



**FACULTY  
OF LAW**  
Charles University

**Charles University, Faculty of Law**

nám. Curieových 901/7, 116 40 Prague I

# The Struggle for Justice

Post-WWII Restitution of Richard Morawetz' Art Collection

Mgr. Zuzana Löbling

Department of Legal History, Charles University, Czech Republic



FACULTY  
OF LAW  
Charles University

International Legal History Meeting of PhD Students in Brno  
September 2024

# 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: <https://www.mutualart.com/Artwork/Richard-Morawetz/4AF62COD5C68073D>



# 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

*administered by* ↓

National Property Administration/**National Culture Commission**

*RESTITUTION CLAIM  
filed by* ↓

Ministry of Labour

*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 21<sup>st</sup> 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: <https://de.findagrave.com/memorial/254405830/richard-norman-morawetz#view-photo=275274726>

