469; Poulou, *Une histoire du patrimoine en Occident*, 153–190.
4. Charstel, "La notion de patrimoine," 1454.
5. Guéry, "The State: The Tool of the Common Good," in Nora, *Rethinking France*, vol. 1, 46.
6. France and the Federal Republic of Germany ratified the Convention in 1957 and 1967, respectively. The United States signed it in 1954, but the Senate only recently ratified it in 2008. See [unesco.org](http://unesco.org) for the text of the 1954 Hague Convention and a list of signatories; see also Sandholz, *Prohibiting Plunder*, 167–190.
7. Following the defeat of Saddam, the United Nations supervised an airlift of the art and antiquities back to Kuwait in late 1991. On the Persian Gulf War of 1990–1991 and the war in the former Yugoslavia, see Sandholz, *Prohibiting Plunder*, 191–210.
8. Some critics of the United States argue that members of the Bush administration could be tried in international courts for crimes against cultural property. See *ibid.*, 241–259; see also Rothfeld, *The Rape of Mesopotamia*. Andorra, Ireland, and the United Kingdom, along with the Philippines, signed the 1954 Convention but have not ratified it. See [www.icrc.org/ihl.nsf/INTRO/400](http://www.icrc.org/ihl.nsf/INTRO/400).
9. See [icom.museum/mision.html](http://icom.museum/mision.html).
10. Available at [icom.museum/ethics.html](http://icom.museum/ethics.html).
11. See Sandholz, *Prohibiting Plunder*, 211–240.
12. See Terezin Declaration, 30 June 2009, [www.holocausteraassets.eu](http://www.holocausteraassets.eu).
13. Go to [www.unesco.org](http://www.unesco.org) and search "1970 Convention."
14. On modern Greek claims to dispersed heritage, see Lowenthal, *The Heritage Crusade*, 243–245.
15. Elisabetta Povolo, "Getty Ex-Curator Testifies in Rome Antiquities Trial,"

- New York Times*, 21 March 2009, sec. C, 3; Elisabetta Povolo, "Getty Agrees to Return 40 Antiquities to Italy," *New York Times*, 2 August 2007, sec. E, 1. See also Watson and Todeschini, *The Medici Conspiracy*, 80–99, 284–298.
16. See "Sending Them Home: Are Museums Losing Their Grip?" *Economist*, 11 August 2007, [www.economist.com](http://www.economist.com); on NAGPRA, see *Native American Graves Protection and Repatriation Act*, Public Law 101-601, 101st Cong. (16 November 1990).
17. Nathaniel Herzberg, "La France restitue les cinq fresques réclamées par l'Égypte," *Le Monde*, 11 October 2009, sec. "Culture," 21; Dave Irtzoff, "Egypt and the Louvre Resolve Differences," *New York Times*, sec. C, 2.
18. For the perspective of a museum director who defends the right of museums to hold antiquities claimed as cultural patrimony by other countries, see Cuno, *Who Owns Antiquity?*
19. Lowenthal, *The Heritage Crusade*, 248.
20. Poulou, *Une histoire du patrimoine en Occident*, 189–190.