

BOOK REVIEWS

Matthias Weller*

Museums and the Holocaust by Norman Palmer, 2nd ed., edited by Ruth Redmond-Cooper

ISBN 9781903987421

Institute of Art and Law, Bülth Wells 2021, pp. 342

It is a pleasure and honour to comment on and recommend the second edition of Norman Palmer's seminal *Museums and the Holocaust* to the community of art law, museum studies, and Holocaust research experts. As a very young scholar I (the reviewer) had the privilege of getting to know the author of the reviewed book at the international conference "International Legal Dimensions of Art and Cultural Property" at Vanderbilt University in 2005. We were both sitting in the office of the conference hotel to prepare the final shape of our connected presentations, and our printer accounts got mixed up. I shall always remember how kindly and politely Norman resolved this issue, as well as how impressively he presented "Adrift on a Sea of Troubles: Cross-Border Art Loans and the Specter of Ulterior Title".¹ In the following years, it became even more unforgettable to me how encouraging Norman turned out to be vis-à-vis the young "colleague" who found himself,

* **Matthias Weller** is Alfried Krupp von Bohlen und Halbach Professor for Civil Law, Art and Cultural Property Law. He serves as Director of the Institute for German and International Civil Procedural Law, Rheinische Friedrich-Wilhelms-Universität Bonn, Germany.

¹ N. Palmer, *Adrift on a Sea of Troubles: Cross-Border Art Loans and the Specter of Ulterior Title*, "Vanderbilt Journal of Transnational Law" 2005, Vol. 38, pp. 947-996.

BOOK REVIEWS

Matthias Weller

all of a sudden, included in a number of eminent conferences and events of the Institute of Art and Law throughout Europe. Everywhere, the first 2000 edition of *Museums and the Holocaust* was recognized as groundbreaking and setting the highest standards, in particular in its comparative approach.

The second edition of 2021, edited by Ruth Redmond-Cooper, excellently and impressively continues this outstanding legacy, as acknowledged in the foreword by His Honour Judge Tony Baumgartner, Deputy Chair of the Spoliation Advisory Panel, a body of which Norman Palmer was a member from its inception in 2000 until 2015. In the first part of the book, fundamental issues are addressed, starting with Palmer's seminal essay "Art and the Nazi Terror", which is carefully updated and in which the author spells out the very special position of art and antiquity claims in the context of Holocaust reparations by distilling six main arguments. As the Nazi terror was implemented to a large and probably unique extent by (perverse) "legislation", Leonie Schwarzmeier offers readers a selection of the most important (and most shocking) cases and effects of expropriations which are of particular relevance to today's restitution claims. Ruth Redmond-Cooper and Charlotte Dunn perceptively examine the specific challenges and dimensions relating to: 1) space – transnational relocations of the objects and their effects on the *lex situs* rule – and 2) time, i.e. more than 75 years after the end of the Nazi terror. Charlotte Davy and Alexander Herman superbly present the complex topic of immunity from seizure and suit for cross-border loans, based on a globally comparative perspective and with a special focus on the UK and Australia. Both of these contributions not only present instructive overviews combined with deep analysis, but go into details of relevance in litigation practice. Jacques Schuhmacher describes the development of British Museums and the (slowly) growing awareness of Holocaust-era provenance research over the decades after 1990, as well as UK museums' views on the emergence of the Washington Principles of 1998.

Part II comprises a unique collection of eleven national perspectives by eminent authors in the field: UK (Charlotte Woodhead); Germany (Isabel von Klitzing and Carola Thielecke); Netherlands (Evelien Campfens); France (Corinne Hershkovitch); Austria (Andreas Cwitkovits and Colette Huda); Poland (Nawojka Cieślińska-Lobkowicz); Hungary (Agnes Peresztegi); Israel (Meir Heller, Keren Barth-Abelow, and Talila Dvir); Greece (Anna Roza); the USA (Nicholas O'Donnell); and Australia (Andrew Dudley). These country reports are an invaluable source of information for the comparative study that is so much needed to better understand the respective national positions and arguments and to prepare a meaningful and constructive discourse. It is obvious that an assessment of a country in twenty or so pages must be highly selective, and the reader cannot help but wish each author could delve deeper into the assessment, but this is left to following editions. It might be noted that "academic" conventions on transparency (at least as understood in Germany) would require authors to indicate if they are or were directly involved in the cases they comment on in scholarly contexts.

The book closes with Part III on international perspectives on the Monuments Men (Ian Upjohn); the Gurlitt Collection (Stephany Drawdy); the Max Stern Art Restitution Project (Debbie De Girolamo); and a detailed report on the international conference “Twenty Years of the Washington Principles” in 2018 (Emily Gould). Key materials are reprinted in the Appendix.

In sum, this book, which is profoundly reshaped, updated, and further developed by its current editor and authors, is a masterpiece and a must-have for everyone in the field – hence congratulations are due to all those involved in its publication.