Maria Eichhorn. *Politics of Restitution,* 2003. Detail: wall texts, table with handbook, displays Franz von Defregger, *Portrait of the Painter Franz von Lenbach;* Eduard Grützner, *Peasant Theater in Buch near Schwaz, Tirol;* Eduard Grützner, *Still Life with Roses, Fruits, Pewter Tureen, and Goblets;* Friedrich August von Kaulbach, *Getting Ready for the Festival;* Franz von Lenbach, *Bismarck with Hat;* Hans Makart, *Lady with Plumed Hat Seen from Behind;* Hans Makart, *Portrait of a Lady in Old Dutch Costume.* Photo: Lenbachhaus München. All images courtesy of © VG Bild-Kunst, Maria Eichhorn

Specters of Provenance: National Loans, the Königsplatz, and Maria Eichhorn's "Politics of Restitution"

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"The Zecks [a family name] are all 'heimlich.'" "'Heimlich'? . . . What do you understand by 'heimlich'?" "Well, . . . they are like a buried spring or a dried-up pond. One cannot walk over it without always having the feeling that water might come up there again." "Oh, we call it 'unheimlich'; you call it 'heimlich.' Well, what makes you think that there is something secret and untrustworthy about this family.'"

—Karl Gutzkow, as cited by Sigmund Freud in "The 'Uncanny'" (1919)[1]

Eighty-five years have passed since Freud formally articulated his theory of the uncanny, a theory that has transcended its initial grounding in the individual psyche to be applied to a number of incidences of historical recurrence. Indeed, Freud's meditations on the "uncanny" are particularly prescient today as the dreaded specter of National Socialism continues to haunt Germany, making periodic appearances with an unsettling consistency. More than half a century after the defeat of National Socialism, the topic has hardly been laid to rest. New scandals emerge with stunning regularity. Think, for instance, of the stir that ensued in late 2003 when Peter Eisenman's projected Holocaust Memorial in Berlin was thrown into disarray by the discovery that the manufacturer of the anti-graffiti emollient to be used, Degussa, was in fact directly related to the company that had produced the Zyklon-B gas deployed in the extermination camps. History has an uncanny way of returning at the most awkward times, suddenly revealing the deep and often highly repressed secrets of the most upstanding institutions. This is, after all, what fascinated Freud about the meaning of the word *heimlich;* for it suggests that what is most strange, eerie, and unsettling originates not far away from our experience and feelings (e.g., the exotic, the foreign, the utterly new and alien) but close to home, from the heimlich, the private, and the all-too-familiar, rendered unfamiliar and uncanny through repression.[2]

Unheimlich, or uncanny, is the effect that begins to describe the experience of Maria Eichhorn's exhibition "The Politics of Restitution" (2004), which is installed in the almost bunkerlike space of the Kunstbau in Munich. The ensemble featured sixteen paintings from the collection of the Lenbachhaus. Fifteen of the works passed through the Central Collecting Point in Munich established by the Allies after World War II to collect art objects that the Nazis had confiscated or otherwise improperly obtained in Germany and the occupied countries.[3] These fifteen paintings were on so-called national loan from the Federal Republic of Germany. The rightful ownership of the sixteenth canvas, Max Slevogt's *Trotting Race in Ruhleben,* was established in 2002 upon the initiative of the heirs of the original owner (and independent of Eichhorn's exhibition). Yet, for reasons that will soon become apparent, the artist decided to include it in the exhibition as well. "The Politics of Restitution" also featured documentation regarding the provenance of the paintings, reprints of legal proceedings, two catalogues, a broad selection of books, a report on the state of provenance research at the Lenbachhaus, and a lecture series. In this manner Eichhorn's show opened into a myriad of interwoven histories and concerns that uncannily intersect with contemporary issues regarding the role of provenance, rightful ownership, institutional practices and procedures, and cultural politics.

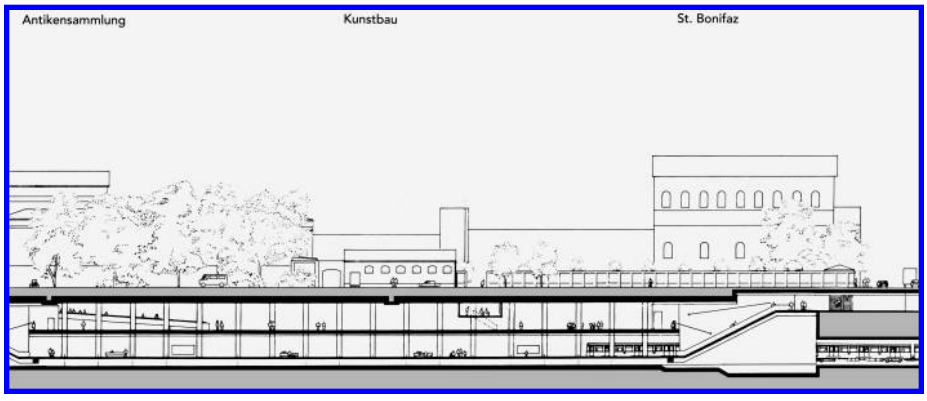
Most immediately, Eichhorn's project specifically concerned the current restitution policy for cultural objects looted by the Nazis. The statute of limitations for making such claims expired in the early 1960s; however, in 1998 the international Washington Conference on Holocaust-Era Assets formally and publicly reopened the issue of restitution. The Conference established a set of principles calling for a renewed and vigorous attempt to identify all cultural assets obtained under conditions of Nazi persecution, to research the provenance of these hitherto unclaimed works, and to publicize these findings.[4] The German government responded by asking all state museums to reexamine their collections and investigate the provenance of any artworks whose acquisition record was unclear. Funds were provided for museums throughout Germany to establish provenance-research positions.

Between 1933 and 1945 the Nazis accumulated a vast number of art objects, many of which were forcibly seized from persecuted groups in Germany and in the occupied territories. Even the objects that were acquired by the Nazis through auction houses and galleries, purchased in legally binding contracts, can be called into question given the circumstances.[5] For example, after Hitler annexed Austria in 1938, the Nazis seized one of the largest and most valuable Jewish-owned art collections: that of Louis de Rothschild. Rothschild was then urged to sign a document agreeing to the transfer of all of his assets,

including his art collection, to the Nazis, in exchange for his brother's release from the Dachau concentration camp and his family's safe passage out of Austria.[6] This is of course a celebrated case involving an extraordinary collection. But many individuals and families found themselves in similar predicaments and, under extreme duress, were forced into giving away their possessions to escape persecution.

One of the paradoxical characteristics of the National Socialist elite was that although they were "among the most malevolent and destructive figures in history," they "viewed themselves as arbiters of culture and devoted inordinate time, energy, and resources to artistic matters."[7] This was in part due to Hitler's own megalomaniacal goal to "amass the greatest art collection of all time."[8] The collection, which he began to assemble in the early to mid-1930s (initially purchased with the proceeds from *Mein Kampf*), was to be housed in a monumental new museum, the Führermuseum in Linz, Austria. The operation was referred to as the "Sonderauftrag Linz" and was administered by Hitler's private secretary, Martin Bormann.[9] All the art obtained by the Nazis was initially screened by a commission set up by Bormann at the Nazis' administrative headquarters at Arcisstrasse no. 10 (now Meisserstrasse 10) in Munich Königsplatz.[10] Indeed, most of the paintings intended for the Führermuseum were initially stored in the basement of the Führerbau at Arcisstrasse 12, but as the bombing raids increased during 1944, many of these were transferred to the safer location of the salt mines near the spa town of Bad Aussee, fifty-six kilometers outside of Salzburg, Austria.

At the end of the war the Allies set up the "Monuments, Fine Arts, and Archives Section," which was in charge of restoring these thousands of paintings to their rightful owners. All of the paintings once again passed through the Königsplatz, as the U.S. occupation authorities established the Munich Central Collecting Point depot in the former Nazi Administrative Building at Arcisstrasse 10.[11] The Central Collecting Point, which was commissioned to restitute the works to their legal owners, gathered all cultural objects from southern Germany and the formally occupied territories. U.S. officials administered it until late 1949, at which point the state premier of Bavaria took over. Restitution continued until 1962, after which the remaining items (some 20,000 objects, including over 2,700 paintings), whose provenance either could not be determined or was confirmed to be in order, were legally declared to be property of the Federal Republic of Germany.[12] Two years later the Federal Government presented 1,800 of the remaining paintings and prints in an "information show" at Schloss Schleissheim just outside Munich, and the works were distributed as permanent loans to 102 German museums. These paintings are now always officially labeled "Loan from the Federal Republic of Germany."[13]



Above: Maria Eichhorn. *Politics of Restitution,* 2003. Detail: Subway station Königsplatz, Kunstbau Lenbachhaus München.

Opposite: Maria Eichhorn. *Politics of Restitution,* 2003. Detail: Franz von Defregger, *Portrait of the Painter Franz von Lenbach,* 1895.

If I have spent some time with these historical details, it is in order to emphasize to what extent the history of the city of Munich, and more specifically that of the Königsplatz, is interconnected with the fate of the plundered art. For all of the paintings that compose "The Politics of Restitution" passed through this platz on a number of occasions before coming to rest there somewhat permanently for the past forty-odd years. Thus, for these canvases the Königsplatz and its immediate environs is a historically overdetermined site, crucial both during the Third Reich and in the aftermath. It is one of the central scenes of the crime, as it were. Furthermore, the cavernous space of the Kunstbau in which Eichhorn's exhibition was installed further contributed to this uncanniness, evoking the storage spaces of both the basement of the Führerbau and the salt mines. This is how architect Uwe Kiessler describes his first visit, in the mid-1980s, to this surplus cavity above Königsplatz subway station:

> We descended into this hitherto unknown subterranean realm. Inside the vast, geometrically proportioned concrete cavity, it was cool, dark and quiet, the only sound being the occasional rattling of the subway. The space was a buried treasure left behind by a team of anonymous engineers: a classic example of architecture without architects. Its strangest feature is precisely its familiarity, since it looks like any ordinary Munich subway station. . . . A space with no body, at once convex and concave, an object trouvé.[14]

Kiessler's rhetoric is highly reminiscent of the language Freud employs in his treatise on the uncanny. The cavernous space is both familiar and unfamiliar and contains the possibility of a secret or buried treasure. The space of the Kunstbau replicates that of the standard Munich subway station, measuring roughly 110 meters by 14 meters. The large cavity above the station was the inadvertent result of the construction of a deep subway line (built for the 1972 Munich Olympics) and had remained sealed and unused for two decades. The space, designed by anonymous engineers, constituted a virtual crypt or vault waiting to be filled, an uncanny architectural void that summoned that which had been repressed.

Eichhorn's working method typically is to procure a commitment from the sponsoring institution. This may be in the form of a series of public lectures that a museum agrees to sponsor, the renovation of

the museum's buildings, the purchase of a lot, or, as with the artist's project for *Documenta 11* in 2002, the active participation of the curator (Okwui Enwezor) and a lawyer (Tilman Bezzenberger) to set up the "Maria Eichhorn Public Limited Company."[15] In many cases Eichhorn devotes the production funds to set up or establish projects that the institution carries out in collaboration with the artist. With "The Politics of Restitution," Eichhorn hired a historian, Anja Heuß, to investigate the provenance of fifteen works on "national loan" in the Lenbachhaus collection.[16] Heuß's research concluded that it was fairly clear that eight of the paintings in question were not acquired through looting or persecution. Yet she was unable to trace the provenance of the remaining seven paintings back to before 1933. Little is known about these paintings, except that they come from the collecting points, from the Nazi collections, and that in some cases dealers who were very much involved in Nazi looting sold the paintings to Hitler.[17] The paintings in question are all by late nineteenth-century German and Austrian artists and include Ludwig Eibl's *Hunting Still Life* (1874), Carl Spitzweg's *Hermit and Devil* (c. 1870–1880), Friedrich Johann Voltz's *Mountain Landscape with Rocky Outcrop in the Foreground* (c. 1840–1850), Robert Schleich's *Foothill Landscape with Haymaking* (c. 1880–1900), Theodor Leopold Weller's *Girl* (c. 1820–1825), Hans Makart's *Portrait of a Lady in Old Dutch Costume* (1876), and Franz von Defregger's *Portrait of the Painter Franz von Lenbach* (c. 1895).

In "The Politics of Restitution" the paintings were not hung from the walls. Rather they were outfitted with rough wooden supports that transformed them into freestanding objects arranged like sculptures (in alphabetical order according to the name of the artist) throughout the cavernous space. The first thing the viewer encountered upon descending the ramp was the gaze of Franz von Lenbach, captured in a portrait painted by his close friend Franz von Defregger. It is not without considerable irony that a portrait of the founder of the Lenbachhaus is among those paintings in the collection that exist in this uncanny state of permanent limbo. All that can be discerned is that sometime before 1938 the painting was either purchased by or given to Hitler and that it was intended for the Führermuseum.[18] Makart's *Portrait of a Lady in Old Dutch Costume* was installed toward the rear of the space. This depiction of an anonymous woman in an opulent costume was coupled with another of Makart's portraits, *A Lady with a Plumed Hat Seen from Behind* (c. 1875). At a cursory

Maria Eichhorn. *Politics of Restitution,* 2003. Detail: Hans Makart, *Lady with Plumed Hat Seen from Behind,* 1875. Hans Makart, *Portrait of a Lady in Old Dutch Costume,* 1876. Photo: Lenbachhaus München.

glance this juxtaposition gave the impression of being the front and back of the same woman. Both of these paintings by Makart, a favorite of Hitler, were destined for the Führer's planned official residence in the Deutsches Schloss Posen in occupied Poland.[19] The display also included other anonymous portraits, such as Weller's *Girl,* whose identity is as much a mystery as that of the owners of the canvas prior to the 1940s.

The other paintings included in Eichhorn's exhibition also stem mainly from the late nineteenth century and depict bucolic scenes or still lifes. What is so extraordinary about these canvases is their very ordinariness. Rather than renowned works by masters, these are relatively minor paintings, often of regional scenes by provincial artists. Of course, it was these very characteristics—genre scenes, portraits, and landscape paintings by German and Austrian nineteenth-century artists—that led to Hitler's interest in these works in the first place. As is fairly well known, Hitler's favorite artists, along with Makart, were Grützner, Spitzweg, Ferdinand Georg Waldmüller, Hans Thoma, Casper David Friedrich, and Philipp Otto Runge. That the exhibition included five paintings that directly resonate with Hitler's personal aesthetic taste—two by Makart, two by Grützner, and one by Spitzweg—is significant in and of itself. Indeed, thirteen of the paintings included in "The Politics of Restitution" had been earmarked for the Führermuseum.[20] Thus, in addition to highlighting the status of many of these paintings as unclaimed items of property whose original owners remain unknown, Eichhorn also provided the viewer with a glimpse of precisely the type of art that was valued by Hitler and the Nazi elite. Due to the notoriety of the infamous 1938 exhibition of "degenerate art" at the Haus der Kunst, and its 1980s reconstruction, the type of art that the Nazi elite did *not* like is also fairly well known. And if a direct correspondence can be established between the abstract and expressionist artworks included in the "degenerate art" exhibition and what the Nazis did not like in society,

then a similar correspondence might be made between the art they did like and their ideals for the new Reich. In other words, perhaps there's something about the form or the content of these paintings that, precisely because of their appeal to Hitler and the Nazis, can be viewed as suspect—in the same way, for instance, that images by Leni Riefenstahl are considered suspect today.

The issue becomes even more complex when one considers that the Nazis desired these paintings because they expressed a national, racial ("Volkish"), Pan-German identity. Yet clearly, those in possession of the works in question were precisely the types who, according to the Nazis, were not "German" enough—racially or perhaps patriotically—and had to be excised from the German nation.[21] Thus these orphan paintings are transitional objects that bear within them an entire history, far exceeding the maudlin subjects contained within their gilded frames.

This begins to explain why Eichhorn has exhibited these paintings with both sides plainly visible. For like a palimpsest, where the initial text is partly erased or effaced to allow a new one to be written, leaving fragments of the original still visible, the back of a painting with all of its markings and stamps draws attention to the way meaning always exists in the presence of other meanings—that it is not the picture that produces meaning but meaning that produces pictures. Palimpsests subvert the concept of an original source of meaning and refer it down an expanded chain of signification. Here we might usefully recall Freud's brief essay of 1925, "A Note upon the Mystic Writing Pad," in which he notes a metaphorical resemblance between a type of palimpsest, a children's toy, and the workings of the human perceptual apparatus. The toy consists of a wax tablet overlaid with a sheet of transparent celluloid. It performs the function of a reusable notepad but has the fortuitous characteristic of retaining on the block of wax traces of what has been previously written—traces that can be seen if one lifts the sheet of plastic and examines the surface of the wax tablet below. According to Freud, "the appearance and disappearance of the writing" that occurs when the celluloid is lifted and lowered is analogous to "the flickering-up and passing-away of consciousness in the process of perception."[22] For Freud, the mystic writing pad represented an admittedly imperfect but illuminating example of how the psyche processes material and how the residue of some of that material is recorded at a deeper layer as unconscious memory.

Freud's analogy between the operation of a child's toy and the manner in which the perceptive conscious self passes experience through to the unconscious relates in an interesting way to Eichhorn's focus on the indexical traces on the back of the paintings that compose "The Politics of Restitution." For the markings on the backs of

Top: Maria Eichhorn. *Politics of Restitution,* 2003. Detail: Robert Schleich, *Foothill Landscape with Haymaking,* 1880–1900.

Bottom: Maria Eichhorn. *Politics of Restitution,* 2003. Detail: Robert Schleich, *Foothill Landscape with Haymaking,* 1880–1900, back. Photo: Lenbachhaus München.

these canvases point to a world of signifiers that are in effect just as important for construction of meaning as are the painted elements on the fronts. Indeed, if the surfaces of these canvases depict romantic or idealized scenarios, the reverse sides connote very differently, tracking often-traumatic narratives and pointing to where the belief in and valuing of such images led.[23] A case in point is Robert Schleich's late-nineteenth-century *Foothill Landscape with Haymaking.* A stamp on the back of the painting shows that the frame was made by the firm "Oberndorfer" located on the Schellingstrasse in Munich, indicating that the painting most likely belonged to an art dealer or private owner in Munich. The label "495/436" shows that the work was intended for the Führermuseum Linz—495 was the number assigned while it was stored in the Führerbau. Records reveal that the picture was procured by Maria Almas Dietrich, the owner of the prosperous Munich "Almas" gallery at Ottostrasse 1b, who profited considerably from reselling confiscated property during the war.[24] Dietrich in turn sold the painting to the Führermuseum sometime between summer 1938 and April 1940. The number 2614 written in blue pencil is the reference number that the painting was assigned when it arrived at the Munich Central Collecting Point from the Altaussee salt mine. The painting was transferred to the Lenbachhaus in 1966. The inscription "F.H. 184/6" stands for "Fremde Habe," or externally owned property, and is a system of notation used by the Lenbachhaus to designate works on permanent loan from the residual stock of cultural property from the former Nazi collections.

By contrast, traditional art-historical descriptions of the painting tend to tell a different story. This point is underscored by the texts by art historian Susanne Böller, whose expertise is nineteenth-century German and Austrian painting. Böller describes *Foothill Landscape with Haymaking* as follows:

> the motif of peasants working in the countryside . . . moves center stage in the paintings of Robert Schleich. The broad expanse of

> sky is broken on the left by steeply rising mountains in the style of early Munich landscape painters. In the center of the picture, the haycart with its high load projects into the glow of the sunset, as if transfigured. People, animals, and even far-off buildings are elaborated in minute detail. A charming meadow landscape stretches from the foreground to the horizon. A host of sentimental motifs are united here, their impact considerably strengthened by compression into the smallest of formats: honest labor in a fertile, benevolent countryside, the sheltering sky above, the beauty of the mountains, and the tranquility of the small villages.[25]

The formalist emphasis of Böller's analyses and their stress on the aesthetic qualities of the paintings eschew and indeed directly clash with the social and historical life of the painting. As such, "The Politics of Restitution" obliquely demonstrates that, contrary to the recent resurgence of the discussion of beauty in art history and criticism, the love of art and aesthetics cannot so easily be linked to ethical behavior or a betterment of the world.[26] Quite the opposite, it seems, for the pursuit of art and culture by the Nazis was just one more step toward mass destruction and annihilation. Furthermore, the description's pretense to objectivity is no less one-sided than the bureaucratized language ("Amtsprache") of the label "Loan from the Federal Republic of Germany." By creating conditions conducive to another way of interpreting the paintings, namely by exhibiting the verso as well as the recto, Eichhorn opens up the possibility of an alternative or counterhistory.

But there is more to the ordinariness of these works. Their mundane nature, even their "heimlich" or familiar quality, produces the opposite, uncanny effect. For the fate of these paintings attests to the thorough manner in which National Socialism permeated every aspect of society, including everyday life. According to Freud, the uncanny is in reality "nothing new or alien, but something which is familiar and old-established in the mind and which has become alienated from it only through the process of repression."[27] Indeed just how thoroughly fascism permeated society is often "forgotten." Eichhorn's exhibition reveals how the meanings, value, and status of the paintings shifted in their passage from quaintness to their function within an ideological network that led to mass extermination. Like the few survivors of the death camps, each of whom bears witness to the millions murdered, the paintings stand as shards of evidence of a crime whose enormity can barely be comprehended.

One question that immediately arises, of course, is why these issues are of concern today, especially because the deadline for lodging restitution claims expired over half a century ago. Why have they

resurfaced in this "dried up pond," to summon once again Karl Gutzkow's metaphor (quoted by Freud in my epigraph)? That the problem has returned with such force in the last decade of the twentieth century and the first of the twenty-first surely has a lot to do with the collapse of the Eastern bloc, and especially with the German reunification in 1989–1990. Although it had always been possible to research the provenance of art objects in the former East Germany, the flurry of land property claims that followed reunification prompted a parallel reconsideration of wrongfully appropriated art objects in both East and West. However, in addition to general restitution claims and a realignment of property from public to private ownership, another development was also a direct result of German reunification.[28]

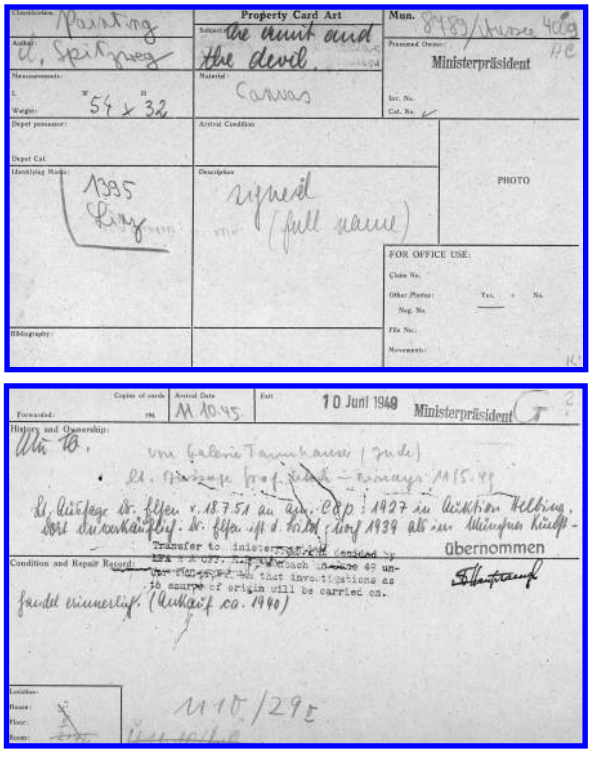
In reuniting a country that had been separated for almost fifty years, a mutual bond that rested on the term "German" had to be found. Yet, as Holocaust scholar Eric Santner has observed, "Germans [were] faced with the paradoxical task of having to constitute their 'Germanness' in the awareness of the horrors generated by previous production of national and cultural identity."[29] Following as it did upon the Historians' Controversy ("Historikerstreit") of the late 1980s, reunification brought long-repressed anxieties to the surface, which the neo-Nazi activities of the 1990s could only exacerbate. In addition, the opening of Stasi archives revealed the extent to which citizens had informed on each other, and the economic disparity between East and West contributed to the two-class system that was suddenly apparent. Furthermore, in an occurrence of historical uncanniness, the Berlin Wall was breached on November 9, 1989, exactly fifty-one years after the Night of Broken Glass ("Kristallnacht"), leading Holocaust survivor Elie Wiesel to ask: "Would the shattered glass of 1938 be buried and, as it were, metamorphosed under the sheer weight of all that crumbling concrete of November 1989."[30] This prompted many to address the Holocaust with renewed vigor, culminating in activities such as the construction of the Jewish Museum and the Holocaust Memorial in Berlin, as well as numerous scandals of the publications and films devoted to Holocaust studies. Then there were the scandals of the mid-1990s produced by the revelations that major financial institutions in countries such as Switzerland had made considerable profits during World War II by appropriating the funds of individuals exterminated by the Nazis. The 1998 Washington conference on Holocaust-Era Assets and the sudden need felt by many German museums to research the provenance of all of their holdings were directly related to these phenomena. However, despite initial enthusiasm, national, state, and local governments soon slashed the budgets of many museums. Today institutions such as the Lenbachhaus have ceased to research the provenance of their collection unless a specific request is made.[31] This is the

Maria Eichhorn. *Politics of Restitution,* 2003. Detail: Max Slevogt, *Trotting Race in Ruhleben,* 1921.

situation toward which Eichhorn's "The Politics of Restitution" draws attention. The necessary funds were never provided, and what there was was cut or diverted before the job could be completed. In the Lenbachhaus alone remain over 300 works acquired between 1933 and 1945 whose provenance has yet to be properly researched.[32] The same problem applies to many objects in the collection purchased in the postwar period. "The Politics of Restitution" thus juxtaposes the issue of Nazi-confiscated art with former and contemporary restitution policies, prompting reflection on historical issues just as much as on cultural politics and institutional practices in the new Germany.

Let me address this point by returning to Max Slevogt's oil painting, *Trotting Race in Ruhleben* (1921), and the accompanying documentation included in the exhibition. Unlike the other fifteen paintings in the show, which joined the Lenbachhaus collection in the 1960s and 1970s on "national loan," Slevogt's canvas is currently owned by the City of Munich and is on permanent loan to the Museum. The painting was purchased by Hans Konrad Roethel, then director of the Lenbachhaus, with the approval of the Arts and Culture Committee of the City of Munich, from a Munich art dealer on July 11, 1961, at a time when issues of provenance were central to German museum administrators.[33] Recall that in Munich the Trustee Administration for Cultural Property was still in full operation in 1961 and did not cease work until the end of 1962. In 2001, encouraged by the sudden interest shown by German museums in provenance and restitution, the heirs to the Jewish art dealer and collector Bruno Cassirer claimed that they were the rightful owners of Slevogt's work. Indeed, they produced evidence that in 1941 the Moabit-West tax office in Berlin had seized the painting and put it up for compulsory auction on December 16, 1941. The canvas eventually ended up in the possession of the Munich art dealer, who in turn sold it to the Lenbachhaus.[34] The exhibition of *Trotting Race in Ruhleben* along with the other paintings thus serves to justify the necessity of a show such as Eichhorn's, for it stands as material evidence that the topic is not a closed book but one that is still very much relevant today.

"The Politics of Restitution" provides the viewer with information. The history is there for those who want to see it—just as it was presumably evident some forty years ago for the Slevogt painting. Eichhorn encourages the viewers to lift the mystic writing pad's thin sheet of clear plastic, as it were, and examine the dark imprints on



Top: Maria Eichhorn. *Politics of Restitution,* 2003. Detail: Carl Spitzweg, *Hermit and Devil,* 1870–80, Property Card Mun. 8789, Aussee 4009, Federal Archives Koblenz; front.

Bottom: Maria Eichhorn. *Politics of Restitution,* 2003. Detail, Carl Spitzweg, *Hermit and Devil,* 1870–80, Property Card Mun. 8789, Aussee 4009, Federal Archives Koblenz; back.

the wax tablet below. Her work thereby directly engages the viewers, prompting them to read the facts and construct a history. The more than forty books, catalogues, and other publications in German, English, and French that were included in Eichhorn's exhibition all relate in some way to the subject of cultural politics and looting under the Third Reich. The titles range from well-known popular academic tomes to more specific trade publications and the proceedings from a 2002 colloquium in Hamburg devoted to provenance research.[35] Indeed, after seeing "The Politics of Restitution" it is difficult not to wonder about the many paintings labeled "Loan from the Federal Republic of Germany" that are still on show in so many German museums. For the paintings featured in "The Politics of Restitution" constitute but a minute fraction of the cultural objects looted by the Nazis that have yet to be returned to their rightful owners. And it is in this sense that I am suggesting that these pictures are haunted. The paintings are owned and yet not owned by anyone, unless it is by the ghosts of the past. By exhibiting them as such, Eichhorn evoked their phantoms, an effect that was only amplified by the fact that they all traveled several times through the very platz in which they were exhibited during their process of displacement. The paintings thus stood as solitary figures in the midst of an equally uncanny space while the line between the past and the present—as much as the line between the dead and the living—was momentarily crossed.[36]

Notes

This essay is a revised and expanded version of the text that appeared in *Maria Eichhorn: Restitutionspolitik/Politics of Restitution* (Cologne: Verlag der Buchhandlung Walther König, 2004), 34–67.

1. Sigmund Freud, "'The Uncanny'" (1919), in *The Standard Edition of the Complete Psychological Works of Sigmund Freud,* ed. James Strachey (London: Hogarth Press, 1955), 17:223. Freud is here quoting a passage by Karl Gutzkow cited in Daniel Sanders's *Wörterbuch der Deutschen Sprache* (Leipzig: Otto Wigand, 1860), 1:729.

2. Freud's argument is underpinned by the philological theory that certain primal words have antithetical meanings and by the observation that dreams often use a single image to express opposites.

3. The Nazis had amassed some 250,000 art objects, many of which had been looted from Jews. See Susanne Gaensheimer, "Politics of Restitution: An Exhibition by Maria Eichhorn at the Städtische Galerie im Lenbachhaus," in Maria Eichhorn, *Restitutionspolitik/Politics of Restitution,* exh. cat. (Cologne: Verlag der Buchhandlung Walther König, 2004), 11.

4. The 1998 Washington Conference drafted the following "Principles with Respect to Nazi-Confiscated Art":

> In developing a consensus on non-binding principles to assist in resolving issues relating to Nazi-confiscated art, the Conference recognizes that among participating nations there are differing legal systems and that countries act within the context of their own laws.
>
> I. Art that had been confiscated by the Nazis and not subsequently restituted should be identified.
>
> II. Relevant records and archives should be open and accessible to researchers, in accordance with the guidelines of the International Conference on Archives.
>
> III. Resources and personnel should be made available to facilitate the identification of all art that had been confiscated by the Nazis and not subsequently restituted.
>
> IV. In establishing that a work of art had been confiscated by the Nazis and not subsequently restituted, consideration should be made for unavoidable gaps or ambiguities in the provenance in light of the passage of time and the circumstances of the Holocaust era.
>
> V. Every effort should be made to publicize art that is found to have been confiscated by the Nazis and not subsequently restituted in order to locate its pre-War owners or their heirs.
>
> VI. Efforts should be made to establish a central registry of such information.
>
> VII. Pre-War owners and their heirs should be encouraged to come forward and make known their claims to art that was confiscated by the Nazis and not subsequently restituted.
>
> VIII. If the pre-War owners of art that is found to have been confiscated by the Nazis and not subsequently restituted, or their heirs, can be identified, steps should be taken expeditiously to achieve a just and fair solution, recognizing this may vary according to the facts and circumstances surrounding a specific case.
>
> IX. If the pre-War owners of art that is found to have been confiscated by the Nazis, or their heirs, can not be identified, steps should be taken expedi-

tiously to achieve a just and fair solution.

X. Commissions or other bodies established to identify art that was confiscated by the Nazis and to assist in addressing ownership issues should have a balanced membership.

XI. Nations are encouraged to develop national processes to implement these principles, particularly as they relate to alternative dispute resolution mechanisms for resolving ownership issues.

5. Hitler "spent over 163 million Reichsmarks on artwork, making him the greatest art buyer of all time. These purchases were for the most part declared legally binding by postwar investigations—the art thus becoming the property of the German state." See Jonathan Petropoulos, "For Germany and Themselves: The Motivation behind the Nazi Leaders Plundering and Collecting of Art," in *Spoils of War: International Newsletter* 4 (August 1997): 69. For the expenditure figure for Sonderauftrag Linz, the title given to Hitler's plan to put together and house the greatest art collection ever in the new Führermuseum in Linz, see Janet Flanner, *Men and Monuments* (New York: Da Capo, 1957), 226. For the postwar committees that determined proper ownership of art, see Michael Kurtz, *Nazi Contraband: American Policy on the Return of European Cultural Treasures, 1945–1955* (New York: Garland, 1985); and Hugh Craig Smyth, *Repatriation of Art from the Collecting Point in Munich after World War II* (The Hague: Abner Schram, 1988).

6. For a detailed and systematic account of the Nazis acquisition of cultural assets, see Peter Harclerode and Brendan Pittway, *The Lost Masters: WWII and the Looting of Europe's Treasurehouses* (New York: Welcome Rain Publishers, 2000).

7. See Petropoulos, 66.

8. Petropoulos, 68.

9. Hitler's artistic adviser was the art historian Hans Posse, the then director of the Dresdner Gemäldegalerie. According to Heuß, Hitler invited Posse to his Obersalzberg guesthouse for talks in June 1939, during which the former "outlined his plans for the Führermuseum in Linz. It was to be a museum of the history of art from prehistoric times to the nineteenth century. The collection was to be compiled from 'existing stock,' confiscated art works, and new acquisitions. Posse was appointed to head the Führermuseum while retaining his directorship of the Gemäldegalerie in Dresden." See Anja Heuß, "Glossary," in Eichhorn, *Restitutionspolitik,* 274.

10. Although a formidable collection was assembled, the museum was never built due to the advent of the war. In 1945 the collection included 6,755 paintings, 5,350 of which were classified as Old Masters and included works by Vermeer, Rembrandt, Leonardo da Vinci, Bruegel the Elder, Watteau, and many more. In addition to the Führermuseum, some of the paintings were destined for Hitler's never occupied residence, the palace of Posen. See Petropoulos, 68.

11. See Heuß, "Glossary," 277.

12. Heuß, "Glossary," 277–279.

13. This is the official designation of those works "orphaned" after World War II. Eichhorn's project draws attention to the vexed history of appropriation glossed over by this innocuous label. For it could be said that just as the Nazis were known to camouflage their atrocious deeds by resorting to a highly bureaucratized language or "Amtsprache," museum administrators, too, resort to banal phrases that are at best unconsciously misleading and at worst intentionally deceiving. On the use and abuse of language and in particular on the "Amtsprache," see Hannah Arendt, *Eichmann in Jerusalem: A Report of the Banality of Evil* (New York: Penguin, 1994).

14. Uwe Kiessler, "The Architecture of the Kunstbau," in *Dan Flavin: Kunstbau Lenbachhaus München/Architecture Uwe Kiessler,* ed. Helmut Friedel (Munich: Herausgegeben von Helmut Friedel, 1994), 49. Kiessler's recollection was made in a speech at the opening ceremony of the Kunstbau on 11 April 1994. His first visit took place in 1985.

15. Eichhorn has to date completed a number of projects where lectures (or a lecture series) were an integral part of the work. See, for example, Maria Eichhorn, *Curtain (Denim)/Lectures by Yuko Fujita, Mika Obayashi* (Center of Contemporary Art, Kitakyushu, 1999); and Maria Eichhorn, *1. Mai Film Medien Stadt/May Day Film Media City* (Portikus, Frankfurt am Main, 2003). For Eichhorn's renovation of the Museum (which also included lectures), see Maria Eichhorn, *Das Geld der Kunsthalle Bern/Money at the Kunsthalle Bern,* vols. I–II (Kunsthalle Bern, 2001/2002). For Eichhorn's Munster project (which entailed the purchase of a lot), see Maria Eichhorn, *Wie entsteht eine Stadt?/What Is the Origin of a City?* (Skulptur, Projekte in Münster 1997, Westfälisches Landesmuseum Münster, 1997). For Eichhorn's *Documenta 11* project, see Maria Eichhorn, *Maria Eichhorn Aktiengesellschaft/Maria Eichhorn Public Limited Company,* Documenta 11, Kassel (Silke Schreiber Verlag, München, 2002).

16. Here it is as interesting as it is significant to note that even if the Lenbachhaus had wanted to hire a provenance researcher for this project, the city of Munich would not have allowed public funds to be spent for this purpose.

17. See Heuß, "Glossary," 279–280.

18. It was one of 350 such works. See Anja Heuß, "Portrait of the Painter Franz von Lenbach," in Eichhorn, *Restitutionspolitik,* 29.

19. See Heuß, "Glossary," 275–276.

20. See Heuß's provenance research in Eichhorn, *Restitutionspolitik,* 77–235.

21. Indeed, many of these works had graced the walls of a bourgeois Germany Jewry, a population that prior to 1933 had largely identified itself as being as German or Austrian as it was Jewish.

22. Sigmund Freud, "A Note upon the Mystic Writing Pad" (1925), in *The Standard Edition,* ed. Strachey, 19:230.

23. Thus there is a hint of just how dangerous fictional representations that stress national identity and exclude or demonize any form of otherness can be if taken seriously. Like the clothes one wears or the company one keeps, the art one collects reveals much about one's personality. Hence these paintings and the inscriptions that cover their frames function in a manner not unlike Freud's mystic writing pad—each one a palimpsestic text requiring careful decoding. "The Nazi elite approached culture with a conscious and even sophisticated understanding of its expressive potential, and therefore took an active posture in its management. They were deeply sensitive to symbols, myth, and rituals, and used them all as forms of communication." Petropoulos, 66.

24. The traces provide faint clues and lead toward other, parallel histories. For example, another narrative emerges: that of the art dealer Maria Almas Dietrich. The personal history of Dietrich, who procured a large number of artworks for Hitler, is in and of itself very involved. Records reveal that she was the illegitimate daughter of a Jewish father. It is also clear that in 1937 she divorced her Turkish-Jewish husband and opened the Almas gallery on Ottostrasse 1b. She profited considerably from confiscated property throughout the war. Dietrich sold a total of 270 works to Hitler for a total sum of 616, 470 Reichsmarks; her commission ranged between 50 and 300 percent. She continued to operate a successful gallery after the war. During

the 1960s and 1970s in West Germany, left-wing groups were vocal in their criticism of businesses and corporations that had profited directly from slave labor or war contracts under the Nazis and continued to prosper during the postwar "miracle years." But similar phenomena in the field of culture were ignored.

25. Susanne Böller, "Foothill Landscape with Haymaking," in Eichhorn, *Restitutionspolitik,* 176.

26. For the recent resurgence of the discourse of beauty, see *Uncontrollable Beauty: Toward a New Aesthetics,* ed. Bill Beckley and David Shapiro (New York: Allworth Press, 1998); Elaine Scarry, *On Beauty and Being Just* (Princeton: Princeton University Press, 1999); and Winfried Menninghaus, *Das Versprechen der Schönheit* (Frankfurt am Main: Suhrkamp, 2003).

27. Freud, "The 'Uncanny,'" 241.

28. The term *reunification (Wiedervereinigung)* carries with it an ideological weight. Those who stress this term (rather than, say, *unification [Vereinigung]*) recall that the last time Germany was unified was during the Third Reich, and thereby prompt reflection on the historical reasons for its fragmentation.

29. Eric Santner, "History beyond the Pleasure Principle: Some Thoughts on the Representation of Trauma," in *Probing the Limits of Representation,* ed. Saul Friedlander (Cambridge: Harvard University Press, 1992), 145.

30. Wiesel, cited in Santner, 143.

31. According to Irene Netta and Anuschka Koos, the provenances of about 300 works remain to be researched out of the 6,548 inventory items acquired by the Lenbachhaus between 1933 and 1945. "Due to the lack of municipal funds it has not so far been possible to research the provenance of [post-1945 acquisitions], except in response to specific requests." See Irene Netta and Anuschka Koos, "Provenance Research in the Städtische Galerie im Lenbachhaus," in Eichhorn, *Restitutionspolitik,* 262, 264.

32. Netta and Koos, 262.

33. Hans Konrad Roethel was director of the Lenbachhaus from 1957 to 1970. He was chief curator at the Munich Central Collecting Point from 1945 to 1949. The question this case also raises is why a museum director would compromise the reputation of the collection of the Lenbachhaus by using state funds to purchase a painting whose original owners, as basic research reveals, were persecuted Jews. Between 1949 and 1964 Lenbachhaus directors restituted seventeen works of art to their former Jewish owners or heirs, and clearly the issue of restitution and provenance was a prominent one for the institution. Yet the museum's purchase of *Trabrennen in Ruhleben* in 1961 indicates that strong forces of repression and denial were in operation.

34. As the documentation on display in "The Politics of Restitution" exhibition indicates, although the Lenbachhaus acknowledged that *Trabrennen in Ruhleben* was not rightfully theirs, they made an effort to keep it in the collection. The Lenbachhaus, it was argued, had one of the most important collections of Slevogt's work—a total of thirty works by the artist—and the loss of a painting as important in the artist's oeuvre as *Trabrennen in Ruhleben* would weaken that collection considerably. Concern was also raised that since the painting's heirs lived abroad, the work would leave Germany. Hence, a proposal was made to give the painting to the heirs with the provision that they immediately sell it back to the Lenbachhaus at the current market value. Since the Lenbachhaus is a city museum, the repurchase was financed by the City of Munich to be paid in two installments: one in 2003 and the other in 2004. The final agreements were drawn up during the summer of 2003 at the same

time the City of Munich decided to cut the position of provenance researcher.

35. For instance: Jonathan Petropoulus's *The Faustian Bargain,* Thomas Buomberger's *Raubkunst—Kunstraub,* and Russell Chamberlin's *Loot: The Heritage of Plunder* (academic titles); *The Spoils of War International Newsletter* (trade publication); and *Die Eigene Geschichte Provenienzforschung an deutschen Kunstmuseum* (Hamburg conference proceeding). In addition, numerous online Web sites are devoted to the legal, ethical, and practical questions of provenance research and reappropriation.

36. The effect is uncanny because, according to Freud (here quoting Friedrich Wilhelm Joseph Schelling), "'everything [is unheimlich] that ought to have remained . . . secret and hidden but has come to life.'" Freud, "The Uncanny," 224. With "The Politics of Restitution" Eichhorn actively engages in working through the past and bringing to the fore unpleasant topics that many would prefer to forget.