



## Press Release

Berlin, Germany. 27<sup>th</sup> January 2009  
Page 1 of 3

### **Recommendation of the Advisory Commission for the Return of Cultural Property Seized as a Result of Nazi Persecution – Professor Dr Wolf Tegethoff Becomes a New Member of the Commission**

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.

This case concerned the painting “Bauernmädchen ohne Hut mit weißem Halstuch” (*‘Peasant Girl without a Hat and with a White Headcloth’*) (1897) by Wilhelm Leibl. The Advisory Commission recommended that the German Federal Government return the piece to the heirs of Dr Alexander Lewin.

The recommendation is based on the following facts:

Dr Alexander Lewin (1879 – 1942) was the Chairman of the Board of Management at the hat manufacturer Berlin-Gubener Hutfabrik AG until 1938. His comprehensive art collection included Leibl’s ‘Peasant Girl’.

In summer 1938, Dr Lewin emigrated to Switzerland as a result of persecution, having been identified as a so-called ‘Jewish Mischling (*half-breed*) of the first degree’. At the beginning of September 1938, Dr Lewin left the Board of Management at Berlin-Gubener Hutfabrik AG and in early March 1939, he gave notification that he would not be returning to Germany, which led to him being denied access to his entire estate as a result of a so-called ‘security order’ issued on 10<sup>th</sup> March 1939. On 4<sup>th</sup> August 1941, the German Reichsminister of the Interior deprived Dr Lewin of his German citizenship. His property was seized from him.

The painting ‘Peasant Girl’ had come into Dr Lewin’s possession at 1930 at the latest. In May 1938, the commission agent Litthauer from Berlin tried to sell the piece to Galerie Heinemann in Munich at Lewin’s request, but the gallery did not buy the painting. By spring 1939 at the latest, the painting ended up in the hands of the German Reich, namely in the “Fuehrerbau”, Adolf Hitler’s office building in Munich, where the artwork for the planned “Fuehrer Museum” for Hitler in Linz, Austria, was being gathered.

ADDRESS  
Dorotheenstrasse 84  
10117 Berlin, Germany

POSTAL ADDRESS  
11044 Berlin, Germany

TEL + 49 (0)3018 272 3281  
FAX + 49 (0)3018 272 3259

pressestelle-bkm@bpa.bund.de  
www.kulturstaatsminister.de  
www.bundesregierung.de



Berlin, Germany. 27<sup>th</sup> January 2009  
Page 2 of 3

So far, attempts to reconstruct the path of the painting from Dr Lewin's possession to the Munich-based collection for the "Fuehrer Museum" in Linz have been unsuccessful. Since 1966, the piece has been displayed in the "Kunsthalle" art gallery in Bremen, Germany, as a long-term loan from the Federal Republic of Germany. It is registered as an object from the remainder of the Central Collecting Point at [www.lostart.de](http://www.lostart.de).

The heirs of Dr Lewin have applied for the restitution of the painting due to the fact that it was seized as a result of persecution. They state that even if it is insinuated that, in a potential sale, the sale price was appropriate and the vendor was able to freely control the price, the decision to sell the piece was nevertheless based on a situation involving persecution.

The responsible German Federal Office for Central Services and the Settlement of Open Property Issues has rejected this claim for restitution, given that there are no trusted findings confirming that the piece of artwork was wrongfully seized during the reign of the National Socialist Regime. It explains that it could indeed be assumed that the owner wanted to sell the image because of his forthcoming immigration but that assumptions are not sufficient evidence for a restitution decision.

The parties were unable to come to an agreement and therefore decided to present the case to the Advisory Commission and ask it to come up with a recommendation.

According to the Advisory Commission and with regard to the period between the loss of the painting from Dr Lewin's possession and its inclusion in the central collection for the "Fuehrer Museum", a period which cannot be fully clarified, there is no justified evidence whatsoever to contradict the claim that the painting was seized as a result of Nazi persecution.

During this meeting at the Representation of the German Land of Saxony-Anhalt, the Chair of the Commission, Professor Dr Jutta Limbach, welcomed Professor Dr Wolf Tegethoff (Director of the Zentralinstitut für Kunstgeschichte München (ZI), the 'Central Institute for Art History in Munich') as a new member of the Commission. Professor Tegethoff replaces Professor Dr Dr Thomas Gaehtgens, who was a member of the Advisory Condition from 2003 to 2007 before becoming the Director of the Getty Research Institute in Los Angeles. The Commission also agreed that Professor Dr Rürup be appointed to the role of Deputy Chair of the Commission.



Berlin, Germany. 27<sup>th</sup> January 2009  
Page 3 of 3

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 honorary members of the Commission are the retired German President, Dr Richard von Weizsäcker, the former President of the German Federal Parliament, Professor Dr Rita Süßmuth, the former President of the Federal Constitutional Court of Germany, Professor Dr Jutta Limbach, the philosopher Professor Dr Günther Patzig, the philosopher of law Professor Dr Dr Dietmar von der Pfordten, the historian Professor Dr Reinhard Rürup, the art historian Professor Dr Wolf Tegethoff and the philosopher Professor Dr Ursula Wolf. The Koordinierungsstelle für Kulturgutverluste (*Coordination Office for Lost Cultural Assets*) ([www.lostart.de](http://www.lostart.de)) in Magdeburg, Germany, is the administrative office of the Commission and a port of call for claimants.

**Contact:** Koordinierungsstelle für Kulturgutverluste, Turmschanzenstrasse 32, 39114 Magdeburg, Germany. Dr Michael Franz, telephone: +49 (0) 391 567 3891, fax: +49 (0) 391 567 3899, e-mail: [michael.franz@mk.sachsen-anhalt.de](mailto:michael.franz@mk.sachsen-anhalt.de), [www.lostart.de](http://www.lostart.de)