

# The Detroit Institute of Arts / Toledo Museum of Art

## PRESS RELEASE

### **DETROIT AND TOLEDO MUSEUMS PRESENT RESEARCH FINDINGS ON NAZI-ERA PROVENANCE FOR TWO PAINTINGS IN THEIR COLLECTIONS**

#### **Research Confirms Museums' Rightful Ownership of Paintings**

DETROIT, MI AND TOLEDO, OH, Jan. 25, 2006 – Building upon their leadership in the responsible resolution of questions about Nazi-era ownership of works of art by European Jews, the Detroit Institute of Arts (DIA) and the Toledo Museum of Art (TMA) have completed a comprehensive, 18-month research project involving two important paintings in their collections. The paintings – van Gogh's *The Diggers* (1889) in the DIA's collection and Gauguin's *Street Scene in Tahiti* (1891) in the TMA's collection – were owned by Martha (Mrs. Hugo) Nathan between 1922 and 1938 and were subsequently acquired by the museums.

The provenance project was prompted by a request from Mrs. Nathan's heirs for restitution of the works, and the results of this research – commissioned by the museums from Nazi-era art provenance specialist Laurie Stein – have been shared with Mrs. Nathan's heirs. The research findings confirm that the museums have clear title to these paintings, and the DIA and TMA have requested that the heirs acknowledge that the museums are the paintings' rightful owners.

The key findings of the provenance research project include:

1. Mrs. Nathan inherited her collection of paintings – including the van Gogh and Gauguin – in 1922 from her husband, whose will explicitly granted her the right to sell works from the collection.
2. In 1930, three years before the Nazis came to power, Mrs. Nathan moved her collection to Basel, Switzerland where – except for temporary loans to museum exhibitions in Europe – it remained for the next eight years.
3. In February 1937, Mrs. Nathan emigrated from Germany, with certification that she had paid all applicable exit taxes. She moved to Paris and traveled freely in Europe, including her brief return in 1938 to her home in Frankfurt to oversee the shipment of her remaining possessions to Paris.
4. In December 1938, Mrs. Nathan wrote to art dealer Georges Wildenstein, inviting him to view her paintings at the Basel Kunsthalle and select works for purchase.
5. On December 14, 1938, Wildenstein, in a dealer group with Galerie Thannhauser (to whom Mrs. Nathan had previously lent the Gauguin for exhibition) and Alex Ball, purchased the van Gogh and Gauguin. Each dealer was responsible for a different share of the price of each painting.
6. The prices paid in Swiss Francs by Wildenstein and his partners for the van Gogh and Gauguin were consistent with prices of comparable works sold voluntarily in Europe at the time.

7. Mrs. Nathan maintained relations after the 1938 sale with Galerie Thannhauser, through whom she lent other paintings to exhibitions in the U.S. and South America in the post-war years.
8. After the war, Mrs. Nathan energetically and successfully sought restitution and recovery of monies, property and artworks wrongfully seized from her by the Nazis, as well as compensation for those assets she sold under duress at less than fair prices. None of her claims included or referenced the van Gogh or Gauguin paintings.
9. Mrs. Nathan lived in Switzerland from 1939 until her death in 1958. Willy Dreyfus, her brother and co-executor of her estate, continued to pursue and protect Mrs. Nathan's interests until his own death in 1977.
10. The van Gogh and Gauguin have been widely published and exhibited by the museums for more than 60 years, and have consistently noted Mrs. Nathan's prior ownership as part of the recorded history of each work of art.

The results of this provenance research project support the museums' conclusion that Mrs. Nathan voluntarily chose to sell the paintings, that she received fair market value, and that, in choosing not to pursue any restitution of these paintings, she recognized that she had rightfully sold them to their new owners.

In meetings with Mrs. Nathan's heirs over the past 18 months, the museums have asked the heirs to acknowledge the museums as the paintings' rightful owners. After a final meeting with three heirs and their counsels, the museums have taken legal steps to protect their rightful ownership interests.

#### **DIA, TMA and Resolution of Nazi-Era Provenance Issues**

Since the years immediately following World War II, both the DIA and the TMA have been advocates for the resolution of Holocaust claims and the restitution of works of art to their rightful owners. In 1950, the DIA was the first U.S. museum to return a painting – by Monet – to its rightful owner when the museum's research revealed that the painting had been looted by the Nazis. In 2002, the DIA initiated a process that led to fair compensation of the heirs of the rightful owners of a Dutch marine painting that similarly had been confiscated during World War II. Otto Wittman, director of the TMA from 1947 to 1976 (and previously associate director), was an influential member of the U.S. military's special unit dedicated to the repatriation of stolen art after the war.

“Both the DIA and TMA believe that works of art belong with their rightful owners, and in our field nothing is more difficult than addressing such questions in the horrific context of the persecution of Jews at the hands of the Nazis,” said DIA director Graham Beal and TMA director Don Bacigalupi in a joint statement. “Mrs. Nathan was a remarkable woman whose fortitude during the war years is nothing short of heroic. She had an appropriately strong sense of justice, as evidenced by her energetic and successful post-war restitution claims, and we find it telling that the paintings by van Gogh and Gauguin were not subjects of these claims. As we have for more than six decades, we are proud to preserve Mrs. Nathan's legacy through our continued stewardship of these paintings.”

### **Martha Nathan and Her Collection**

The letters, documents, archival records and other primary source material examined during the research project tell a vivid story of a woman who was prescient about Germany's political future and vigilant in protecting herself against injustice. Born into the Dreyfus banking family, Mrs. Nathan inherited her husband's art collection – including the van Gogh and Gauguin – upon his death in 1922. His will granted Mrs. Nathan “the free right of disposition over my paintings and of them she may sell those that she considers necessary to meet her essential needs,” thereby ensuring his wife's income after his death. In 1930, three years before the Nazis came to power, Mrs. Nathan moved some of the most important paintings in this collection to Basel, Switzerland, which was the home of the Dreyfus family bank's Swiss branch. Meanwhile, she continued to live in the residence she had shared with her husband in Frankfurt am Main.

Mrs. Nathan lent selected works from her collection to museum exhibitions around Europe. In 1928, she lent the Gauguin to an exhibition that traveled from the Frankfurter Kunstverein to the Kunsthalle Basel to Galerie Thannhauser in Berlin. In 1930, she lent the van Gogh to an exhibition at the Stedelijk Museum in Amsterdam, and in 1931 she lent both the van Gogh and Gauguin to an exhibition of modern art at the Staedelschen Kunstinstitut in Frankfurt.

In February 1937, Mrs. Nathan emigrated from Germany and received certification from the German government that she had paid all applicable “exit” taxes and had permission to leave the country. She took up temporary residence at the Hotel Windsor Etoile and Hotel Claridge in Paris, and from St. Moritz and Brussels she corresponded with her lawyers about the sale of her Frankfurt residence and other personal, business and banking activities. In June 1938, she was permitted to return to Frankfurt to oversee the shipment of her possessions to Paris. Six paintings in her collection – a Courbet, two Boehles, a Truebner, a Burger and a Slevogt – were designated “of national value” and not permitted to leave Germany. The relevant documents from this period, including the 27-page inventory of her household possessions and artworks prepared in conjunction with her emigration to Paris, do *not* include the van Gogh and Gauguin.

### **The 1938 Sale**

On December 1, 1938, Mrs. Nathan invited art dealer Georges Wildenstein to view her art collection in Basel. Her personal, handwritten note reads: “Bearer [Mr. Wildenstein] is authorized to view my paintings in the Kunsthalle Basel. Martha Nathan. To Kunsthalle Basel: In advance, many thanks for your efforts.” On December 4, 1938, Wildenstein viewed the paintings and made notations regarding four of seventeen paintings – including the van Gogh and Gauguin – in Mrs. Nathan's collection. On December 14, 1938, a dealer group consisting of Wildenstein & Co. (3/8 share), Galerie Thannhauser (2/8 share) and Alex Ball (3/8 share), purchased the van Gogh for 40,920 Swiss Francs (\$9,364) and the Gauguin for 30,000 Swiss Francs (\$6,865). The museums' research confirms that these prices are consistent with prices for comparable works sold voluntarily in Europe at the time.

Following her sale of these paintings in 1938, Mrs. Nathan continued to lend paintings from her collection to traveling museum exhibitions. Acting through Galerie Thannhauser, she lent works from her collection to a major French paintings exhibition that traveled to South America and the United States in 1939 through 1941.

The Gauguin was purchased directly from Wildenstein by the TMA in 1939 for \$25,000. The Detroit-based collector Robert H. Tannahill purchased the van Gogh in 1941 from Wildenstein for \$34,000 and in 1970 bequeathed the painting to the DIA. The museums' research confirms that these prices are consistent with comparable and contemporaneous art sales from mid-1939 on, especially in sales by European art dealers to American collectors.

Mrs. Nathan was clearly identified in the provenance documentation accompanying the sale of both paintings, and both paintings have been widely exhibited and published with complete provenance information since their acquisition by the museums.

### **Mrs. Nathan's Restitution Claims**

Throughout the years between her emigration in 1937 and her death in 1958, Mrs. Nathan energetically sought restitution of monies and assets rightly due to her, from small unpaid balances on the sale of her car to major claims for property confiscated from her husband's estate by the Nazis. After World War II, Mrs. Nathan sought and received German and French restitution and compensation for property and artworks confiscated in 1942 from a warehouse in German-occupied Paris; settlement for the fair market value of the 1938 sale of her Frankfurt residence; the recovery from the Staedel museum of Frankfurt of artworks designated of "national value" which Mrs. Nathan was forced to leave in Germany; and restitution of the "exit tax" she paid to the Nazis at the time of her emigration.

None of these claims included or referenced the van Gogh and Gauguin paintings.

Notably, artworks from Mrs. Nathan's collection were included in the *Repertoire des biens spoliés en France pendant la Guerre 1939-1945*, the official publication of art losses by individuals in France during the war 1939-1945, published in Berlin by the Central Bureau of Restitutions in 1947 (with subsequent supplements) as a record of claims. Although many objects are listed in this important resource as losses from the collection of Martha Nathan, the van Gogh and Gauguin paintings are not included.

Mrs. Nathan did not remarry after Hugo Nathan's death, and she had no children. Her brother Willy Dreyfus protected her estate's interests as the co-executor until his death in 1977.

### **Laurie Stein, Nazi-Era Provenance Research Specialist**

Laurie Stein is an independent art historian and researcher for collection history and provenance. She has published extensively on subjects relating to the arts in Germany during the Nazi era and restitution issues and has held museum curatorial positions in Berlin and the U.S. She was founding director for the Pulitzer Foundation for the Arts in St. Louis. Ms. Stein has conducted provenance research for such institutions as the Museum of Modern Art, the Art Institute of Chicago, the Wallraf-Richartz Museum (Cologne) and the Yale University Art Gallery. Her research on behalf of these and other museums has helped to determine the rightful ownership of works of art. In cases where her research has shown restitution claims to be legitimate, her work has led to the mutually agreed resolution of claims by museums and the heirs of prior owners.

### **The Detroit Institute of Arts**

Located in the heart of Detroit's Cultural Center, the Detroit Institute of Arts was founded in 1885 and is recognized as one of the country's premier art museums. The museum's approximately 60,000 works of art comprise a multicultural survey of human creativity from prehistory to the 21<sup>st</sup> century. From the first van Gogh to enter a U.S. museum (*Self Portrait*, 1887) to Diego Rivera's world-renowned *Detroit Industry* murals, the DIA's collection reveals the scope and depth of human experience, imagination and emotion.

### **The Toledo Museum of Art**

The Toledo Museum of Art was founded in 1901 upon the belief in the power of art to ignite the imagination, stimulate thought, and provide enjoyment. Exhibited within an architecturally significant campus, TMA's collection of more than 30,000 works of art transcends temporal and geographic boundaries and includes one of the most comprehensive and historically significant collections of glass in the world. As its founders intended, TMA has maintained free admission for more than a century and strives to integrate art into the lives of all people.

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