

## Call for Papers

# Terms of Art: Understanding the Mechanics of Dispossession During the Nazi Period

**Thursday, May 7, 2020 - Friday, May 8, 2020; New York, New York**

The criteria for determining whether objects lost between 1933 and 1945 in a manner that justifies restitution were articulated by the Allied powers in 1943 and then codified in postwar restitution laws. In the modern era of Holocaust-era asset restitution, those standards were replaced by abstract phrases such as *Nazi confiscated art*, *forced sale* and *sale under duress* without any qualifications attached. But what is meant by these terms? Did the framers of modern restitution principles intend for the definitions promulgated by the Allies and postwar restitution laws to dictate the way these terms are interpreted?

The 2009 Terezin Declaration attempted to further develop the principles set forth in Washington in 1998 and listed additional acts of spoliation, though it failed to define them. Since the Washington and Prague Holocaust Era Asset Conferences, international discussions have primarily focused on the need for provenance research, the sharing of documentation and information, and the concept of “just and fair” solutions. Seldom is attention given to fully exploring, understanding and classifying the mechanisms and circumstances of loss.

Because there are no international guidelines on how to interpret these terms in the context of involuntary transactions that occurred in Nazi-controlled Europe, there are inconsistencies across and within groups of practitioners in the field on how to designate and characterize various forms of loss. This lack of common understanding creates uncertainty and incongruity with respect to restitution and compensability. It frequently results in protracted debates about whether the persecution endured by an artwork’s owner was such that his/her loss of the artwork could be deemed involuntary, thereby hindering and often thwarting the resolution of claims.

## Goals

This symposium aims to explore from the historical, art historical and practical perspectives and across practitioner groups, what it means to describe involuntary loss using a specific term. We

are seeking papers from practitioners in the field of art restitution that will serve as a basis for discussion of these terms.

The symposium will include expert paper presentations and panel-led discussions among claimant representatives, attorneys, members of the art trade, cultural institutions, provenance researchers, historians and art historians.

Following the symposium, accepted papers will be published as a free online book. The goal of the publication is to further the dialogue concerning this issue and promote greater understanding about the mechanics of dispossession as they relate to claims for artwork involuntarily lost as a result of Nazi persecution.

Our aim is to inform and guide future discussions about the disparate views on these historical events and how a common understanding of these terms can effectively contribute to resolving claims in a more consistent and expeditious manner.

## Suggested topics

- Is a *forced sale* the same as a *sale under duress*? If so, why? If not, why not? How do they differ?
- What constitutes a *transaction induced by threats or duress or involving unlawful dispossession*? Is such a transaction what we presently term a *forced sale* or *sale under duress*?
- Are looting and theft the same as *confiscation*, or is *confiscation* merely one form of theft?
- Can an institution be the source of *coercion* or only an individual?
- What constitutes *relinquishment*? Is *relinquishment* the same as a *forced sale*, *sale under duress*, or is it more akin to *Aryanization*? How do export permits and/or licenses relate to *relinquishment*?
- Does seizure by measures taken by the NSDAP, its formations or affiliated organizations include the granting or denial of export permits and/or licenses?
- Does the date of the loss impact the term used to describe the loss?
- Does the classification of the loss affect the resolution of a restitution claim?

Kindly note the symposium will not address the issue of *flight goods (Fluchtgut)*.

## **Format**

Proposals should address terms and concepts as suggested above in 500 words or less.

Please be sure to include your full name, affiliation (if applicable), email address, and a brief bio or CV.

Submitted proposals will be reviewed by a committee of practitioners in the field.

Papers can be submitted at: <https://www.dfs.ny.gov/form/call-for-papers-submission-form>

## **Important dates**

The deadline for submitting a proposal is Thursday, October 31, 2019.

Submitters will be informed by Monday, December 2, 2019 whether their proposal was accepted. Please understand that time and space are limited, so not all proposals will be accepted. If a proposal is accepted, the resulting paper will be presented by the author at the symposium.

Complete papers are due by Friday, May 1, 2020.

Papers will be published and released to the general public on or about September 1, 2020.