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### The Struggle for Justice

Post-WWII Restitution of Richard Morawetz' Art Collection

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### Introduction

- Overview
  - Introduction of Richard Morawetz
  - Fate of the collection during the Protectorate
  - Pre-Trial Negotiations
  - Court Proceedings
- Objective
  - To explain the complex restitution processes after WWII regarding artworks
  - To apply the then case law



### **Richard Morawetz**

- Textile industrialist from Úpice
- Patron of the Arts
- Collected archival documents, rare books, prints and drawings

Drawing by Emil Orlik, Source: <a href="https://www.mutualart.com/Artwork/Richard-Morawetz/4AF62C0D5C68073D">https://www.mutualart.com/Artwork/Richard-Morawetz/4AF62C0D5C68073D</a>



## Protectorate of Bohemia and Moravia

- Morawetz fled in March 1939
- Loan Agreement with NGP
- Collection split between museums, some artworks lost
- Assumed confiscation in 1942

Lucas Cranach the Elder, St. Christine (1520/1522) oil on wood, 74 x 55 cm





## Post-War Restitution the ideal scheme

Confiscated artworks

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National Property Administration/National Culture Commission

Ministry of Labour

L' DECIDES about the claim



### **Post-War Restitution Efforts**

- Negotiations with NGP and the Ministry of Education
  - Request for the Annulment of the Confiscation Notice from 1942
- 1947 Annulment of the Confiscation Notice from 1939

- Key Laws
  - Restitution Act No. 128/1946 Coll.
  - Standing Committee Measure No. 255/1938 Coll.
  - Act on National Cultural Commissions No. 137/1946 Coll.



### Court Proceedings I.

Petition filed on 16<sup>th</sup> June 1949

- "Tricks"
  - Tax Arrears
  - Citizenship
  - State Reliability
  - Proceedings concerning the declaration of the important public interest



### Court Proceedings II.

- Pyrrhic victory on 21st March 1951
  - "the art collection has already been restituted by the Notice of the Ministry of Finance from 1947"
- NO declaration of the public interest issued
- On 5<sup>th</sup> April 1951 restrictions issued:
  - forbidden to export
  - forbidden to be handed over to the owner without the prior consent of the Ministry of Education.

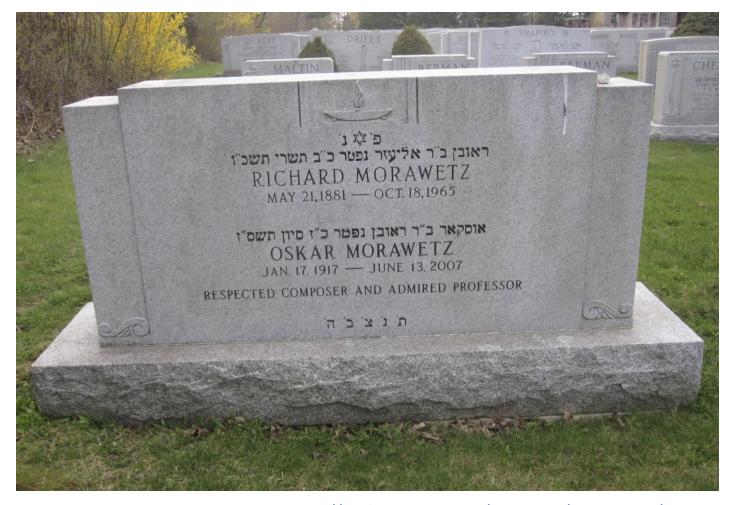


# Differences to the standard proceedings?

- Institutions, which were entitle to decide about the Restitution
- Annulment of the property confiscation
- State reliability
- Declaration on the important public interest

Positive role of the court!





Beth Tzedec Memorial Park, Toronto, Ontario, Canada. Source: <a href="https://de.findagrave.com/memorial/254405830/richard-norman-morawetz#view-photo=275274726">https://de.findagrave.com/memorial/254405830/richard-norman-morawetz#view-photo=275274726</a>

