



Press Release

Number 210/08 from 12th June 2008

Recommendation of the Advisory Commission for the Return of Cultural Property Seized as a Result of Nazi Persecution

The German Advisory Commission for the Return of Cultural Property Seized as a Result of Nazi Persecution, Especially Jewish Property, made another recommendation today in Berlin.

It recommends that the German Land of Hesse pay Karl Ernst Baumann, Laura Baumann's grandson, compensation amounting to 10,000 Euro.

The recommendation is based on the following facts:

During National Socialist persecution, Laura Baumann was arrested by the Gestapo for being a Jew and was, for an unexplained reason, also sent to the Kassel police jail for a week at the end of 1939 or beginning of 1940. After being summoned to another interrogation, Ms Baumann committed suicide on 26th November 1940 in fear of further reprisals.

Before her death, she had appointed the so-called 'Aryan' mother-in-law of her son Heinz, Martha Rieck, as the sole heir to her estate in order to secure it for her two children, Heinz Baumann and Gertrud Wallach neé Baumann, who had emigrated to Scotland in 1938. The painting "Portrait der Familie von Dithfurth" (*Portrait of Family Dithfurth*) by Johann J. August von der Embde formed part of this estate and is currently valued at approx. 30,000 to 40,000 Euro.

In a process that is no longer certainly ascertainable, the piece ended up in the hands of the Kassel-Wilhelmshöhe Art Collections of the German Land of Hesse. A document was discovered in the museum archives stating that Ms Rieck had sold the piece to the museum for 1000 Reichsmark in the spring of 1941. Whether this amount was really paid and made it to the actual beneficiaries is a controversial issue among the parties, as is whether Ms Rieck had been forced into this agreement.

Laura Baumann's grandson, Karl Ernst Baumann, applied for the restitution of the painting.

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In light of the persecution of the bequeathor, Ms Laura Baumann's designation of Ms Rieck as heir as a result of persecution and the uncertainties of the modalities and validity of the sale, the Commission has decided to generally affirm that the painting was lost as a result of persecution. Given the fact that the claimant was only co-heir of half of the estate and that the potentially already completed payment and the facts of the case could not be clarified without doubt, the Commission recommends that the painting remain in the museum and the claimant be paid compensation amounting to 10,000 Euro. The Museumslandschaft Kassel is also requested to refer to the provenance of the painting and the payment of compensation to the claimant in its presentation.

This recommendation involves input from the former President of the Federal Constitutional Court of Germany, Professor Dr Jutta Limbach, the retired German President, Dr Richard von Weizsäcker, the philosopher Professor Dr Günther Patzig, the philosopher of law Professor Dr Dietmar von der Pfordten, the historian Professor Dr Reinhard Rürup and the philosopher Professor Dr Ursula Wolf. The main task of the Advisory Commission is to act as a mediator in disputes between the current owners of cultural property and the former owners or their heirs, if both sides of the dispute are in favour of this. The Commission can then provide a morally justified recommendation to resolve the conflict. The Koordinierungsstelle für Kulturgutverluste (*Coordination Office for Lost Cultural Assets*) (www.lostart.de) in Magdeburg, Germany, is the administrative office of the Advisory Commission and a port of call for claimants.

The Commission meeting was combined with a visit from the "Commission pour l'indemnisation des victimes de spoliations intervenues du fait des législations antisémites en vigueur pendant l'Occupation" (*Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force during the Occupation*, www.civs.gouv.fr).

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