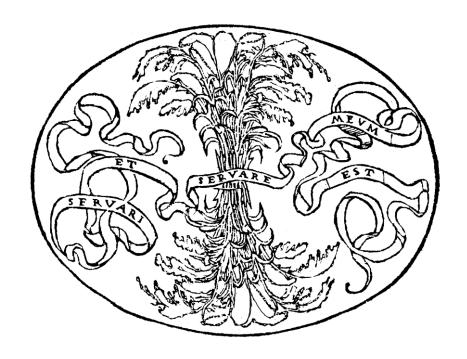
# STUDI

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#### INTRODUCTION

Open your museums. Provide real advice to your museums. And really help the victims pursue their cases, help them break down the roadblocks that have stopped them for the past decades<sup>1</sup>.

On November 26<sup>th</sup>-28<sup>th</sup>, 2018, the German Lost Art Foundation hosted in Berlin an international conference entitled 20 Years of the Washington Principles: Roadmap to the Future. Twenty years after the signing of the Washington Principles on Nazi-Confiscated Art by 44 countries, which marked a deeply significant moment in the development of cultural policy in the 20<sup>th</sup> and 21<sup>st</sup> centuries, the Berlin conference focused on new challenges and tasks in the implementation of the Washington Principles<sup>2</sup>.

On the day of the conference opening the New York Times published the article «Five Countries Slow to Address Nazi-Looted Art, U.S. Expert Says» by William D. Cohan. The text reported the critical declaration made by Stuart Eizenstat, expert adviser to the U.S. State Department, on the efforts in five countries to return looted art in the past years<sup>3</sup>. One of the countries he singled out was Italy, along with Hungary, Poland, Greece and Spain. Regarding Italy, Mr. Eizenstat made a clear statement: «Unfortunately there has been no provenance research or listing of possible Nazi-looted art in their public museums by the Italian government». He continued to state that «Italy's cities and regions, where much of the country's art collection is maintained, have ignored the Washington Principles». As reported in the article, representatives of the criticized countries did not comment on Eizenstat's declaration.

Taking this criticism seriously, we would like to ask from the perspective of our ongoing HERA (Humanistic European Research Area) project TransCultAA - Transfer of Cultural Objects in the Alpe Adria Region in the 20th Century<sup>4</sup>: What is the current state of affairs in Italy – in the field of research, in teaching, and with regard to museums and administrations? Is provenance research indeed unknown in Italy? Or is it a common practice, an activity regularly performed in public collections in Italy?

As far we can see, the international workshop that we convened at the IMT School for Advanced Studies Lucca on September 18<sup>th</sup>-19<sup>th</sup>, 2017 was the first major scholarly or academic event that explicitly targeted the many issues related to Fascist and National Socialist dispossessions in the Italian and non-Italian parts of the Alpe Adria Region<sup>5</sup>. The aim of the workshop was to take stock, i.e. to assess the field of research: What has been achieved, what remains to be done?

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<sup>&</sup>lt;sup>1</sup> Ambassador Ronald S. Lauder, Berlin conference, 20 Years of the Washington Principles: Roadmap to the Future, November 26th, 2018.

The quote is taken from <a href="https://www.lootedart.com/web\_images/pdf2018/KeynoteRonaldLauder.pdf">https://www.lootedart.com/web\_images/pdf2018/KeynoteRonaldLauder.pdf</a>, p. 7, which erroneously states «And really help the victims in pursue their cases» – this misspelling is corrected in the quote above.

<sup>&</sup>lt;sup>2</sup> https://www.kulturgutverluste.de/Content/02 Aktuelles/EN/Foundation-Events/2018 20-years-washington-principles/Specialist-Conference-20-Years-Washington-Principles-Roadmap-for-the-Future.html, < June, 2019>.

https://www.nytimes.com/2018/11/26/arts/design/five-countries-slow-to-address-nazi-looted-art-us-expert-says.html, < June, 2019>.

<sup>&</sup>lt;sup>4</sup> https://www.transcultaa.eu; http://heranet.info/transcultaa/index, <June, 2019>.

<sup>&</sup>lt;sup>5</sup> https://www.transcultaa.eu/2017/07/27/conf-the-transfer-of-jewish-owned-cultural-objects-lucca-18-19-sep-17/, <June, 2019>.

Looking back today to the 2017 workshop, it seems that one of the reasons why provenance research into Jewish losses was – and is – rather slow or weak in Italy is that this effort inevitably raises larger questions of complicity and collaboration. Precisely because public discourse and scholarly research alike have somewhat bypassed the history of confiscation, seizure, dispossession and translocation of private Jewish property into mostly public and occasionally private collections, we believe in the appropriateness and urgency of publishing this special issue (as one of the outcomes of the collaborative HERA research project TransCultAA). In a sense, this issue of «Studi di Memofonte» is indeed one of the first scholarly activities that specifically addresses concerns raised more than 20 years ago in Washington DC.

Between November 30<sup>th</sup> and December 3<sup>rd</sup>, 1998, the U.S. Department of State and the U.S. Holocaust Memorial Museum of Washington DC hosted the conference «Washington Conference on Holocaust-Era Assets» addressing issues of *Nazi-confiscated Art*, insurance, and other assets such as communal property, archives and libraries and Holocaust education, remembrance and research.<sup>6</sup> More than 400 people, 57 international official delegations from 44 governments and 13 non-profit organizations attended the conference.

The conference, chaired by Stuart Eizenstat, at that time Under Secretary of State for Economic, Business, and Agricultural Affairs of President Bill Clinton's Government, aimed to «provide a forum in which the international community can seek a consensus on means of addressing Nazi-era injustices as they related to specific asset categories» (as reported in the conference presentation).

The delegations, starting from what nations had already done in this field, agreed to intensify their efforts and to cooperate for keeping the memory of the Holocaust and the victims alive.

During the art panel session – called Nazi-confiscated Art –, the delegations discussed the efforts to protect cultural treasures during and after the Second World War and the attempts to retrieve stolen art objects during the war in Europe, despite gaps of ownership. Among the panelists of the Nazi-confiscated Art session were representatives from the most important European, Russian and American museums, such as Carla Schulz-Hoffmann, Deputy General Director of the Bavarian State Painting Collections of Germany, Sharon Page of the Tate Gallery of the United Kingdom, Françoise Cachin, Director of French Museums, Charlotte E. van Rappard-Boon, Head Inspector of the Ministry of Education, Culture and Science for the Netherlands, Earl A. Powell III, Director of the National Gallery of Art of Washington D.C., and Philippe de Montebello, Director of the Metropolitan Museum of Art of New York. Together with the museums directors, there were representatives of the commissions on «Nazi spoliation of Art» recently instituted by the Austrian, United Kingdom, Russia and U.S. governments; the latter was represented by the Association of Art Museum Directors of United States (AAMD). The aim behind the setting of the governmental art commissions was returning to their rightful owners or their legitimate heirs the cultural objects, manly Jewishowned, which had been seized during the Nazi-era and hold by public institutions.

The guidelines created by AAMD together with ICOM and the American Association of Museums (AAM) concerning the «Unlawful Appropriation of Objects during the Nazi-Era» were adopted by the American art museums to deal proactively with the issue of art works confiscated during the Nazi-era. These guidelines were highlighted by the Washington panelists as an example of recent efforts on behalf of museums to provide guidelines and principles to address issues of unclear provenance. As a consequence, the guidelines formulated in the form of eleven questions were transformed into eleven non-binding

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<sup>&</sup>lt;sup>6</sup> https://1997-2001.state.gov/regions/eur/wash\_conf\_material.html, <June, 2019>.

principles – named «Washington Principles» – aimed at strengthening provenance research and uncovering stolen art by governments, NGOs, museums, auctioneers and art dealers.

During the art panel session, Italy was often mentioned regarding the plundering of artworks from its museums and from its Jewish collectors that took place during the Second World War. It was also reported that Italy received 225,000 objects, including the historic library of the Collegio Rabbinico of Rome, from Austria since the end of the Second World War.

No delegate of the Italian Ministry of Cultural Heritage and Activities, at that time directed by Giovanna Melandri (Massimo D'Alema as President of the Council of Ministers), took part in the art panel session as representative of the thousands of Italian public museums and private collections in the country. Rather, Italy was represented at the conference by the Minister for Foreign Affairs Franco Tempesta, who in his speech (Monetary Gold and Italian Participation in the International Fund for Needy Victims of Nazi Persecution) shared some details about Italy's previous pledges to assist economically the neediest survivors of the Holocaust. Basically, the focus of Tempesta's intervention was not even close to the topic of cultural heritage.

However, it was exactly on that occasion that the Italian ministry, following the action of 21 European countries, announced the creation of a national Commission for research on the economic and financial aspects of racial persecution. In this commission, representatives of the Office of the Prime Minister, the Ministry for Foreign Affairs and the Ministry of the Interior with its State Archives, the Association of Italian Banks, the Union of Italian Jewish Communities (UCEI) and the Jewish Documentation Center of Milan (CEDEC) were to cooperate with a group of historians and other entities and/or NGO. This governmental decision was anticipated, a year before the Washington Declaration, by a law (Law no. 233, July 18<sup>th</sup>, 1997, Disposizioni di solidarietà per gli appartenenti alle comunità ebraiche ex perseguitati per motivi razziali, ai fini della applicazione della legge 24 maggio 1970, n. 336, e successive modificazioni ed integrazioni) enacting that the Jewish assets looted during the Second World War and not returned to the rightful owners or their legitimate heirs, due to their disappearance or unavailability and held by the Italian State at any title as unclaimed property, were assigned to the Union of Italian Jewish Communities. UCEI would then assign returned assets to a specific local Jewish community, taking into account the provenance of the looted assets and the places where the looting had been carried out (Article 2)7. During the Washington Conference, the Italian Government formally inaugurated the previously announced Commission (Presidential Decree dated December 1st, 1998). It named the body, chaired by Senator Tina Anselmi, as «Commission responsible for reconstructing the events concerning the acquisition of Jewish assets in Italy by both public and private bodies» (Commissione per la ricostruzione delle vicende che hanno caratterizzato in Italia le attività di acquisizione dei beni dei cittadini ebrei da parte di organismi pubblici e privati)8. After more than 2 years of intense activity the Anselmi Commission published its work, a short chapter of which is devoted to the «Seizure of Possessions of Artistic, Cultural and Religious Significance»<sup>9</sup>. It is worth quoting from the chapter's introduction: «Far-reaching and thorough investigation involved the central and regional offices of the Ministry of Culture and the Ministry of the Interior, as well as meetings

<sup>&</sup>lt;sup>7</sup> Published on «Gazzetta Ufficiale» no. 171, July 24, 1997.

<sup>&</sup>lt;sup>8</sup> The presidential decree dated May 21<sup>st</sup>, 1999, extended the Commission work by a further six months. The subsequent decrees of April 19<sup>th</sup>, 2000 and March 6<sup>th</sup>, 2001 set the completion of the works for March 31<sup>st</sup>, 2001. Another decree has definitively indicated the completion of the works on April 30<sup>th</sup>, 2001.

<sup>&</sup>lt;sup>9</sup> http://presidenza.governo.it/DICA/7 ARCHIVIO STORICO/beni ebraici/index.html, <June, 2019>.

with the Inter-Ministerial Committee for the Recovery of Works of Art and collaboration with the special Carabinieri division responsible for the protection of Italy's artistic heritage»<sup>10</sup>.

Indeed, the Anselmi Commission established an important cooperation with the Carabinieri Command for the Protection of Cultural Heritage, the special task force of the Italian Carabinieri responsible for combatting illicit art traffic, and with the Inter-Ministerial Committee for the Recovery of Works of Art<sup>11</sup>. Although the Committee for the Recovery of Works of Art reassured the Anselmi Commission that no Italian museum held artworks looted from Jewish collectors and from private owners following the enactment of the racial legislation in 1938, the commission experts also went through the historical documentation used by the Committee itself<sup>12</sup>. As a consequence, the Anselmi Commission decided to include in its final report the case of Federico Gentili di Giuseppe, an Italian Jew working for the Italian Ministry of Finance in Paris before the Second World War, whose extraordinary art collection was sold by force under the Vichy Government in 1941. After the decision taken by the Parisian Court of Appeals in 1999 that declared null and void the forced sale of 1941, few masterpieces displayed at Louvre Museum were returned to Gentili's heirs. After this first restitution, many others followed in the years. The Anselmi Commission threw light on the fact that two paintings from the Gentili collection - Christ Carrying the Cross by Girolamo Romanino and a Madonna and Child by Vincenzo Civerchio -, both claimed by Gentili's heirs, were conserved in one of the most important national museums, the Pinacoteca di Brera. Italy refused for a decade the Gentili heirs' requests for their return and only in 2011, while the Romanino's painting was on loan to an American exhibition, it was returned to the rightful owners<sup>13</sup>. However, notwithstanding the same provenance, the *Madonna and Child* by Vincenzo Civerchio is still part of the Brera collection<sup>14</sup>. It is in the light of these inconsistencies or perhaps outright contradictions between declared opinion and actual actions that Stuart Eizenstat's assessment (quoted above) becomes more understandable.

While the Anselmi Commission was conducting research, in October 2000 Senator Anselmi together with Dario Tedeschi, then President of the UCEI, and professor Michele Sarfatti, director of the CEDEC, presented a preliminary report on the loss of the bibliographic heritage of the Jewish Community of Rome looted in 1943 at the *International Vilnius Forum on Holocaust Era Looted Cultural Assets*. The Vilnius Forum, that took place under the auspices of the Council of Europe, was a follow-up to the Washington Principles of 1998.

Following the Vilnius Forum Declaration<sup>15</sup> and the final recommendations of the Anselmi Commission, on November 26<sup>th</sup>, 2002, the Italian Government established another commission aimed at further investigating the fate of the library/libraries of the Jewish Community of Rome. The *Commission for the recovery of the bibliographic heritage of the Jewish Community of Rome*, looted in 1943, chaired by Dario Tedeschi, undertook archival research in several European countries, including Russia, and in the U.S., and published its final report only in 2009<sup>16</sup>. The report of the Anselmi Commission on looted possessions of artistic,

<sup>&</sup>lt;sup>10</sup> <a href="http://presidenza.governo.it/DICA/7">http://presidenza.governo.it/DICA/7</a> ARCHIVIO STORICO/beni ebraici/english version/143 162 js.pdf, <June, 2019>.

<sup>11</sup> http://www.carabinieri.it/cittadino/tutela/patrimonio-culturale/introduzione, <June, 2019>.

<sup>12</sup> http://www.cdec.it/dsca/restitu/2.4.5.htm, <June, 2019>.

https://www.latimes.com/entertainment/arts/la-xpm-2012-apr-24-la-et-italian-painting-20120424-story.html; https://www.lootedartcommission.com/PEU6YO77695, < June, 2019>.

<sup>&</sup>lt;sup>14</sup> D. BRASCA, «Holocaust-Era Looted Art» nel contesto italiano: le collezioni private ebraiche tra rimozioni storiche e mancata coscienza nazionale, in Counterlight. Gegenlicht. Controluce. Saggi sulla memoria della Shoah nell'arte e nel Museo, edited by P. Coen, Macerata, 2018, pp. 83-92.

<sup>15</sup> https://www.lootedartcommission.com/vilnius-forum, < June, 2019>.

http://presidenza.governo.it/USRI/confessioni/rapporto/rapporto finale attivita Commissione2.pdf, June, 2019>; D. TEDESCHI, The Libraries of the Jewish Community of Rome and the Italian Rabbinical College Looted by

cultural and religious significance ends with a paragraph of wishful thinking: «In conclusion to this outline report, one should insist upon the certainty that the information collected and presented here does not reflect the full scale of the seizures that occurred with regard to property of this type. It can only be hoped that attention will continue to be focused on the issue, and research will continue on the basis of the consolidated international guidelines»<sup>17</sup>.

Although the Anselmi Commission had issued fairly clear recommendations how Italy could comply with the Washington Principles, no Italian public museum has practically and systematically adopted them. As a matter of fact, Italian institutions and administrations seem to ignore the recommendations made by the Anselmi Commission.

After the publication of the report on the bibliographic heritage of the Jewish Community of Rome, no other commissions or research groups on looted Jewish cultural assets were established by the Italian Government - contrariwise to what was going on in other European countries. Today it is an international practice to establish governmental committees to return Nazi looted artworks, to promote museums activity on provenance research, to sponsor digitization projects of records on Nazi looting and auction catalogues all measures aimed to adopt fair practices for identifying, recovering and restituting looted art. Austria, Britain, France, Germany and the Netherlands have established committees or commissions in this regard. However, despite these international efforts being made, the European Parliament on January 2019 voted on the Draft Report on cross-border restitution claims of looted works and cultural goods published by the European Parliament Committee on Legal Affairs on October 30th, 2018, noting that «insufficient attention has been paid at EU level to the restitution of works of art and cultural goods looted in armed conflicts, in particular in the fields of private law, private international law and civil procedure»<sup>18</sup>. These joint international activities face a lack of Italian participation in adopting fair practices regarding the recovery of Jewish cultural assets.

A few months after the twentieth anniversary of the Washington Principles, in early 2019, the Director of the Uffizi Galleries in Florence, Eike Schmidt, announced to the international press and to social media the official request of the museum for returning the painting *Vase of Flowers* by the 18th-century Dutch master Jan van Huysum, stolen by Nazi troops during the German occupation of Italy in 1944<sup>19</sup>.

For raising public awareness, a black and white framed photograph of the painting was hanged in the Salone dei Putti at Palazzo Pitti, where the painting had originally been placed, accompanied by the word 'stolen' in Italian, English and German, and a caption that explained that the work had been taken during the Second World War and was held by a German family<sup>20</sup>. The painting indeed returned to Palazzo Pitti on July 19<sup>th</sup>, 2019, during an official conference chaired by the Italian Ministry of Cultural Heritage together with the Ministry for Foreign Affairs and at the presence of the German Ministry for Foreign Affairs<sup>21</sup>. This event was clear evidence of the importance given to the return of a stolen artwork by the Italian Government. The importance of the case is also well shown on the Uffizi web site, where a lot of information is provided on the looted *Vase of Flowers*. Strangely, however, the provenance research activity that the museum is conducting is not indicated anywhere. In comparison with what is being done in foreign museums, an 'insufficient attention' on

the Nazis: The Work of the Commission set up for Research by the Italian Government, in Restitution of Confiscated Art Works. Wish or Reality, edited by Mečislav Borák, Prague, 2008, pp. 114-122.

http://presidenza.governo.it/DICA/7 ARCHIVIO STORICO/beni ebraici/english version/143 162 js.pdf, <June, 2019>.

<sup>18</sup> https://www.lootedartcommission.com/TIE1EE33497, Section F 2, <June, 2019>.

<sup>19</sup> https://www.bbc.com/news/world-europe-46734393, <June, 2019>.

<sup>&</sup>lt;sup>20</sup> https://www.uffizi.it/magazine/van-Huysum, <June, 2019>.

<sup>&</sup>lt;sup>21</sup> https://www.ilsole24ore.com/art/torna-uffizi-vaso-fiori-dipinto-trafugato-nazisti-ACJ5M2W, <June, 2019>.

provenance research seems to be paid to the issue in Italy, so rich in public museums and galleries. As far as we can see, Mr. Eizenstat's conclusion that Italy cares predominantly or rather exclusively on «what the Italian government lost» seems to be entirely justified.

A very recent press release<sup>22</sup> informs of the intent of the past Minister of Cultural Heritage, Alberto Bonisoli, to establish a new research group on Jewish looted assets, but due to a political change of government this intent has not been fulfilled.

It is against this larger, somewhat antagonistic background that the proceedings of the Lucca workshop *The Transfer of Jewish-owned Cultural Objects in the Alpe Adria Region*, held at IMT Lucca on September 2017 within the broader frame of TransCultAA activities, aim at improving fundamental knowledge about cultural artefacts looted from Jewish owners<sup>23</sup>.

The proceedings, which include both the majority of the papers delivered to the audience and the posters exhibited during the workshop (https://www.transcultaa.eu/exhibitions/lucca-exhibition-posters/), are divided in four sections.

The first section aims to give an overview on guidelines and policies that have been issued for American museums since the Washington Principles and on the current practices applied to new acquisitions at the Museum of Fine Arts of Boston (Victoria Reed, Museum Acquisitions in the Era of the Washington Principles: Porcelain from the Emma Budge Estate). The second essay of the first section presents key examples of the archival documentation conserved in the Historical Archives of the Union of the Italian Jewish Communities on Alpe Adria territory and on plundered Jewish property (Gisèle Lévy, Looting Jewish Heritage in the Alpe Adria Region. Findings from the Union of the Italian Jewish Communities (UCEI) Historical).

The second and third sections are dedicated to different case studies of Jewish-owned art collections looted, dispersed, protected and returned in the Alpe Adria Region during and after the Second World War. While the second section focuses on the confiscation of Jewishowned collections in Zagreb and the process of their musealisation in Croatian public museum in the after war (Iva Pasini Trzeć, Contentious Musealisation Process(es) of Iewish Art Collections in Croatia; Darija Alujević, Jewish-owned Art Collections in Zagreb: The Destiny of the Robert Deutsch Maceliski Collection; Antonija Milikota, The Destiny of the Tilla Durieux Collection after its Transfer from Berlin to Zagreb), the third section is entirely devoted to studies that investigate spoliation processes in Trieste. The six essays are thematically related and study the various processes of confiscation and protection of artworks and goods that took place in the city of Trieste during the German occupation. The first essay of the section explores the shadow areas in which authorities responsible with protecting the Jewish-owned cultural property operated during the German occupation in Trieste and its Province (Daria Brasca, The Dispossession of Italian Jews: the Fate of Cultural Property in the Alpe Adria Region during Second World War), the following three essays analyze three of the most important Jewish-owned collections in Trieste that were plundered during the war (Camilla Da Dalt, The Case of Morpurgo de Nilma's Art Collection of Trieste: from a Jewish Legacy to a 'German Donation'; Cristina Cudicio, The Dissolution of a Jewish Collection: the Pincherle Family in Trieste; Elena Franchi, «The Chair with the Green Back and Yellow Flowers». Furniture and other Property belonging to Jewish Families in Trieste during the Second World War: the Frigessi Affair). A specific contribution is dedicated to the property of the Jewish emigrants stored in the Free Port of Trieste during the war, in particular its seizure, sale, and transfer (Gabriele Anderl and Anneliese Schallmeiner, Sequestered/Confiscated Assets in Trieste: A List of Austrian Jewish Owners in Viennese Archives. A Workshop Report).

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<sup>&</sup>lt;sup>22</sup> https://www.beniculturali.it/mibac/export/MiBAC/sito-

MiBAC/Contenuti/MibacUnif/Comunicati/visualizza asset.html 1008033831.html, < June, 2019>.

<sup>&</sup>lt;sup>23</sup> https://www.imtlucca.it/transcultaa2017/, <June, 2019>.





The third section concludes with a contribution on the post-war trials for persecuting crimes of collaborationism committed during the German occupation of Trieste (Irene Bolzon and Fabio Verardo, *Postwar Trials in Trieste: Collaboration and Crimes against Jewish property during the German Occupation*).

The fourth and last section explores the art market and the dealers' activities between Italy and Germany during the war and the issue of post-war restitutions and the international agreements on cultural claims following the Peace Treaty (Antonia Bartoli, Flagging a Red Flag: Contextualizing the Activities of Alessandro Morandotti between 1939 and 1945 in Light of the Art Looting Investigation Unit Report (1946-1947); Francesca Coccolo, Rodolfo Siviero between Fascism and the Cold War: Negotiating Art Restitution and Exceptional Returns' to Italy after the Second World War; Caterina Zaru, The Affaire Ventura. Antiquarians and collaborators around the Second World War).

As aforesaid, the international workshop was a stepping stone of a broader set of activities carried out within TransCultAA, led by the Zentralinstitut für Kunstgeschichte, Munich, Germany (Project Leader), the Department of Human Studies and Cultural Heritage of the University of Udine, Italy (as Principal Investigator for the Italian team, which includes also IMT Lucca and the Archivio Centrale dello Stato, Rome), the Croatian Academy of Sciences and Arts, of Zagreb, Croatia and the Research Centre of the Slovenian Academy of Sciences and Arts, France Stele Institute of Art History ZRC SAZU, Ljubljana, Slovenia, now University of Maribor<sup>24</sup>.

The HERA project, concluding in November 2019, does not exclusively focus only on Jewish looted assets. Rather, the project sheds light on the broader issue of the transfer of cultural objects in the Alpe Adria Region between the First World War and the decades after the Second World War. However, as the Lucca workshop proceedings clearly testify, the issue of misappropriating and dispossessing Jewish cultural properties has been a key topic in the project. Considering the issue within the broader frame of TransCultAA has enabled us to better contextualize seizures, confiscations and art looting in the Fascist era and beyond.

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<sup>&</sup>lt;sup>24</sup> This project has received funding from the European Union's Horizon 2020 research and innovation program under grant agreement No. 649307.