



## Press Release

### **Recommendation of the Advisory Commission in the case of the heirs of Felix Hildesheimer versus Hagemann Foundation not implemented due to refusal of the Hagemann Foundation**

18 January 2021

The Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property, states:

1. The recommendation of the Advisory Commission of 07 December 2016 in the case of the heirs of Felix Hildesheimer and the Franz Hofmann and Sophie Hagemann Foundation (hereinafter: Hagemann Foundation) has not been implemented. The Advisory Commission recommended that the Hagemann Foundation pay 100,000 Euro to the heirs of Felix Hildesheimer as compensation for a Guarneri violin in its possession. Both sides accepted this as a just and fair solution. For the Hagemann Foundation, the Board of Directors publicly confirmed on 09 December 2016 its intention to follow the recommendation of the Advisory Commission. Nevertheless, to date, the Hagemann Foundation has not made the recommended compensation payment to the heirs, either in full or in part.

2. The Hagemann Foundation initially justified its inability to do so by citing legal difficulties under foundation law. However, neither is it clear to what extent the Hagemann Foundation has expressed to the Foundation Supervisory Authority a serious intention to comply with the recommendation of the Advisory Commission, nor have other ways of raising the compensation sum been pursued with the requisite effort. The Advisory Commission regrets that none of the public institutions involved has been able to induce the Hagemann Foundation to comply with the Advisory Commission's recommendation and to support it in doing so.

3. In response to the request of the Advisory Commission to explain its further course of action, the Hagemann Foundation has now referred to new research results which would prove that Felix Hildesheimer was not forced to sell his business as early as 1937 – as still assumed in 2016 – but only on 11 January 1939. The Hagemann Foundation therefore feels justified in abandoning any efforts to implement the recommendation. In doing so, not only does it contradict the applicable principles for the restitution of property looted by the National Socialists as laid down in the Washington Principles and the *Guidelines*, but it also ignores the established standard of knowledge about living conditions in National Socialist Germany, especially after 09 November 1938.

4. For four years now, the community of heirs, whose German ancestors were subjected to severe persecution under National Socialism, has been given the impression that a political lack of will and bureaucratic hurdles stood in the way of reparation for historical injustice in Germany. The Advisory Commission considers it particularly inappropriate that the Hagemann Foundation continues to claim that its handling of the matter makes the violin an “instrument of reconciliation”.

### **Appendix**

The Advisory Commission’s recommendation of 07 December 2016 was based on the following considerations:

Sophie Hagemann acquired a Guarneri violin in 1974, now owned by the Hagemann Foundation. In the course of a planned restoration, the Hagemann Foundation began to investigate the provenance of the instrument. This revealed that the Speyer music dealer Felix Hildesheimer had acquired the violin on 24 January 1938. As a Jew, Felix Hildesheimer was persecuted individually and collectively. After he was forced to sell his home and music store, Felix Hildesheimer committed suicide on 01 August 1939. His two daughters had previously managed to emigrate to Australia and the United States respectively. His widow was deported to Gurs on 26 October 1940, and was able to escape to the USA via Marseille on 10 November 1941.

The remaining furniture was confiscated by the Gestapo and auctioned off. In view of these facts, it is not clear how Felix Hildesheimer could have lost the violin in a way that would not oblige its restitution today. In its recommendation, the Advisory Commission therefore came to the conclusion that the violin must be considered as cultural property seized as a result of National Socialist persecution in accordance with the Washington Principles and the *Guidelines*.

Because the donor acquired the violin in good faith and the Hagemann Foundation itself made considerable efforts to clarify the provenance of the instrument, the Advisory Commission refrained from recommending restitution. Instead, it recommended that the heirs be financially compensated. At the time, the violin had a value of 150,000 Euro, from which renovation costs of 50,000 Euro were to be deducted. The heirs were therefore to receive compensation of 100,000 Euro. Both sides agreed to this course of action.

The complete recommendation is available at [beratende-kommission.de](http://beratende-kommission.de).

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

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