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Looted Art and Restitution in the Twentieth Century –
Towards a Global Perspective

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Abstract: Introducing the Journal of Contemporary History Special Issue 'The Restitution of Looted Art in the 20th Century', this article proposes a framework for writing the history of looting and restitution in transnational and global perspective. By comparing and contextualizing instances of looting and restitution in different geographical and temporal contexts, it aims to overcome existing historiographical fragmentations and move past the overwhelming focus on the specificities of Nazi looting through an extended timeframe that inserts the Second World War into a longer perspective from the nineteenth century up to present day restitution practices. Particular emphasis is put on the interlinked histories of denazification and decolonization. Problematizing existing analytical, chronological and geographical frameworks, the article suggests how a combination of comparative, entangled and global history approaches can open up promising new avenues of research. It draws out similarities, differences and connections between processes of looting and restitution in order to discuss the extent to which looting and restitution were shaped by – and shaped – changing global networks.

Keywords: decolonization, denazification, heritage, looted art, Nazism, networks, restitution

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Is art worth dying for? When Mlle Villard, curator at the Jeu de Paume in Paris, urges Paul Labiche, leader of an underground Resistance group, to save the 'the glory of France' by sabotaging the train on which German colonel Franz von Waldheim plans to remove countless looted masterpieces of modern art to Germany in the days before the liberation of Paris, Labiche refuses. His resistance cell has already lost 15 of its 18 members - men that, 'like your paintings, mademoiselle,' are irreplaceable. His comrades, ordinary workers for the French national railways company SNCF, disagree and decide to save the artworks. As they, one after the other, have to pay this determination with their lives, the cargo comes to represent the sacrifice of Labiche's friends, which prompts him to ultimately accomplish the mission by derailing the train. As the masterpieces inside the crates are finally revealed, Labiche leaves without so much as glancing at them.

Loosely based on Rose Valland's account *Le front de l'art* and real life events surrounding train No. 40,044, seized by Free French Lieutenant Alexandre Rosenberg, John Frankenheimer's 1964 movie *The Train* tells the story of working-class heroes who sacrifice their lives for the

preservation of art, which is understood as an act that distinguish civilisation from barbarism.[1] Throughout the movie, 'saving the nation's heritage' is presented as a moral imperative which transcends not only the value but also the materiality of the artworks, to which Labiche is visibly indifferent. Moreover, each mention of the national treasures hidden in the crates by characters other than Labiche is dressed in language designed to highlight the affective importance given to art in dehumanising contexts.[2] Conflicting definitions of class, ownership, fruition and the complex relation between cultural heritage and national as well as individual identities are thereby implicitly problematised – as for instance in the German colonel's claim to the artworks based on his better knowledge and appreciation of their aesthetic value: 'Beauty belongs to the man who can appreciate it'.[3]

The looting and restitution of cultural property have captured the attention of the public for several decades through a range of popular recollections that include novels, exhibitions, documentaries and two recent blockbuster movies, *Monuments Men* and *Woman in Gold*.[4] Offering an apparently clean-cut 'heroes versus villains' narrative, these accounts focus overwhelmingly on Holocaust-era looting and postwar restitution. They do so in order to sensationalise the apparent uniqueness of the Nazis' systematic plundering of Jewish-owned or national collections and subsequent efforts to restore looted cultural property from the end of the Second World War to the present day. In these narratives, the historical complexities that characterised wartime looting or under duress sales and the ensuing efforts to restore cultural artefacts to their pre-war owners are often put aside in favour of vivid literary stories that present a tale of heroic sacrifice, national glory and the fulfilment of justice.[5]

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[1] For a brief interdisciplinary discussion of the performative qualities of the notion of 'barbarism' see M. Boletsi, *Barbarism and its Discontents* (Stanford, CA 2013). On the dichotomy between civilisation and barbarism as *trait d'union* of twentieth century European history see B. Wasserstein, *Barbarism and civilization: a history of Europe in our time* (Oxford 2007). On the origins of the conceptual links between art politics, civilisation and barbarism see P. Michel, 'Barbarie, civilisation, vandalisme', in R. Reichard, J. Lüsebrink, E. Schmitt (eds.), *Handbuch politisch-sozialer Grundbegriffe in Frankreich, 1680-1820*, vol. VIII (Munich, 1988), 7-49.

[2] On the history of emotions of art looting see in particular B. Savoy, 'Plunder, Restitution, Emotion and the Weight of Archives: A Historical Approach', in I. Rotermund-Reynard (ed.), *Echoes of Exile. Moscow Archives and the Arts in Paris 1933-1945* (Berlin/Boston 2015), 27-44 and Ibid., '"An Bildern schleppt ihr hin und her...". Restitutionen und Emotionen in historischer Perspektive', in S. Koldehoff, G. Lupfer, M. Roth (eds.) *Kunst-Transfers. Thesen und Visionen zur Restitution von Kunstwerken* (Munich 2009), 85-102.

[3] *The Train*, directed by John Frankenheimer (U.S./France/Italy 1964).

[4] Particularly interesting is the documentary 'The Rape of Europa' [which takes the moves from Lynn Nicholas' pioneer work *The rape of Europa: the fate of Europe's treasures in the Third Reich and the Second World War* (New York 1994)], reviewed by M. Lewis, 'The Rape of Europa' (2007), *Film & History*, 44, 1(2014), 49-51. On the 'public image' of the 'Monuments Men' see a variety of visual material available at: https://www.monumentsmenfoundation.org/ (last accessed 5 October 2016). Among the most popular accounts see R. Edsel, *Monuments men: Allied heroes, Nazi thieves, and the greatest treasure hunt in history* (London 2010) and A. M. O'Connor, *The Lady in Gold: The Extraordinary Tale of Gustav Klimt's Masterpiece, Portrait of Adele Bloch-Bauer* (New York 2012).

[5] See E. Löffler, 'NS-Kulturgutraub als Medienereignis', in J. Heil and A. Weber (eds.), *Ersessene Kunst – Der Fall Gurlitt* (Berlin 2015), 223-36 and C. Bouchoux, *"Si les tableaux pouvaient parler ...": Le traitement politique et médiatique des retours d'œuvres d'art pillées et spoliées par les nazis (France 1945-2008)* (Rennes 2013). On the public debate surrounding the

Their aim then is to turn events and characters into a universal case by playing on the strongly emotional quality of these attempts to 'rectify' Nazism's atrocities rather than deal with them by historicising their causes and consequences.[6] This comes at a time when the issue of art looting and restitution is increasingly present in media reports: from the disclosure of loots hauled away during WWII – most notably the Gurlitt case[7], to the removal of a Benin bronze cockerel from a Cambridge college prompted by the 'Rhodes Must Fall' campaign,[8] and worldwide news of the devastation of Syria's heritage - including the gruesome beheading of 82-year-old antiquities scholar, Khaled al-Asaad who refused to cooperate in the plundering and trafficking of Palmyra's treasures.[9]

Alongside the many public accounts, a diverse and wide-ranging academic literature has developed, providing insights from legal, historical and art historical perspectives. Provenance research is also rapidly establishing itself as a field of its own.[10] With a few exceptions, the notion of 'nation' remains fundamental in the literature, and different case studies are often analysed as eminently 'national' stories, which play a central role in the way national identities and sense of self are imagined. The reasons for the prevalence of studies on certain periods and national contexts are themselves important as they not only hint at specific disciplinary preoccupations but also reveal the entanglement of identity politics and research as well as the importance given to the nation in both legal and discursive frameworks. As in the case of *The Train*, however – an American movie by a director of German Jewish and Irish Catholic descent constructed to glorify

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restitution of Nazi looted art see J. Schoeps and A.-D. Ludewig (eds.), *Eine Debatte ohne Ende? Raubkunst und Restitution im deutschsprachigen Raum* (Berlin 2007), esp. Part IV.

[6] For a concise overview of the history of art looting see R. Evans, 'Art in Time of War' in *The National Interest*, 113 (2011), 16-26. On the history of National Socialist looting see the English-language classics L. Nicholas, *The rape of Europa: the fate of Europe's treasures in the Third Reich and the Second World War* (New York 1994) and J. Petropoulos, *Art as Politics in the Third Reich* (Chapel Hill 1996). For an overview of the recent historiographical trends relating to WWII looting and postwar restitution see C. Welzbacher, 'Kunstschutz, Kunstraub, Restitution. Neue Forschungen zur Geschichte und Nachgeschichte des Nationalsozialismus', in http://hsozkult.geschichte.hu-berlin.de/index.asp?id=1296&view=pdf&pn=forum&type=forschungsberichte (last accessed 5 October 2016).

[7] On the Gurlitt case see also M. Hoffmann & N. Kuhn, *Hitlers Kunsthändler: Hildebrand Gurlitt, 1895-1956: Die Biographie* (Munich 2016), as well as a multitude of news articles, including A. Smale, 'Report of Nazi-Looted Trove Puts Art World in an Uproar', *The New York Times*, 5 November 2013, A1.

[8] The Rhodes Must Fall campaign originated in requests to dispose of a statue of Victorian imperialist Cecil Rhodes at the University of Cape Town, see https://www.theguardian.com/education/2016/mar/08/benin-bronze-row-cambridge-college-removes-cockerel (last accessed 5 October 2016). On the entangled history of colonialism and material culture see also N. Thomas, *Entangled Objects: Exchange, Material Culture and Colonialism in the Pacific* (Cambridge 1991).

[9] See https://www.theguardian.com/world/2015/aug/18/isis-beheads-archaeologist-syria (last accessed 10 September 2016). See also E. Cunliffe, N. Muhesen and M. Lostal, 'The Destruction of Cultural Property in the Syrian Conflict: Legal Implications and Obligations', *International Journal of Cultural Property,* 23, 1 (2016), 1-31 and N. Brodie, 'Syria and its Regional Neighbors: A Case of Cultural Property Protection Policy Failure?', *International Journal of Cultural Property*, 22, 2-3 (2015), 317-35.

[10] A growing number of commissions and institutions – from lobby groups to museums, auction houses and universities – now offers provenance research training and/or have established provenance research divisions, accompanied by an expanding literature on the subject. See for example Landesstelle für die Nichtstaatlichen Museen in Bayern*, Kulturgutverluste, Provenienzforschung und Restitution: Sammlungsgut mit belasteter Herkunft in Museen, Bibliotheken und Archiven* (Munich 2007); N. Karrels, 'Renewing Nazi-era provenance research efforts: Case studies and recommendations', *Museum Management and Curatorship*, 29, 4 (2014), 297-310.

France's resistance and 'Western' civilisation against the barbarism of Nazism –, the history of art looting and restitution is by and large a quintessentially entangled history, in which cross-cultural connections and transnational networks constitute an essential point for analysis. Despite this, the geographical and chronological spread of studies has proven rather uneven, with an overwhelming majority of literature focusing on the unprecedented scale and ferocity of Nazi looting and the aftermath of the Second World War.

This Special Issue sets out to overcome these fragmentations by establishing connections across institutional and national borders over the course of the twentieth century. The aim of the volume – and especially of this introductory article – is to move past the overwhelming focus on the specificities of the Nazi case by offering an extended timeframe that inserts the Second World War into a longer perspective from the nineteenth century up to the present day, with particular emphasis on the interlinked histories of denazification and decolonisation. More specifically, our aim is to draw attention to the similarities and differences between the processes of looting and restitution in different geographical and temporal contexts and to discuss whether and how they influenced each other. The objective here obviously is not to underplay the centrality of Holocaust-era looting, nor to limit ourselves to looking for similarities between what we understand as very different processes. Rather, we argue that a careful analysis of the entanglements and global connections between diachronic and synchronic instances of looting and restitution can help us gain a deeper understanding of these diverse phenomena. While our main focus remains Europe, then, we contend that it is only by highlighting the transnational and global connections that we can begin to get a clearer picture of the developments from the Second World War to the present. The articles across this Special Issue suggest that ideas and practices did not spread in concentric circles from a single source, but developed through a range of overlapping networks and a complex negotiation between public and private actors, governments and social groups, (ex)colonizers and (ex)colonized according to shifting power structures. This is for example evident in the Allies' treatment of postwar restitution outside Europe, where plundering before 1937 was excluded to protect their own colonial interests[11], but also within Europe, where restitution was initially handled as a primarily 'interstate' matter, thereby *de facto* excluding a significant number of Holocaust survivors from the restitution process.[12] The wish to change these power relations was a strong motivation for many restitution claims. We consequently argue that cultural policies not only were shaped by global entanglements, but constituted a central motor of change in the construction of a new world order.

A history that connects different contexts necessitates approaching the terms 'looting',

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[11] See below and Kim in this volume.
[12] See for example M. Marrus, *Some measure of justice: The Holocaust era restitution campaign of the 1990s* (Madison, Wis. 2009), 63.

'restitution' and 'art' more broadly than they are sometimes treated, for instance, in examinations of the postwar return of Nazi looted art – which consider restitution primarily as the return of forcibly stolen goods – in order to capture different contexts and changes in definition over time. This volume's contributions consequently adopt a broad definition of both looting and restitution, which include attempts to rectify several forms of 'unjust enrichment' through torts, contracts or under duress sales by considering a variety of provisions for 'restorative justice' while paying special attention to the historical developments of terminology.[13]

Throughout the volume, the term 'looted art' is used as a synecdoche for cultural property because of its omnipresence in public and academic discourses. Rather than focusing exclusively on art, then, contributions examine the looting of art in relation to that of archives, libraries, religious objects, and furniture. Here, the central focus of our analysis will be on instances of looting conceived as political acts, rather than prompted by primarily commercial considerations. While political and commercial interests often conflated – as in the case of the Nazis' auctioning of 'degenerate' artworks plundered from national and Jewish collections –,[14] the primary motive of the cases examined remained political as it aimed at effecting significant changes in the political, social and cultural structures.

With this framework in mind, this Special Issue will concentrate on five main objectives: First, to establish changing definitions of looted and restituted art during the twentieth century. Second, to develop a periodisation of restitution history, placing particular emphasis on connections and contrasts between post-WWII and post-colonial claims and policies. Third, to highlight the connections between case studies within the broader framework of twentieth century history: how do the specific networks discussed in each contribution fit into a wider framework, which experiences are unique and which are common? Fourth, to analyse the transnational aspects of restitution practices in relation to the shifts engendered by the Second World War, the process of decolonisation and the rise of civil rights and indigenous movements. Fifth, to understand the role of restitution claims for memory and identity politics at a local, national and international level.

The contributions included in this Special Issue address these five underlying questions in order to shed light on our understanding of the political, social and cultural history of looting and restitution throughout the twentieth century. It is, of course, impossible to comprehensively examine all

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[13] S. Levmore, 'Explaining Restitution', *Virginia Law Review* 71, 1 (1985), 65–124, and A. Kull, 'Three Restatements of Restitution', *Washington and Less Law Review* 68 (2011), 867–80. For an extended discussion see Lustig's and La Follette's articles in this volume.

[14] See for example the case of the infamous *Galerie Fischer* auction in Lucerne: J. Petropoulos, *Art as Politics in the Third Reich* (Chapel Hill 1996), 80 ff. The mixing of political and commercial interests was not limited to Nazi looting but also prevalent in pre-war colonial archaeology, as Kim's article in this volume demonstrates. For some considerations about the more recent interactions between political and commercial looting see La Follette's article in this volume.

the multifaceted dimensions of looting and restitution of cultural property across time and space in a single volume. This Special Issue therefore presents a collection of case studies from around the globe that purposefully draw links with one another in order to highlight broader patterns and shed light on the worldwide circulation of ideas and practices. The volume brings together scholars with different geographical expertise in Western, Central and Southern Europe, the Middle East, North Africa, North America and East Asia linking developments from Portugal to Poland – via France, Germany, the Netherlands and the Czech republic – and from Algeria to Israel, the United States, Korea and Indonesia. The volume opens with Jason Lustig's work on the fate of German Jewish communal archives and cultural property in the immediate post-WWII years, which sets the tone by highlighting the problematic nature of 'restitution' in relation to changing definitions of community and territory. It then takes a step back with Jonathan Petropoulos' article on art dealers before, during and after the Second World War, which formulates the crucial importance of transnational networks across Central Europe – Southern Germany, Austria and Switzerland in particular. This article is followed by Inês Fialho Brandão's piece on Portuguese sources in Nazi-era provenance research, which urges experts to examine the history of looting in a wider perspective that moves beyond the familiar literature on central Europe and the United States to include neutral countries such as Portugal and postulates how post-colonial restitution has impacted on the interest in Nazi provenance studies.

Sophie Coeuré's article covers the transition from the final years of WWII to the dawn of the Cold War through an entangled analysis of French recovery missions in Poland, Czechoslovakia and Eastern Germany, problematizing conflicting Soviet and French concepts of restitution, cultural property and the 'nation' as well as the role of memory. Christine Kim's contribution expands the geographical breadth of our enquiry by providing a multifaceted interpretation of US Cold War attitudes towards the Japanese plundering of Korea, which highlight the persistence of colonialist and orientalist views within a postcolonial context. Andrew Bellisari's paper on the 1960s battle for Algeria's French art offers an alternative narrative of restitution and decolonisation that points towards the instrumentalization of restitution debates and the role of art in constructing the French and Algerian nation-states through a process that redefined the relationship between them by maintaining interconnections rather than severing them.

Cynthia Scott's analysis of the key shifts in restitution policies between the Netherlands and Indonesia from 1949 to 1979 assesses the role of UNESCO and other international bodies in shaping the debates on the restitution of cultural property in a post-colonial context and provides an in-depth interpretation of the sometimes contentious, sometimes auto-celebratory nature of these discourses. Finally, Laetitia La Follette's piece on looted antiquities and museums in the

United States since 1970 takes us to the present day by addressing how international law, practices of Nazi-looted restitution and indigenous rights interacted in order to delineate fair practices of provenance research and restitution in dealing with looted antiquities and indigenous artefacts.

The aim of this introductory article is to propose a framework for writing the history of looting and restitution in transnational and global perspective by connecting, comparing and contextualising the case studies analysed in this Special Issue. Inscribing our reflection in a longer historical perspective that runs from the nineteenth to the early twenty-first century, we will start by problematizing first the analytical language and then existing historical overviews of looting and restitution and suggest how a combination of comparative, entangled and global history approaches is vital in opening up new questions and avenues of research. We will then draw out the key findings that emerge across the case studies analysed in this Special Issue – with particular emphasis on the role of networks and how restitution as a political act was used to reconfigure communities – and assess their implications for the historicisation of looting and restitution.

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Let us start with reflecting on the role of language both as framework for and as object of study. Having stated the reasons for operating with a broad definition of looting and restitution, it is now time to examine more closely the historic development of terminology. Any transnational work needs to pay attention to differences in context, while also recognising that concepts of looting and restitution are themselves the product of transnational interactions. It is therefore a central concern of this introduction to problematise given definitions and to elucidate how and why they shifted.

According to common English usage 'looting' refers to the plunder of a city or building and the act of carrying something off as booty,[15] while 'restitution' describes 'the action of restoring or giving back something to its proper owner, or of making reparation to a person for loss or injury previously inflicted'.[16] Both terms are part of a larger semantic field that includes 'plunder', 'pillage', 'spoliation', 'trophy', 'theft', 'vandalism' or even 'rape' to refer to the forceful appropriation of objects, and 'return', 'recovery', 'repatriation' 'restoration', 'compensation', 'indemnification', *'Wiedergutmachung'* or 'reconciliation' to designate travel in the other direction. As many of the terms are morally loaded, some authors prefer 'seizure', 'dislocation' or the less

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[15] 'Loot, v.', *Oxford English Dictionary* (2nd edition, Oxford 1989), OED Online version September 2016, http://www.oed.com/view/Entry/110212, (last accessed 24 October 2016).
[16] 'Restitution, n.', *Oxford English Dictionary*, 3rd edition, Oxford 2010.), OED Online version September 2016, http://www.oed.com/view/Entry/163966, (last accessed 24 October 2016).

directional 'translocation', 'transfer', 'circulation' or 'movement' as analytical terms.[17]

There is however, overall, 'little agreement on the terms of discourse'.[18] This is in part the case because the circumstances in which objects were taken are often extremely diverse. Some objects were war booty – resulting from large-scale government expeditions as well as the private initiative of army leaders, soldiers or even civilians –, others were transferred as gifts or favours, or acquired through sale – either voluntary or under duress – as well as via expropriation, archaeological *partage* and accretion. The picture is further complicated by significant changes in the legal framework over time, especially over the past hundred years. Moreover, in addition to law, morality and *fait accompli* are often mixed in with arguments about preservation, access, use, successorship, nationalism or universalism to make and refute restitution claims.[19]

In many cases, not only the context but also the meaning of terms changed over time. During the Renaissance, for instance, 'spoliation' could equally refer to the forcible taking of art in war as to the reuse of ancient objects for reasons of convenience or as homage to the Ancients.[20] Our knowledge of how the terminology evolved is riddled with gaps and revolves largely around European usages:[21] during the French Revolution and the Napoleonic period, for instance, 'looting' and 'restitution' became connected to a polarised language of barbarism versus civilization in response to internal and external translocations.[22] In this context, the seizure of art by the revolutionary armies was legitimised by the idea that only free men could love and preserve art, therefore - so the argument went - all art should be freed from tyrannical feudal lords and find its home in France, be 'repatriated' to the homeland of free men.[23] It was thus an act of 'looting' that was also first designated an act of 'restitution'.

Following Napoleon's defeat, Wellington's decision to have an organised 'return' of the annexed artworks marked a clear departure from previous practice according to which the spoils belonged to the victor. This first adoption of 'return' of artworks as general policy coincided with

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[17] For a reflection on different uses in different scholarly fields and national traditions see for instance the preface by Pierre Rosenberg to B. Savoy, *Kunstraub. Napoleons Konfiszierungen in Deutschland und die europäischen Folgen* (Cologne/Weimar/Vienna 2010), 12.
[18] J. Merryman (ed.), *Imperialism, Art and Restitution* (Cambridge 2006), 3.
[19] For a concise discussion of the different forms of 'transfer' and the different categories of arguments for and against restitutions see Merryman, *Imperialism, Art and Restitution*, 1-14.
[20] 'Spoliation, n.', *Oxford English Dictionary, (2nd edition, Oxford 1989),* OED Online version September 2016, http://www.oed.com/view/Entry/187304 (last accessed 24 October 2016).
[21] On translations and transformations of the vocabulary see B. Savoy, *Patrimoine annexé: Les biens culturels saisis par la France en Allemagne autour de 1800*, vol. 1 (Paris 2003), 209-17; N. Oulebsir and A. Swenson, 'Patrimoine: Voyage des Mots. Heritage, Erbe, Beni culturali, Turâth, Tigemmi', *Patrimoine et Architecture* 21 (2015), 10-23. On classical influences: M. Miles, *Art as Plunder. The Ancient Origins of Debate About Cultural Property* (New York 2008).
[22] See also P. Michel, 'Barbarie, civilisation, vandalisme', in R. Reichard, J. Lüsebrink, E. Schmitt (eds.), *Handbuch politisch-sozialer Grundbegriffe in Frankreich, 1680-1820*, vol. VIII (Munich, 1988), 7-49.
[23] Abbé Grégoire, *Patrimoine et cité*, ed. D. Audrerie (Bordeaux 1999). On the up take of the anti-vandalism language in colonial contexts see A. Swenson and P. Mandler (eds.), *From Plunder to Preservation: Britain and the Heritage of Empire, c. 1800-1940*, Proceeding of the British Academy 187 (Oxford 2013), A. Swenson, 'Crusader heritages and imperial preservation', Past and Present, suppl. 10 (2015): 27-56.

a period particularly concerned with turning to the past through all kind of forms of 'restoration' and 'revival'. But already in 1815, it was clear that there could be no flawless 'return': many of the territories or entities from which works had been removed no longer existed as a result of secularization and the redrawing of territorial boundaries during the Restoration; mind-sets had changed even more.[24] Nevertheless, the expanding vocabulary of 'return' gradually acquired new significance by being applied to diverse territorial claims and political institutions, as in the case of the 'restoration' of the Jews to Israel.[25]

After the Holocaust, the chimera of turning back became even clearer – as well as the necessity to go beyond the terms of 'reparation' used in the Versailles Treaty.[26] In some instance the language of restitution, revival and return grew stronger and was imparted with new meaning, as in the case of the transfer of Jewish archives to Israel, which situated the archives within a project of national revival and 'return' of Jewish people to their homeland.[27] At the same time, the vocabulary was further modified and enriched through concepts such as *Wiedergutmachung*, 'to make good again', but also *Vergangenheitsbewältigung*, the 'coming to terms with the past', which acquired resonance well beyond post-war Germany and was later at the heart of the Latin American and especially the South African 'truth and reconciliation' commissions.[28]

Across the nineteenth and twentieth centuries, a strong link between art-related and political vocabularies thus emerged. Objects were used to negotiate political change and disruption. 'Return' could express both a deep will to go back as well as the necessity to move forward. We therefore need a history that traces the circulation of words and concepts as much as it looks at the objects and actors to better understand when and how different forms of transferring objects became considered as illegitimate 'looting' and how the vocabulary of 'restitution' became so widely sought as a remedy for different processes of displacement, both material and human.

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[24] The issue of 'successor' states' entitlement appears all the more relevant when dealing with twentieth century postcolonial claims (see Bellisari and Scott's contributions to this volume), but has constituted a constant in restitution history, as in the famous case of the Parthenon marbles: On the difficulties of comprehensive legal definitions see for example C. Roodt, 'Restitution of Art and Cultural Objects and Its Limits', *The Comparative and International Law Journal of Southern Africa*, 46, 3 (2013), 286-307; J. Merryman, *Thinking about the Elgin marbles: Critical essays on cultural property, art and law* (The Hague - London 2000).

[25] See S. Goldhill, 'The Cotswolds in Jerusalem: Restoration and Empire', in Swenson/Mandler, *From Plunder to Preservation*, 115-45.

[26] See M. Kurtz, *America and the return of Nazi contraband: the recovery of Europe's cultural treasures* (new edition, Cambridge 2006), 8-10. For a general overview of how the concept of 'Nazi looted art' has developed up to 2009 see M. Müller, *Begriff der Raubkunst. Im Spiegel nationaler und internationaler Entwicklung* (Saarbrücken 2014).

[27] J. Lustig, 'Who Are to Be the Successors of European Jewry? The Restitution of German Jewish Communal and Cultural Property', this volume.

[28] J.J. Llewellyn and R. Howse, 'Institutions for restorative justice: The South African truth and reconciliation commission', *The University of Toronto Law Journal*, 49.3 (1999): 355-88. On the 'Wahrheitskommissionen' and the 'special terrain' of art restitution in global perspective see B. Unfried, *Vergangenes Unrecht: Entschädigung und Restitution in einer globalen Perspektive* (Göttingen 2014).

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Now that we have established how definitions of looting and restitution shifted over time and that both concepts themselves originate from a series of transnational interactions, it is time to turn our attention to providing a synthetic historical overview of how these practices developed while highlighting some of the gaps in of the literature on the topic.

Knowledge about connections between processes of looting and restitution remains highly fragmented, despite a growing scholarship. Legal histories in particular have traced the emergence of international principles, but the focus is almost exclusively on the development of the law rather than the human agency that produced them.[29] A number of recent studies have also looked at how the language of restitution converted to objects displaced in different historical circumstances on a global scale.[30] However, their main aim often consists of finding international solutions for present claims rather than understanding the evolving global developments that underpinned the need for such solutions – thereby seeing international cooperation as the aim rather than the object of study.[31] In contrast, it is a range of more locally confined transnational histories that have persuasively drawn attention to the often complex chain of events set in motion through the translocation of artworks and the potential as well as the limits of 'restitution'. Here the literature on Europe is particularly rich – especially on the Napoleonic period, the First the Second World Wars and its aftermath –, but significant attempts have recently also been made to connect European, Imperial and postcolonial histories.[32]

Case studies remain however rarely integrated and appear only partly reflective of how and why ideas and practices move across the globe. As a result, while some connections between instances of looting and restitution across time and space may seem relatively apparent, their

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[29] See for example R. O'Keefe, *The Protection of Cultural Property in Armed Conflict* (Cambridge 2006). On nation-states, territory and the integrity of national patrimony see A. Jakubowski, *State succession in cultural property* (Oxford 2015). See also J. Ulph, et al., *The illicit trade in art and antiquities: International recovery and criminal and civil liability* (Oxford 2012).

[30] See for example the classic J. Greenfield, *The Return of Cultural Treasures* (Cambridge 1989) as well as the recent N. Moses, *Stolen, Smuggled, Sold. On the Hunt for Cultural Treasures* (London 2015) and B. Unfried, *Vergangenes Unrecht: Entschädigung und Restitution in einer globalen Perspektive* (Göttingen 2014), 395-460.

[31] See for example C. Hershkovitch and D. Rykner, *La restitution des ouevres d'art. Solution et impasses* (Paris 2011), 12.

[32] See for instance Merryman, *Imperialism, Art and Restitution*; M. Jasanoff, *Edge of empire: Lives, culture, and conquest in the East, 1750-1850* (New York 2015); A. Swenson and P. Mandler (eds.), *From Plunder to Preservation: Britain and the Heritage of Empire, c. 1800-1940*, Proceeding of the British Academy 187 (Oxford 2013); H. Hoock, *Empires of the Imagination: Politics, War, and the Arts in the British World, 1750-1850* (London 2010) and Ibid., 'The British State and the Anglo-French Wars over Antiquities, 1798-1858', *Historical Journal*, 50, 1 (2007): 49-72. Studies that look at decolonisation on the ground are also growing. On the Indonesian and Algerian cases see Scott and Bellisari in this volume as well as M. Bloembergen and M. Eickhoff, 'Conserving the past, mobilizing the Indonesian future: Archaeological sites, regime change and heritage politics in Indonesia in the 1950s', *Journal of the Humanities and Social Sciences of Southeast Asia*, 167, 4 (2011), 405-436. See also C. Golomoz, *Collecting in and beyond museums: Archives in formation: The disputed ownership of the Korean Uigwe Archive*, unpublished M.Phil. thesis, University of Cambridge (2013); This has led to a plurality of interdisciplinary projects, as in the case of artist Peju Layiwola's exhibition on the 1897 Benin looting, see P. Layiwola and S. Olorunyomi (eds.), *Benin1897.com. Art and the Restitution Question* (Ibadan 2010).

extent and historical significance is not. There are a lot of 'pockets' of local, national, transnational and international case studies that need connecting. Yet to connect them meaningfully it is necessary to reflect on how one might think about making sense of these entanglements. We know little as yet about how exactly different transnational histories interacted; which role imperial and post-colonial networks played; whether agency developed mostly from the ground up or within the League of Nations, UNESCO and other international bodies and how international bodies, different commissions and a multitude of transnational networks set up to champion different forms of restitution since 1945 interacted.

Despite these gaps in knowledge, we are often presented with a relatively linear chronology of looting and restitution, where the question of global connections is often only implicitly analysed according to a diffusionist model as spreading from the ancient Mediterranean to medieval and modern Europe, with most emphasis on Napoleonic and Nazi lootings. Far from being an exclusively European affair, however, episodes of looting occurred all over the world at the hands of a variety of agents on both a local and a global scale. Their form, significance and moral dimension however varied substantially depending not only on the historical context but also on a multiplicity of variables, such as their role as identity markers, power displays as well as their political and symbolic meaning. This is evident both diachronically, as in the case of the ransacking of Constantinople in 1453, the plundering between daimyo in early-modern Japan or the looting by official 'prize agents' during the Indian uprising of 1857, as well as synchronically –for example in the concurrent pillaging of Rome and Mexico's treasures by Spanish soldiers in the sixteenth century.[33]

Regardless of the differences in context, it is generally assumed that looting constituted a sometimes criticised but ultimately accepted common practice throughout antiquity and up to the early modern world. It was the drastic change in scale, organisation and legitimisation of art seizures during the Napoleonic wars that prompted the first dramatic departure from previous practice and the first efforts to 'return' all looted artworks in 1815.[34] This in turn fuelled the development of international law, where ideas travelled from Europe to America via the Lieber Code and back via the Brussels Conference, leading to codification in the Hague Conventions of

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[33] Rosie Llewellyn-Jones, *The Great Uprising in India, 1857-58: Untold Stories, Indian and British* (Woodbridge 2007), .129-53. See for example in W. Treue, *Kunstraub. Über die Schicksale von Kunstwerken in Krieg, Revolution und Frieden* (Düsseldolf 1957). For a recent analysis of the sources relating to the Spanish conquest of the Aztec empire see M. Oudijk, 'The Conquest of Mexico', in D. Nichols (ed.), *The Oxford Handbook of Mesoamerican Archaeology* (Oxford 2012); H. Thomas, *Conquest: Cortes, Montezuma, and the Fall of Old Mexico* (London 1993); M. Juneja, 'Circulation and Beyond – The trajectories of vision in early modern Eurasia', in T. DaCosta Kaufmann, C. Dossin, B. Joyeux-Prunel (eds.), *Circulations in the Global History of Art* (London 2016).

[34] Among the vast literature on the topic see D. Gilks, 'Attitudes to the Displacement of Cultural Property in the Wars of the French Revolution and Napoleon', *The Historical Journal*, 56, 1 (2003), 113-43, B. Savoy, *Kunstraub. Napoleons Konfiszierungen in Deutschland und die europäischen Folgen* (Cologne/Weimar/Vienna 2010); M. Miles, *Art as Plunder. The Ancient Origins of Debate About Cultural Property* (New York 2008).

1899 and 1907.[35] In this scenario, ideas about looting and restitution functioned not only as product but also as agents of transnational developments.[36] Connections across time and space appear thus not merely as similarities but as conscious emulations, refutations and transformations, as testified by Napoleon's adaptation and simultaneous rejection of the Roman model of art looting,[37] or by the investigations of empress Eugénie's Chinese collection at Fontainebleau, acquired as a result of the Anglo-French pillaging of the Summer palace of Beijing during the Second Opium War.[38] This proved the case even when constructing a 'national' narrative: it was the translocation of Italian – rather than German – art that first mobilised the German Enlightenment, for instance, and it was the rediscovery of old German masters exhibited in the Louvre that later gave rise to the belief in a German national art.[39] The Revolutionary translocation of artworks played a pivotal role in the emergence of the idea of a 'national heritage' and the institution of the 'national museum' across Europe, creating an international chase for object across the globe to fill the new treasure houses, which was legitimised by the ideas that this 'plunder' constituted an act of 'preservation'.[40]

The course of the twentieth century was instead mostly characterised by the blatant violations of newly established international legislation on pillaging and the wilful destruction of cultural property, starting with the First World War – including the activities of the German *Kunstschutz* – as well as postwar restitution debates and the reparation clauses comprised in the

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[35] For a brief English-language overview of these developments in Europe and the U.S. see M. Kurtz, *America and the return of Nazi contraband: the recovery of Europe's cultural treasures* (new edition, Cambridge 2006), 3-11. Miles is pivotal in showing how classical texts were being read and adapted during the late nineteenth century and eventually led to the first Code that would ultimately provide the template for the Hague Conventions, see Miles, *Art as Plunder*, 349-50. See also R. O'Keefe, *The Protection of Cultural Property in Armed Conflict* (Cambridge 2006), 19-21.

[36] Swenson and Mandler for instance discuss the movement of ideas from the Revolutionary to the Imperial contexts as part of the civilising mission see *From Plunder to Preservation*; Savoy shows how the history of art looting was mobilised time and again in the Franco-German conflicts between the Napoleonic Wars, 1871, 1914 and 1940, see Savoy, *Kunstraub.*

[37] See E. Pommier, *L'Art de la liberté. Doctrines et débats de la Révolution française* (Paris 1991). On how art looting and restitution were staged in Roman times see for example S. Holz, 'Das Kunstwerk als Beute: Raub, Re-Inszenierung und Restitution in der römischen Antike' in U. Fleckner, M. Steinkamp und H. Ziegler (eds.), *Der Sturm der Bilder. Zerstörte und zerstörende Kunst von der Antike bis in die Gegenwart* (Berlin 2011), 35-54.

[38] See the ensuing debate on *The Times*, including 'The Plunder of the Summer Palace at Pekin.' *Times* [London, England] 10 Mar. 1874: 12, and St. George Foley, 'The Summer Palace At Pekin.', *Times* [London, England] 14 Mar. 1874: 12. *The Times Digital Archive*. Web (last accessed 5 October 2016). See R. Kraus, 'The Repatriation of Plundered Chinese Art', *The China Quarterly*, 199 (September 2009), 837-42 and J. Elliott, & D. Shambaugh, *The odyssey of China's Imperial art treasures* (Seattle 2005). For the on-going debate on the looting of the Summer Palace see http://www.oxfordtoday.ox.ac.uk/opinion/loot-chinas-old-summer-palace-beijing-still-rankles (last accessed 5 October 2016). The author controversially argues that looted pieces should remain in European museums, see T Jenkins, *Keeping their marbles: How the treasures of the past ended up in museums - and why they should stay there* (Oxford 2016).

[39] B. Savoy, *Patrimoine annexé. Les biens culturels saisis par la France en Allemagne autour de 1800* (2 vols, Paris 2003), passim.

[40] E. Bergvelt, D. Meijers, L. Tibbe and E. van Wezel (eds.), *Napoleon's Legacy: The Rise of National Museums in Europe 1794-1830* (Berlin 2009); H. Hoock, *Empires of the Imagination: Politics, War, and the Arts in the British World, 1750-1850* (London 2010). A. Swenson, *The Rise of Heritage: Preserving the Past in France, Germany and England, 1789-1914* (Cambridge 2013).

Treaty of Versailles.[41] Here, the narrative tends to focus especially on German grievances elicited by the Treaty, with once again little reference to the wider global dimension of this story – as exemplified for instance by the frantic search that ensued as a result of the Treaty's provisions to return Sultan Mkwawa's skull taken from the Wahehe people in the protectorate of German East Africa, today's Tanzania, which was eventually restituted only in 1954.[42] The relevance of these transnational connections for a thorough examination of the phenomenon is paramount – both among the emerging European nation-states as well as between Europe and the wider world. The famous case of the disputed Nefertiti bust illustrates well for instance how it was the complex intersection of European and colonial interactions that led to the restitution claim, with Egypt's request towards Berlin being originally formulated by a French antiquities service member intent on continuing the fight against Germany after the First World War through the means of antiquities.[43]

The by far best researched instance of looting, as we have seen, is the drastically new level of systematic plundering and destruction of cultural property perpetrated by the National Socialists from the early 1930s onwards[44] and its intrinsic connections to the Holocaust.[45] Here, the National Socialist *Rape of Europa*, the unprecedented brutality of the ERR (the *Einsatzstab Reichsleiter Rosenberg*),[46] Göring's plundering spree and Hitler's grand plans for his '*Führermuseum*'[47] have usually been analysed in relatively stark separation from the *longue durée* history of art looting as well as the colonial and post-colonial contexts, and sometimes treated as an isolated

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[41] See for example C. Kott, *Préserver l'art de l'énnemi? – le patrimoine artistique en Belgique et en France occupées, 1914-1918* (Paris 2006); C. Roolf, 'Die Forschungen des Kunsthistorikers Ernst Steinmann zum Napoleonischen Kunstraub zwischen Kulturgeschichtsschreibung, Auslandspropaganda und Kulturgutraub im Ersten Weltkrieg', in E. Steinmann, *Der Kunstraub Napoleons*, edited by Y. Dohna (original 1916, new edition Rome 2007), 433-77. On the restitution debate in Poland see E. Manikowska, 'National vs Universal? The Restitution Debate between Poland and Soviet Russia after the Riga Peace Treaty (1921)' in U. Grossmann and P. Krutisch (eds.), *The Challenge of the Object/Die Herausforderung des Objekts* (Nuremberg 2013), 1360-4. On the history of the *Kunstschutz* during the Second World War see C. Fuhrmeister, J. Griebel, S. Klingen and R. Peters (eds.), *Kunsthistoriker im Krieg – Deutscher Militärischer Kunstschutz in Italien 1943–1945* (Cologne 2012).

[42] Articles 246 of the Versailles Treaty, see M. Baer, *Eine Kopfjagd. Deutsche in Ostafrika. Spuren kolonialer Herrschaft* (Berlin 2001). The text of Section II of the Versailles Treaty is available at: http://net.lib.byu.edu/~rdh7/wwi/versa/versa7.html (last accessed 5 August 2016).

[43] See B. Savoy (ed.), *Nofretete: Eine deutsch-französische Affäre 1912-1931* (Cologne 2011).

[44] For a synthesis see J. Petropoulos, 'The Polycratic Nature of Art Looting: The Dynamic Balance of the Third Reich', in G. Feldman and W. Seibel (eds.), *Networks of Persecution: Bureaucracy, Business and the Organization of the Holocaust* (New York, NY 2005).

[45] For an overview of the history of looting and restitution and the Holocaust see B. Gaudenzi, 'Crimes against culture: Plunder and the provenance of the past' in S. Gigliotti and H. Earl (eds.), *The Wiley-Blackwell Companion to the Holocaust* [forthcoming 2018].

[46] For a recent analysis of the activities of the ERR in Western and Eastern Europe see P. K. Grimsted, *Reconstructing the Record of Nazi Cultural Plunder: A Guide to the Dispersed Archives of the Einsatzstab Reichsleiter Rosenberg (ERR)* (Amsterdam 2011) and the ERR Archival Guide, available at: http://errproject.org/survey.php (last accessed 5 October 2016).

[47] On the '*Führermuseum*' see B. Schwarz, *Hitlers Museum: die Fotoalben Gemäldegalerie Linz: Dokumente zum "Führermuseum"* (Vienna 2004) and G. Haase, *Die Kunstsammlung Adolf Hitler. Eine Dokumentation* (Berlin 2002). A growing number of works also focus on the activities of several art dealers and Hitler's 'emissaries', see for example H. Kessler, C. Trepesch, U. Haug and A. Heuss, *Karl Haberstock: Umstrittener Kunsthändler und Mäzen* (Munich 2008) and J. Petropoulos, *The Faustian Bargain: The Art World in Nazi Germany* (New York 2000).

phenomenon in line with the *Sonderweg* interpretation of German history and the thesis of the uniqueness of the Holocaust.[48] In recent years this has nonetheless led to precious in-depth studies of particular collections, art dealers or communities, as in the case of Vienna's Jewish collections,[49] or to original contributions approaching the subjects of looting and restitution practices from a comparative or transnational perspective - especially as a result of the opening of Russian archives.[50]

What was new about National Socialist looting was not only its scale and magnitude, but especially how countries reacted to it, during the Second World War and since. As Greenfield underlined, 'the idea […] emerged that cultural property is a matter of international concern, part of the "heritage of mankind".'[51] As a result, over recent years a very rich and diverse literature on post-WWII restitution has developed, where popular recollections have made way for carefully reconstructed investigations of the wartime and postwar activities of a number of key players – including the famous monuments, fine arts and archives officers (MFA&A), the Roberts and Vaucher commissions and the OSS art looting investigation unit (ALIU),[52] as well as the work of

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[48] For a brief discussion of recent debates surrounding the uniqueness of the Holocaust see R. Evans, 'Was the "Final Solution" unique?' in Ibid., *The Third Reich in History and Memory* (Oxford 2015), 365-89, complete with a bibliographical overview. See also the classic D. Blackbourn and G. Eley, *The peculiarities of German history: Bourgeois society and politics in nineteenth-century Germany* (Oxford 1984). On the other side of the spectrum see A. Rosenbaum (ed.), *Is the Holocaust unique? Perspectives on comparative genocide* (3rd ed., Boulder, CO 2009) On recent debates on the *Sonderweg* see H. Walser Smith, 'When the *Sonderweg* Debate Left Us', *German Studies Review,* 31, 2 (2008), 225-40. For a collection of original contributions to the *Historikerstreit* see R. Augstein (ed.), *Historikerstreit: Die Dokumentation der Kontroverse um die Einzigartigkeit der nationalsozialistischen Judenvernichtung* (Munich 1987).

[49] See Lillie's monumental handbook: S. Lillie, *Was einmal war: Handbuch der enteigneten Kunstsammlungen Wiens* (Vienna 2003). On the Austrian case see also G. Anderl and A. Caruso (eds.), *NS-Kunstraub in Österreich und die Folgen* (Innsbruck 2005). For general studies of Jewish-owned looted collections see I. Bertz und M. Dorrmann (eds.), *Raub und Restitution: Kulturgut aus jüdischem Besitz von 1933 bis heute* (Göttingen-Berlin 2008) and M. Müller and M. Tatzkow, *Verlorene Bilder, verlorene Leben: jüdische Sammler und was aus ihren Kunstwerken wurde* (Munich 2009). Among studies on specific collections, collectors, art dealers or museums see A. Bambi and A. Drecoll (eds.), *Alfred Flechtheim. Raubkunst und Restitution* (Berlin/Boston 2015) and several contributions in E. Blimlinger and M. Mayer (eds.), *Kunst sammeln, Kunst handeln. Beiträge des Internationalen Symposiums in Wien* (Cologne-Weimar-Vienna 2012), as well as S. Steinberg, *Orphaned Art. Looted Art from the Holocaust in the Israel Museum* (Jerusalem 2008). It should be noted that the vast majority of this literature is in German, not only as a result of the strong public interest and accessibility of sources but also of the financial support available to undertake these studies.

[50] See for example P. K. Grimsted, F. Hoogewoud and E. Ketelaar (eds.), *Returned from Russia: Nazi Archival Plunder in Western Europe and Recent Restitution Issues* (London 2007, afterword 2013), A. Heuss, *Kunst- und Kulturgutraub: eine vergleichende Studie zur Besatzungspolitik der Nationalsozialisten in Frankreich und der Sowjetunion* (Heidelberg 2000) and N. Volkert, *Kunst- und Kulturraub im Zweiten Weltkrieg: Versuch eines Vergleichs zwischen den Zielsetzungen und Praktiken der deutschen und der sowjetischen Beuteorganisationen unter Berücksichtigung der Restitutionsfragen* (Frankfurt am Main 2000), as well as U. Hartung, *Verschleppt und verschollen. Eine Dokumentation deutscher, sowjetischer und amerikanischer Akten zum NS-Kunstraub in der Sowjetunion* (Bremen 2000).

[51] On this point see J. Greenfield, 'The Return of Cultural Property', *Antiquity* 60 (1986), 29, also quoted in Marrus, *Some measure of justice: The Holocaust era restitution campaign of the 1990s* (Madison, Wis. 2009), 36-8.

[52] See especially the classics Nicholas, *The Rape of Europa* and Kurtz, *America and the Return of Nazi Contraband*, chapters 3-8 as well as recent work on different 'Monuments Women', see Coeuré and Kim in this volume. For a bird-eye view on restitution of Nazi looted art see the recent B. Vogel (ed.), *Restitution von NS-Raubkunst. Der historisch begründete "Anspruch auf eine Rechtslage"* (Essen 2016). On the ALIU see recently M. Salter, 'A Critical Assessment of US Intelligence's Investigation of Nazi Art Looting', *Journal of International Criminal Justice,* 13, 2 (2015), 257-280.

the Jewish organisations (the JRSO and the JCT in particular).[53] These were crucial not only in the re-shaping of local, national and international identities but especially in shedding light on central issues such as the question of private, interstate and state interplay, bona fide purchases, competing claims, visibility and ownership.[54] Recent contributions on the transnational interactions that characterised the restitution process and on the central collecting points in occupied Germany were also vital in highlighting continuities in personnel and the importance of pre-existing and new networks for the reestablishment of world-wide museum landscapes.[55] Significant gaps remain, however.[56] Restitution in Western and Eastern Europe is often dealt with separately and knowledge of Red-Army occupied Europe is still extremely limited,[57] while there is even less comparative work on the MFA&A activities across all of Asia.[58]

From here the narrative moves on to the slow 'triumph' of the postwar period exemplified by the ratification of the 1954 Hague 'Convention for the Protection of Cultural Property in the Event of Armed Conflict' and culminating in the 1970 UNESCO 'Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property', later followed by a few institutional endorsements such as the Code of Ethics for Museums originally adopted by the International Council of Museums (ICOM) in 1986.[59] Despite this, the issue of Holocaust-era and colonial restitution remained largely untouched for

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[53] On the JRSO (Jewish Restitution Successor Organization) and the JCT (Jewish Trust Corporation) see E. Gallas, 'Locating the Jewish Future: The Restoration of Looted Cultural Property in Early Postwar Europe,' *Naharaim*, 9, 1– 2 (2015), 25–47. J. Lillteicher, *Raub, Recht und Restitution. Die Rückerstattung jüdischen Eigentums in der frühen Bundesrepublik* (Göttingen 2007), 357–98. A. Takei, 'The "Gemeinde Problem": The Jewish Restitution Successor Organization and the Postwar Jewish Communities in Germany, 1947–1954', *Holocaust and Genocide Studies*, 16, 2 (Autumn 2002), 266– 288 and the classics R. Zweig, *German Reparations and the Jewish World: A History of the Claims Conference* (Boulder, CO 1987) and C. Kapralik, *Reclaiming the Nazi Loot: The History of the Work of the Jewish Trust Corporation for Germany* (2 vols., London 1962 and 1971).

[54] On the question of the interaction between restitution and identity see for example C. Goschler, ,'Kunstrestitution zwischen Gerechtigkeit, Ökonomie und Identität', in A. Bambi and A. Drecoll (eds.), *Alfred Flechtheim. Raubkunst und Restitution* (Berlin/Boston 2015), 47-52.

[55] See T. Bernsau, *Die Besatzer als Kuratoren?: Der Central Collecting Point Wiesbaden als Drehscheibe für einen Wiederaufbau der Museumslandschaft nach 1945* (Berlin 2013) and I. Lauterbach, *Der Central Collecting Point in München: Kunstschutz, Restitution, Neubeginn* (Munich 2015). See also the visual material held at the Bildarchiv in Marburg, https://www.uni-marburg.de/aktuelles/news/2014a/fotomarburg (last accessed 5 October 2016).

[56] There is however still no synthesis on missions in the American and British zones, and none on the work undertaken by the French with the Anglo-Saxon collecting points. This gap will soon be filled by E. Löffler's forthcoming Ph.D. on *Kulturgüterschutz und Kulturpolitik in der französischen und amerikanischen Besatzungszone*, University of Tübingen - Centre Marc Bloch, Berlin.

[57] Among the few exceptions see Coeuré's article in this volume and P. K. Grimsted, 'Nazi Looted Art from East and West in East Prussia: Initial Findings on the Erich Koch Collection', *International Journal of Cultural Property* 22 (2015), 7-60.

[58] For a good overview of current state-of-the-arts see Kim in this volume. There are other gaps too: With the exception Rose Valland, the literature focuses almost exclusively on 'monuments men' rather than women.

[59] See W. Sandholtz, *Prohibiting plunder: how norms change* (Oxford, 2007), pp. 47–70. The 1970 UNESCO conventions is available at: http://www.unesco.org/new/en/culture/themes/illicit-traffic-of-cultural-property/1970-convention/ (last accessed 5 October 2016), see Scott and La Follette's articles in this volume as well as C. Maurel, *Histoire de l'UNESCO, 1945-1975* (Paris 2010) and P. Singh, *United Nations Educational Scientific and Cultural Organization (UNESCO): Creating Norms for a Complex World* (London 2011). The ICOM Code of Ethics is available at: http://archives.icom.museum/ethics.html (last accessed 5 October 2016).

several decades.**[60]** It was only in the 1990s, with the end of the Cold War, that repeated efforts to draw attention to the 'unfinished business of World War II' eventually resulted in the large scale restitution campaigns and the establishment of internationally 'principles' ratified through international agreements such as the 1998 'Washington Declaration'[61] and the 2009 'Terezin Declaration'[62], which together with the work of many other international commissions and governmental bodies are slowly but surely producing valuable results.[63] Parallel to this, the post-1989 years witnessed the first timid attempts to translate restitution practices of Holocaust-era assets to the long disputed or ignored issue of looted antiquities, art and objects taken in the colonial context as well as the return of human remains.[64] Repeated questions were asked regarding the methods and outcome of colonial or wartime spoliation, with a red thread connecting the plundering of Egypt or Persia during the eighteenth and nineteenth centuries[65] to the looting of the National Museum and several archaeological sites across Iraq during the 2003 invasion[66] and up to Daesh's ransacking of Syria, as we have seen.

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It is time to better understand the connections of looting and restitution across time and space that emerge across this vast yet fragmented historiography and to link questions about transnational and global connections in the history of looting and restitution to those emerging in

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[60] Marrus' work on the Holocaust-era restitution campaigns of the 1990s offers a convincing assessment of the central factors behind the timid advances and setbacks that characterised restitution efforts from the 1940s up to the 1990s, see M. Marrus, *Some measure of justice: The Holocaust era restitution campaign of the 1990s* (Madison, Wis. 2009), 36-84 and Petropoulos in this volume. See also Kurtz, *America and the Return of Nazi Contraband*, 210-31.

[61] The 'Washington Principles on Nazi-Confiscated Art' are available at: http://www.state.gov/p/eur/rt/hlcst/122038.htm (last accessed 7 October 2016). All contributions to the Washington Conference on Holocaust-Era Assets are available at: https://fcit.usf.edu/holocaust/resource/assets/heac.htm (last accessed 5 October 2016).

[62] Available at: http://www.lootedart.com/NPMG2Q663241 (last accessed 10 October 2016). On the series of conferences on Holocaust-era assets see B. Nietzel, 'Die internationalen Holocaust-Konferenzen 1997-2002. Von der Londoner Goldkonferenz zur Theresienstädter Erklärung' in J. Brunner, C. Goschler, N. Frei, *Die Globalisierung der Wiedergutmachung. Politik, Moral, Moralpolitik* (Göttingen 2013), 149-75.

[63] On the progress of the British Spoliation Advisory Panel, for example, visit https://www.gov.uk/government/groups/spoliation-advisory-panel (last accessed 10 October 2016). For an overview on Nazi looted art restitution see W. Fischer and R. Weinberger, 'Holocaust-Era Looted Art: A Current Worldwide Overview', Conference on Jewish Material Claims Against Germany and World Jewish Restitution Organisation, 10th September 2014 (available at: http://art.claimscon.org/wp-content/uploads/2014/11/Worldwide-Overview.pdf, last accessed 10 October 2016). A significant number of resources is now available for researchers, including access to online primary sources - as in the case of the International Research Portal for Records Related to Nazi-Era Cultural Property which has collected archival material from over 15 archives across Europe and the US, available at: https://www.archives.gov/research/holocaust/international-resources/ (last accessed 10 October 2016).

[64] See La Follette in this volume. See also C. Woodhead, 'The Changing Tide of Title to Cultural Heritage Objects in UK Museums', *International Journal of Cultural Property* 22, 2/3 (2015), 229-57.

[65] See for example P. France, *The Rape of Egypt. How the Europeans Stripped Egypt of its Heritage* (London 1991) or M. Gholi Majd, *The Great American Plunder of Persia's Antiquities, 1925-1941* (Lanham, MD 2003).

[66] See in particular L. Rothfield, *The Rape of Mesopotamia. Behind the Looting of the Iraq Museum* (Chicago 2009).

the history of art,[67] memory, heritage[68] and international organisations[69] in order to explore how the movements of objects, people and ideas led to the increasing 'entanglement' of the world.[70] Some of the questions to clarify are: To which degree are the histories of looting and restitution histories of ever-greater international integration? Will a global perspective challenge the idea of the Napoleonic and National Socialist lootings as major turning points for ideas about restitution? What is the respective role of individuals versus state actors, international organizations and transnational networks? Finally, are looting and restitution practices merely reflecting changing relations between groups and states or do they contribute to changing relations?

To answer these questions an approach that operates on a global scale is necessary. Over the last decades much thought has gone into the best methods for capturing the connectivity through *inter alia* comparative, entangled, transnational, transcultural, global and world history. For us, comparative, entangled and global history are best combined as each can help posing different questions for the history of looting and restitution.[71] Comparative history remains invaluable in revealing similarities and differences across cases at the local, national or transnational level. The term 'entangled' in its *histoire croisée* use proves essential to capture interactions between entities because of its reflexivity.[72] Its openness should not be misunderstood as a 'token gesture towards connectivity'[73] but rather interpreted as an invitation to ask about the precise nature, extent and effects of these entanglements, and to test, rather than follow, the implicit assumptions carried by the vocabulary of the 'transnational', 'transcultural' and 'global'.

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[67] See for example the recent T. DaCosta Kaufmann, C. Dossin, B. Joyeux-Prunel (eds.), *Circulations in the Global History of Art* (London 2016).

[68] For instance S. Conrad, 'Entangled memories: versions of the past in Germany and Japan, 1945-2001' *Journal of Contemporary History* (2003), 85-99; M. Hall, (ed.), *Towards World Heritage: international origins of the preservation movement, 1870-1930* (Aldershot 2011). P. Betts, C, Ross, 'Modern Historical Preservation—Towards a Global Perspective,' *Past & Present* 226, suppl. 10 (2015): 7-26; A. Swenson, 'The First Heritage International(s): Conceptualising global networks before UNESCO', *Future Anterior* 13.1 (2016), 1-15.

[69] The emergence of global structures and the interaction of different levels has been explicitly problematised in the growing body of work on international organisations, especially UNESCO, but a decentralised view that takes into account local and national archives in addition to the central ones is only at the beginning. See in particular G. Sluga, 'Editorial - The Transnational History of International Institutions', *Journal of Global History* 6 (2011): 219–22; Isabelle Anatole-Gabriel Vinson, 'Essai d'histoire Intellectuelle et Politique du Patrimoine International 1945–1992', unpublished Ph.D. thesis, EHESS Paris (2013); Poul Duedahl (ed.), *The History of UNESCO: Global Actions and Impacts* (London, forthcoming); Christoph Brumann and David Berliner (eds.), *World Heritage on the Ground: Ethnographic Perspectives* (Oxford, 2016).

[70] C.A. Bayly, *The Birth of the Modern World, 1780–1914: Global Connections and Comparisons* (Oxford 2004); J. Osterhammel, N.P. Petersson, *Geschichte der Globalisierung: Dimensionen, Prozesse, Epochen* (Munich 2003); J. Osterhammel, *Die Verwandlung der Welt: Eine Geschichte des 19. Jahrhunderts* (Munich 2010).

[71] It is not useful to demarcate the approaches too rigidly. For two recent attempts at definitions and delineations see D. Olstein, *Thinking History Globally* (London 2015) and S. Conrad, *What is Global History?* (Princeton 2016).

[72] See M. Werner, B. Zimmermann, 'Beyond Comparison: Histoire Croisée and the Challenge of Reflexivity,' *History and Theory* 45,1 (2006), 30–50.

[73] Conrad, *What is Global History?*, 6.

All three terms are meanwhile useful to direct the gaze to the micro histories of interconnections. The 'transnational' particularly allows to capture the role of actors working beyond state boundaries and acting independently of traditional state authorities. Simultaneously, it serves as a useful reminder to investigate the enduring centrality of the nation in processes of looting and restitution.[74] The 'transcultural' perspective on the other hand is valuable both to analyse interactions not primarily characterised by their transcendence of current national borders as well as to draw attention to the trajectories of meaning as ideas, objects, and people come into the 'contact zone'.[75]

Global and world history – and the debates regarding their differences – help to move beyond comparisons and connections and reflect on causalities at a global level by investigating the degree to which 'local events are increasingly shaped by a global context that can be understood structurally or even systemically'. They invite to explore the relation of ground-level activity and global structures 'that are at once the products and the conditions of that activity'[76] and to clarify the relation between 'divergence', 'convergence' and 'contagion' of ideas and practices,[77] by helping to pose the question of why the restitution discourse was appropriated by different actors around the world, and in what ways it can – or cannot – be understood as a response to a global challenge.[78] In the way we use it here, a global approach does thus not imply that the scope has to be planetary or that everything is linked to everything else.[79] Rather, it deliberately invites reflection on the nature, cause and effect of entanglements while consciously avoiding the danger of overstating similarities or connections between what sometimes remained extremely different historical instances of looting and restitution.

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How can these entanglements then best be captured on the ground? Drawing together the findings from the articles across this volume, we will first suggest how an analysis of networks can help to link seemingly separate contexts as well as question established ideas about periodisation and agency. Then, we will provide a comparative exploration of how restitution was

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[74] See P.Y. Saunier, *Transnational History* (London 2013); A. Iriye, *Global and Transnational History: The Past, Present, and Future* (London 2013). On the importance of the nation state as claimant in restitution cases see for instance K. Singh, 'Repatriation without Patria: Repatriating for Tibet', *Journal of Material Culture* 15,2, (2010).

[75] M. Falser, M. Juneja (eds.), *'Archaeologizing' Heritage? Transcultural Entanglements between Local Social Practices and Global Virtual Realities* (Heidelberg 2013).

[76] Conrad, *What is Global History*, 10, 13.

[77] P. Crossley, *What is Global History* (Cambridge 2008), 9-10.

[78] For similar methodological questions with regard to the spread of linked concepts, see for instance S. Moyn, *The Last Utopia, Human Rights in History* (Cambridge/MA 2010). B. Fassbender, A. Peters, S.Peter and D. Högger (eds.), *The Oxford Handbook of the History of International Law* (Oxford 2013).

[79] Conrad, *What is Global History*, 13-14.

used to reconfigure communities and external relations after the Second World War and during the process of decolonisation.

As several articles in this volume highlight, research on the mid- to late-twentieth century is hampered by substantial gaps in the archival record linked to inaccessibility, wilful destruction as well as the secrecy of the art market.[80] At the same time, there is now a growing potential for big data analysis through the use of online provenance databases following the Washington Declaration, and the digitalisation of museum and archive catalogues more generally. These databases allow tracing the trajectory of objects as well as reconstructing networks of dealers and owners – even if the information is more sketchy for certain countries and periods than for others. Jonathan Petropoulos' suggestion to apply a Geographic Information System or Geospatial Information Studies approaches – used by scholars working on the Third Reich in other areas – to study Nazi dealers could certainly be applied more broadly. For now, however, the preferred method to 'unite structure with agency' appears more micro-historical.[81] All papers in this volume follow actors in a Latourian manner, by observing interaction through the fate of an object, small groups of individuals or institutions.[82] Taken together these microanalyses reveal complex connections across time and space. They also show that the reality 'on the ground' was much more muddled than suggested by the internationally focused literature.

The networks make visible a range of continuities and disruptions that challenge familiar divides. Synchronically, personal relations often existed across enemy lines despite strong ideological differences, continuing a tendency observed in studies of the Napoleonic period.[83] Diachronically, networks often survived political turning points. The networks of art dealers examined by Petropoulos, for instance, show how despite the condemnation of art looting as a crime against humanity at the Nuremberg trials, few dealers served jail time, and most who had trafficked in or possessed Nazi looted art continued their activities relatively undisturbed during the postwar period. The calls for harsh punishments demanded by the ALIU and some MFA&A officers were largely ignored amidst growing Cold War tensions, and dealers soon reactivated pre-war networks across the Bavaria, Austria, Lichtenstein and Switzerland region to facilitate export. More generally, both the close links between dealers, state museums and the political sphere in Germany and the eagerness of many American Museums (in which former 'monuments men' had often risen in the curatorial ranks) to grow their collections facilitated a an

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[80] See in particular Petropoulos, Coeuré and Fialho Brandão, this volume

[81] J. Raab, 'More than just a Metaphor: The Network Concept and its Potential in Holocaust Research,' in G. Feldman and W. Seibel (eds), Networks of Persecution: Bureaucracy, Business and the Organization of the Holocaust (New York, NY 2005). For an extended discussion see Petropoulos, this volume.

[82] B. Latour, *Reassembling the Social: An Introduction to Actor-Network Theory* (Oxford 2005), 237.

[83] On friendships and strange bedfellows see in particular Petropoulos', Coeuré's and Kim's papers, this volume. On the eighteenth and nineteenth century: Savoy, *Kunstraub*.

on-the-ground tendency to neglect art looting in the 1950s and 1960s.

A similar resistance of art dealers to post-war restitution was prevalent in Paris. As Coeuré's study shows, the *Beaux Arts* administration wished to let go of the past. They abandoned Rose Valland's missions in Eastern Europe partly because of the incipient Cold War and partly because of the 'Vichy Syndrome' and the desire to build a new Europe without too much memory. The prevailing of Cold War realities over the goals of preserving universal cultural heritage can also be seen in the Allies' failure to restitute Korean works of art looted by Japan. The decision to leave Japanese collections intact was motivated partially by the desire to prove to Japan and the world that care was taken to protect Japan's heritage. Yet it also shows the continuity between colonial and postcolonial histories. Kim's analysis of the networks of men put in charge of Korean heritage as part of the Roberts Commission's extension to Asia reveal how the strong pre-war links between American and Japanese scholars and dealers, and their mutual views of Korea as artistically derivative and administratively in need of tutelage, determined a pro-Japanese attitude after 1945. This helped reinstating Japanese scholars and maintained the colonial idea of plunder as preservation. Finally, the Allies' own colonial past prevented any addressing of Japanese colonial looting, as restitution calls by China were not limited to Japan but included the Summer palace looting and were therefore denied.

Meanwhile, Bellisari's study of the battle over Algeria's 'French art' and Scott's examination of Dutch-Indonesian negotiations over restitution demonstrate that other approaches were taken to colonial restitution in different contexts – and thus that the question of colonial restitution did not emerge suddenly in the 1970s as a result of agitation within, and by, international organisations. Both show that negotiations about restitutions were long processes with numerous twists, which ultimately helped to renegotiate a postcolonial relationship. While the support for restitution by UNESCO helped those in favour of restitution in the Indonesian case, the restitution of some objects to Indonesia, considered already in 1949 as a gesture of goodwill before the worsening of relations, built on more than three decades of bi-lateral negotiations. The difficulties in finding an agreement consisted less in coming to terms with the past than in securing a future involvement for the Netherlands in Indonesia.

How long it would take to fully implement the 1970s UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and transfer of Ownership of Cultural Property nationally is made visible by La Follette's paper on looted antiquities and museums in the United States. Again the resistance of (now openly and transnationally organised) dealers comes up. La Follette also sees internal rather than external factors as determining. She argues that the 1990 Native American Graves Protection and Repatriation Act (NAGPRA) rather

than the UNESCO convention was the main game changer, as NAGPRA forced museums to develop provenance research and facilitate access and repatriation by law. These measures were then voluntarily adapted to implement the aims of the 1998 Washington Conference and extended to illicitly obtained antiquities at the start of the twenty-first century. Fialho Brandão's case study on Portugal likewise stresses the importance of the national sphere by showing the resistance to follow international trends in provenance research at the national level. She suggests that the fear of addressing the circulation of objects between the territories of the former Portuguese empire potentially prevented provenance research more broadly.

Individual agency thus clearly determined the direction of restitution policy in a given context. The complex and changing landscape of the immediate postwar years in particular left considerable scope for improvisation. At the same time agency was limited by broader structural factors, from the particular ways occupation was organised to the shifting international context. 'Cultural politics could not be dissociated from general politics'.[84] Whose voices were heard depended also on an individual's place within networks of power, as the biographies of two Monument Women – Rose Valland in France/Central Europe and Ardelia Ripley Hall in America/Korea show. Both had strong, and dissenting opinions on restitution. Their marginal position, as women, in the art establishment potentially underpinned this dissent, but ultimately neither was able to make her arguments heard amidst rising Cold War tensions.[85]

The papers in this volume thus reveal the importance of paying attention to the multitude of competing individuals, institutions and networks on the ground. But it is as yet not entirely clear how different transnational networks interacted exactly and what the respective importance of transnational networks, national institutions and international organisations were and how or whether networks fed into each other. Several contributions in this volume reveal that artistic and scholarly networks clearly continued across the 1945 divide and during the Cold War – yet future research will need to further investigate which networks ceased to exist and which expertise were lost with the end of the Roberts and the Inter-allied Commissions, for example. Similarly, while it appears clear that for many 'monuments men' their wartime activities provided a springboard to a career in the museum and cultural sectors, a more systematic analysis of their post-war trajectories is needed, together with a more in-depth investigation of the conditions in which the archives compiled in the immediate postwar years were rediscovered and reused by the new commissions set up since the 1990s.

The role of international organisations also needs further investigation. The papers in this

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[84] Coeuré, this volume.
[85] See Coeuré and Kim, this volume.

Special Issue place more emphasis on activities between various actors 'on the ground' than on the function of international organisations as originators of shifts in ideas and policies.[86] This is in part because membership of the international organisations was not universal. Importantly in the Cold War context, the debate on the protection of cultural property unfolded at UNESCO without most socialist states until the period of détente as the USSR had refused to join the 'pro-American' body.[87] Therefore attention needs to be paid to other forms of entangled histories on the ground. By examining these histories, the papers here convincingly challenge a narrative that moves seamlessly from the national to the international sphere in terms of determining agency and policy. Yet shifts in the international framework are always present in the background. Future research will need to explain in more detail through bilateral and multilateral studies how the broad changes in emphasis occurred and to which extend the international organisations were a 'site' and the 'resource' in these, by connecting the history of looting and restitution more to the growing research on the role of international organisations which uses ethnographic and archival sources to relate headquarters, assemblies and local actors.[88]

While the interaction between local, transnational and international level needs more elucidation, it appears clear that restitution was used as a 'resource' to reshape communities after 1945. Regardless of vastly different frameworks for restitutions and political regimes, for victors and vanquished, perpetrators and victims, newly independent states and former imperial powers, the restitution question offered a way to negotiate the identity of changed communities internally and to transform external relations. In these processes, questions of legal ownership often conflicted with identity-driven definitions of looting and restitution. Although there was a growing realisation that a 'return' was impossible after redrawn borders and genocide – restitution was in Jason Lustig's words 'grinding against the impossibility of truly making victims whole again' –, the language of restitution, return and revival offered powerful metaphors in a world full of disruption. Building on the language of return, restoration, revival and reparation established to deal with the upheaval of the Napoleonic Wars and the First World War, the idea that some form of 'restitution' should follow war and independence was increasingly shared in the postwar period, incorporating new ideas about reconciliation and *Wiedergutmachung*. However, there was little agreement on whether objects should follow people or territory, contexts of creation or contexts of use. Nor was it clear who had the right to claim orphaned works: all cases show struggles between different definition of the right to a objects as 'heritage' in personal,

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[86] Petropoulos, this volume, argues that international bodies long ignored the issue of Nazi looted art, see above.
[87] C. Maurel, *Histoire de l'UNESCO, 1945-1975* (Paris, 2010). P. Singh, United Nations Educational Scientific and Cultural Organization (UNESCO): *Creating Norms for a Complex World* (London 2011).
[88] See S. Amrith, G. Sluga, 'New Histories of the United Nations,' *Journal of World History* 19, 3 (2008), 251–74. See also the literature discussed in notes 60 and 70 above.

territorial, communal, national and religious terms.

The difficulty of defining inheritance is particularly poignant in Lustig's examination of the choices Jewish leaders after the Holocaust faced in determining who should inherit heirless property: 'Despite the language of restitution, these debates decentered — or even blatantly disregarded — inheritance and legal title. Indeed, much property was not "returned" to original owners or to those claiming geographical or institutional continuity but instead to those purporting to continue the legacy of Jewish life'.[89] While Jewish restitution organizations sought control of former communal property to use around the world, German-Jewish survivors in Germany claimed the archives to establish themselves as successors to former communities, and Israel demanded the transfer of the archives to Jerusalem as successor to European Jewry. The fate of the archives thus 'concretized and validated the historical rupture represented by the Holocaust.' It was, as Lustig argues, a 'restitution without "return"' in the literal sense. However, by using the language of the 'ingathering of the exiles (*kibbuts galuyot*) of the past' derived from the Jewish liturgical language and the state of Israel's programme of mass immigration, the archives were made a central part of the project of 'national revival' and 'return' of Jewish people to their homeland.

These terms, however, clashed with other ideas about the meaning of 'return' as the overlapping French and Soviet missions to recover looted art in central Europe illustrate. Despite political differences and different approaches to financial reparations, France and the USSR both turned a blind eye to the anti-Semitic dimension of Nazi looting. Soviet authorities built on the notion of 'fascist crime' which saw the Soviet people as the main victim, while France considered Jewish cultural property to be 'French' first, causing tensions with the Jewish commissions that had filed claims to heirless property. Both French and Russian experts privileged a cultural definition of ownership of art and archives over religious considerations, legal status, or private origin. French experts thus seized books and paintings made by a French person even if they had been acquired legally by their German owners, while 'returning' recovered Russian flags (originally looted by Napoleon) to the Russian trophy brigades who seized anything of 'Russian' heritage, even when it came from figures of the anti-Soviet emigration.[90] In Korea on the other hand, national production or succession did not present a right to ownership or even guardianship in the eyes of the Allies in charge of restitution. Here, the logic followed the colonial concept shared between Western Empires and Japan in the late nineteenth and early twentieth centuries that appreciation, knowledge and preservationism determined the right to ownership more than the nationality of producers or the territory of origin.

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[89] Lustig, this volume.
[90] Coeuré, this volume.

Across papers emerges the absence of an international space in which the differences in definition between those involved in restitution efforts could be openly addressed in the immediate postwar years: Coeuré observes for central Europe that neither 'the difficulty of assigning a "national" origin to many of the objects involved, nor the different concepts of categories and value' were discussed openly during the inter-allied encounters; Kim concludes that the situation was exasperated in Asia. Here Ardelia Ripley Hall noted that no proper working definition for 'looted property' could be agreed upon. The classification established by the Roberts Commission for Europe, which defined looting as wartime activity and included 'all property removed to Germany during the period of German occupation – presumed to have been transferred under duress',[91] seemed insufficient in the Far East because the bulk of Korean and Chinese objects had been displaced through imperial rather than military activities. Throughout Asia, however, the Allies' own imperial interests and entanglements prevented a common working definition of 'plunder' that would take into account the colonial period. In the meetings between Allied powers discussing the transition to the post-war and post-colonial world ideas about restitution varied greatly. As a result, in 1946, the US authorities in Japan announced – after negotiations with the Dutch, French and British governments – that 'all property looted from occupied lands' would be returned with 7 July 1937 as the cut of point, thus excluding colonial seizures of art from the definition of 'looting'.[92]

At the same time, not only colonial powers but also former colonies could seize on ambiguities in definition to lay claims to art as 'heritage' via a logic not underpinned by indigeneity, as the battle over the restitution of the collection of Algiers' *Musée des Beaux Arts*, discussed by Bellisari demonstrates. In 1962 French museum administrators removed over 300 'French' works of art from Algiers to the Louvre. Under the treaties regulating independence, the art works had however already been assigned to become the property of the Algerian state. This ownership was determined through the terms of purchase – the museum had been paid for by the Government General of Algeria and at Evian, French and Algerian representatives agreed that all institutions financed by the budget of the autonomous colonial government of Algeria would be transferred to the future Algerian state. And yet, although the basis of the 'return' was legal ownership, the Renoirs, Monets and Delacroix were as strongly labelled 'our artistic heritage' [*notre patrimoine artistique*] on the Algerian side as well as on the French.

While fierce nationalist battles over ownership and succession continued to be fought across the globe, the preservation of displaced objects was also increasingly discovered as a way to negotiate new relationships. Adenauer's Government demonstrated that restitution was an

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[91] quoted in Kim, this volume.
[92] Kim, this volume.

important step for Germany's international reintegration. Although *Wiedergutmachung* for colonial violence would only be discussed much later, the idea that restitution narratives, which emphasised a 'shared' or 'mutual' heritage, could be diplomatically beneficial was gaining currency already during decolonisation. Before the Evian accord, Henri Seyrig, director of French Museums between 1960 and 1962, had argued that Algerian stewardship of French artwork might have positive consequences for Franco-Algerian relations after independence.[93] In a different way, the long negotiations over the return of Indonesian objects by the Netherlands were also ultimately about negotiating future relations through cultural cooperation,[94] establishing heritage not only as an object '*in* diplomacy' but '*as* diplomacy'.[95]

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Over the course of the last hundred years, ideas and practices of looting and restitution thus developed on an increasingly global scale. They were not only shaped by global connections, but also constituted a motor of change themselves. In different contexts 'looting' – and its dressing up as preservation – cemented and enabled broader forms of dispossession, while 'restitution' provided ways of coming to terms with said dispossessions. The different perspectives discussed in this volume offer insight into the entangled nature of processes of looting and restitution across time and space, while simultaneously pointing 'to the ways in which local particularities challenge the homogeneity of global narratives'.[96]

As this article has shown, this has first of all significant bearings on how we think about periodisation in the history of looting and restitution in the twentieth century. While in the long-term the extent and the genocidal nature of Nazi looting and its condemnation at Nuremberg informed the re-evolution of the seizure of cultural property, as evidenced by the 1990s restitution campaigns, we see the years 1940s-1960s more as a period of transition and constant re-negotiation rather than one with clear watersheds or with a clear centre from which ideas spread. Moreover, far from having reached a consensus, the very contentious nature of looting and restitution – and in particular the questions of ownership, fruition, conservation and successorship – continues to influence the on-going pursuit of 'just and fair' solutions, which are being relentlessly disputed among governments, institutions, communities and individuals to this

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[93] Seyric quoted in Bellisari, this volume.

[94] See Scott, this volume; and L. Yapp, 'Define Mutual: Heritage Diplomacy in the Postcolonial Netherlands', Future Anterior, 13.1 (2016), 67-81.

[95] T. Winter 'Heritage Diplomacy', *International Journal of Heritage Studies* 5 (2015), doi: 10.1080/13527258.2015.1041412 (last accessed 10 September 2016). See also the Special Issue of *Future Anterior* 13.1 (2016) on *Heritage Diplomacy* edited by Winter.

[96] A. Gerritsen, 'Scales of a Local: The Place of Locality in a Globalizing World', in D. Northrop (ed), *A Companion to World History* (Oxford 2012), 213-226, here 224.

day. Although the history of restitution since the middle of the twentieth century appears marked by greater convergence – as ideas from one context were taken up in another and the right to restitution was claimed with regard to objects that had changed location in increasingly different circumstances –, it was also characterised by divergence with regard to the concepts that underpinned restitution claims and the acceptance of culturally diverse practices of dealing with returned objects. Thus, while strongly connected, debates and solutions were far from linear and different temporalities continue to coexist.

Regardless of the differences, however, all debates about restitution seen here reacted to challenges of reframing nations and the international order brought about by some of the central events of the second half of the twentieth century – especially the Second World War, the Cold War, decolonisation and civil rights movements. Despite the language of 'return', restitution was overwhelmingly about negotiating the future rather than the past. We are only beginning to understand the multi-centred nature of restitution processes in the post-war world and the respective role of state actors, transnational groups, and international organisations. By connecting the findings from this volume to the growing literature tracing how ideas about cultural heritage developed during the same period,[97] it can however be suggested that the restitution discourse has become so powerful precisely because of its role in re-building communities, challenging the representational power of 'the West', and offering a way for dialogue and reconciliation. Far from minimising the on-going conflicts over actual and symbolic possessions and the continuous imbalances in power that they reflect, it appears that the language not only of a common heritage of mankind but also of the human right to heritage that slowly emerged as part of restitution claims both reflected and created ideas about equality at a global level, giving hope that the wrongs of the past could be made right and that a plurality of voices can coexists in the present. As such the restitution language can be regarded as contributing to a true 'paradigm' shift in Thomas Kuhn's sense of the term by creating a common body of belief. It can be suggested that the right to heritage – together with broader notions of human rights and sovereignty – became one of the concepts that transformed the global sphere lastingly.

It is important in this connection to acknowledge the strong attachment to materiality. Despite the growing possibilities to share reproduction not only monetary or aesthetic concerns keep originals valuable. This attachment to the object could appear paradoxical given how overall ideas about heritage have moved to an intangible focus as a result of non-Western countries challenging Western notions of tangibility and authenticity.[98] Yet through the restitution claims,

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[97] The 'links between preservation and war are among the most important yet remarkably under-appreciated dimensions of the modern enthralment with heritage', see Betts and Ross, 'Modern Historical Preservation', 20.
[98] L. Smith, *Uses of Heritage* (London 2006).

tangibility has also risen in importance. Possession of an original remains important as a representation of succession, *Wiedergutmachung*, sovereignty or power. Many of the recent alternative routes to resolution take this tension into account, by making changes in context visible, emphasising the trajectories, highlighting ownerships and 'transculturality' of objects.[99] We hope this Special Issue contributes to an intellectual climate that enables further debates by historicising the emotions that have become attached to objects in transit and allowing dialogue about underlying grievances and hopes in our search for 'just and fair' solutions.

Acknowledgements

Biographical Notes

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[99] For a more extended discussion see La Follette, this volume.