



Press Release

The Advisory Commission recommends to the Freie Hansestadt Bremen not to restitute the paintings *Pompe Funèbre* by George Grosz and *Stilleben mit Okarina, Fisch und Muschel* by George Grosz to the heirs of George Grosz

30 October 2024

The Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property, chaired by Prof. Hans-Jürgen Papier, decided unanimously on 6 September 2024 in the case of the heirs of George Grosz versus Freie Hansestadt Bremen not to recommend restitution of the paintings *Pompe Funèbre* (1928) and *Stilleben mit Okarina, Fisch und Muschel* [Still life with ocarina, fish and shell] (1931) by George Grosz to the heirs of George Grosz.

George Grosz (1893–1959) was one of the prominent artists of the Weimar Republic. He was a member of the German Communist Party, co-organiser of the First International Dada Fair and co-founder of politically radical journals. Between 1921 and 1932, artworks created by him were the subject of several court cases due to accusations that they were indecent and were critical of society and the war.

George Grosz suffered individual persecution under the National Socialists due to his political opposition to National Socialism and on ideological grounds. Additionally, some 500 of his works were confiscated from public ownership in connection with the “Degenerate Art” campaign in 1937, with some of them being defamed at propaganda exhibitions of the same name. Grosz emigrated to New York City in mid-January 1933. Even though he himself emphasised that he had not gone to the USA for political reasons, already in March 1933 his decision to do so seemed to him to be a “Wink des Schicksals” [“stroke of destiny”].

Galerie Alfred Flechtheim GmbH was the official agent for George Grosz’s works of art from 1923 onwards. This cooperation was terminated by Alfred Flechtheim (1878–1937) at the end of 1931. At this time Grosz owed Flechtheim a total of more than 16,000.00 Reichsmark, and these debts had existed since as early as 1928. In subsequent

years, too, the artist evidently failed to comply with repeated requests and agreements to pay off his debts in instalments.

Alfred Flechtheim suffered collective and individual persecution under the National Socialists on racial grounds. From September 1933, he tried to gain a foothold in business outside the Nazi sphere of power and at the same time appointed the auditor Alfred E. Schulte (1892–1972) to prevent the bankruptcy of his financially ailing company in Germany

George Grosz had had delivered the disputed paintings in dispute to Alfred Flechtheim on commission basis immediately after creating them. *Pompe Funèbre* was located in Paris as of 1933 at Flechtheim's instigation. It is also known that this painting was in the Netherlands from 1937 and was auctioned there in February 1938 as part of Flechtheim's estate. The provenance of the painting *Stilleben mit Okarina, Fisch und Muschel* from May 1932 to January 1960 is unclear.

As the direct descendants and heirs of George Grosz, the claimants request restitution of the paintings. They are of the opinion that both paintings were lost as a result of Nazi persecution, saying that *Pompe Funèbre* was sold for an unreasonably low price at a sham auction held in the Netherlands in 1938, without either Flechtheim (or his heir) or Grosz having knowledge of this or being in favour of it. *Stilleben mit Okarina, Fisch und Muschel* is likewise said by the claimants to have been sold in the Netherlands before the end of the war.

Freie Hansestadt Bremen is of the opinion that George Grosz transferred ownership of the painting *Pompe Funèbre* to Alfred Flechtheim no later than 1934 due to his heavy debt burden. According to Freie Hansestadt Bremen, there is no evidence that *Stilleben mit Okarina, Fisch und Muschel* was lost as a result of Nazi persecution between 30 January 1933 and 8 May 1945.

The Advisory Commission is convinced that George Grosz lost ownership of the painting *Pompe Funèbre* as a result of transferring ownership to his former gallerist Alfred Flechtheim or the latter's company prior to 15 April 1934. In the view of the Advisory Commission, this emerges clearly from a letter written by Flechtheim to Grosz dated 15 April 1934, in which Flechtheim mentions paintings of which ownership had been transferred to him as security ("als Sicherheit übereignet"). This is also supported by the numerous efforts of Flechtheim and his company to achieve settlement of the debts owed to him by Grosz. In the opinion of the Advisory Commission, the transfer of ownership of the painting does not constitute a case of seizure as a result of Nazi persecution: the painting was not transferred as a consequence of Grosz's persecution

but in response to the heavy debt burden that Grosz already had with Flechtheim before 30 January 1933.

The Advisory Commission is of the opinion that even if the claimants' view is correct and the painting *Pompe Funèbre* was indeed still owned by George Grosz and was auctioned in the Netherlands as a commission good after Alfred Flechtheim's death, this does not constitute a case of seizure as a result of Nazi persecution. In the view of the Advisory Commission, there is no causal link between Grosz's persecution on the one hand and the consignment for auction and the subsequent auction on the other. No documents were submitted proving that the auction took place without either Grosz or Flechtheim's heir having knowledge of this or being in favour of it, or that it was a sham auction.

In the case of *Stilleben mit Okarina, Fisch und Muschel*, the claimants maintain that this painting likewise arrived in the Netherlands via France as part of the set of works on commission basis with Alfred Flechtheim and was sold in the Netherlands before the end of the war. In the opinion of the Advisory Commission, however, there is a lack of evidence to support this: it is up to the claimants to prove both their ownership of the painting and their loss during the period of persecution. The claimants' assertion that the painting was located in Paris, like *Pompe Funèbre*, is not sufficiently substantiated either by a French customs stamp on the back of the work or by a Paris depot list. Neither are there documents to support the assumption that the painting was sold in the occupied Netherlands before the end of the war. In fact, a letter is preserved from the illustrator and writer Leo Lionni (1910–1999), dated 1981, in which he recalls that his father acquired the work “after the war” in the Netherlands.

For these reasons, the Advisory Commission does not recommend restitution in either case.

The complete recommendation is available at beratende-kommission.de.

Beratende Kommission
im Zusammenhang mit der Rückgabe
NS-verfolgungsbedingt entzogenen Kulturguts,
insbesondere aus jüdischem Besitz

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