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OWNERLESS ARTWORKS: AN ANALYSIS OF THE MUSÉE DU LOUVRE'S
UNPOSSESSED POSSESSIONS

By

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Abstract of Thesis

**Ownerless Artworks: An Analysis of the Musée du Louvre's Unpossessed Possessions
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The impact of the Third Reich's large-scale art thefts across Europe during World War II are still being thoroughly examined in the modern day. France, in particular, was left with some 60,000 works that were destined to be repatriated to museums, Jewish families, Jewish art collectors, and various cultural institutions in the aftermath of the war. After much time was spent returning these works, the French state was left with about 2,000 pieces of art that had gone unclaimed. The Musée du Louvre was given just over 1,000 of the aforementioned works. Three years ago, in February of 2018, the Musée du Louvre presented the installation of a small, permanent gallery space that would display thirty-one of their MNR (Musées Nationaux Récupération) works. The curators that worked on the exhibition asserted that it would become a stage in which French Holocaust survivors could visit and potentially find (as well as reclaim) their stolen works. This thesis strives to determine whether or not a museum's gallery spaces can function as a pathway to legitimate restitution of stolen and forced-sale artworks. Among the variety of points that will be touched upon in this thesis, the most critical is the ethical implication of such an exhibition, and if it is as accessible as the museum claims it to be. These queries will be disseminated through a methodological study of discourse analysis with specific focus on the system of archival silencing. In turn, the question is asked, does the exhibition, in its present format, allow for repatriation of cultural heritage objects or does it perpetuate the silences that are glaringly present in museum practices?

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Preface

A week prior to the completion of this thesis, on March 26th, 2021, the Musée du Louvre announced that they had finished a significant feat in digitizing 485,000 of their works¹. This is an important improvement to the mere 30,000 that were previously digitized and available to the public. Of these 485,000 now digitally accessible works the Musée du Louvre also released a new MNR database to accompany the publication². Unfortunately, this database was not yet made public during the compilation and writing of this thesis. Although it does, in fact, provide new access to the MNR works at the Musée du Louvre, the sentiment and context of this research still stands. The database adds a new point of entry for those survivors of the Holocaust seeking to regain their stolen possessions. This being said, there is still much work to be done in terms of the formatting, organization, and features included in this new database. It is excellent to see the Musée du Louvre taking steps to provide increased accessibility to its collections, and hopefully this trend will continue into the future.

¹Noce, Vincent. "Louvre Probes Its Collection for Nazi and Colonial Loot in Massive Provenance Research Project." The Art Newspaper. The Art Newspaper, March 25, 2021.

²"National Museums Recovery: MNR Works at the Musée Du Louvre." Louvre site des collections. Musée du Louvre, March 26, 2021. <https://collections.louvre.fr/en/album/1>.

Introduction

Much is still unknown about the depth and reach of the Third Reich's infamous, grand-scale art thefts across Europe. Their plunder of France, in particular, left the country with an estimated 60,000 works to be restituted to museums, galleries, and Jewish families who had fled the country or died at the hands of Nazi cruelty. Ultimately, after returning many works (both legally and illegally), the country was left with 2,143 unrestituted or forced-sale works —the Musée du Louvre owns 1,752. In February of 2018, the Musée du Louvre released its plan to open a permanent exhibition that includes two rooms on the second floor of their Richelieu Wing for Northern French and European painting. In these two rooms hang thirty-one paintings labeled as MNR (the National Museums Recovery, a coalition formed in France) and indicated to be previously owned by Jewish families. The curators of the Musée du Louvre intended for the exhibit to provide access for the French Jewish community in Paris to regain their cultural property, and thus, their heritage. This thesis aims to examine whether the exhibition space can function as a feasible passageway for the restitution of stolen artwork to Jewish families. There are many ethical concerns surrounding the exhibit that will be touched on in this research, one being the apparent inaccessibility to the exhibit itself for the Jewish community both in Paris and abroad. Ultimately, my research aims to find whether the exhibition is effective in its intentions through a methodological study of archival silencing using discourse analysis.

I have chosen to carefully analyze the French doctrines, laws, and clauses that were put into place to perpetuate the misleading retainment of these works at the Musée du Louvre. To do this, I have explored a variety of books, reports, government doctrines,

and articles that outline the numerous instances where these expectations were either abided by or completely passed to the wayside for the personal gain of the institution. Books such as Elizabeth Campbell Karlsgodt's *Defending National Treasures: French Art and Heritage under the Vichy*³ as well as Rebecca Clifford's *Commemorating the Holocaust: The Dilemmas of Remembrance in France and Italy*⁴ explore this legislation in the context of the Nazi sponsored Vichy occupation as well as its aftermath. The moments in which these stolen works were passed through the government ultimately shaped the archive then as it still does now. As the Louvre has begun to look at their handling of previously Jewish-owned artwork during and post-World War II, curators and administrators alike find themselves contesting the narrative that "...in the aftermath of the Liberation, the issue of the works of art was considered as having been part of a settlement of the conflict between nations, for the past ten years it has been dominated by the memory of what spoliation for racial reasons actually meant"⁵. As Michel-Rolph Trouillot explains in his seminal work *Silencing the Past: Power and the Production of History*, "...the distinction between what happened and that which is said to have happened is not always clear"⁶. In the context of the installation in the Musée du Louvre, there is an increasingly blurry line between that which happened, and the silence created by that which is said to have happened. Those in power, those in control (i.e. museum administrators and curators alike), have asserted that their power is somehow unrelated to

³Karlsgodt, Elizabeth Campbell. 2011. *Defending National Treasures - French Art and Heritage Under Vichy*. Stanford University Press.

⁴Clifford, Rebecca. 2013. *Commemorating the Holocaust: the Dilemmas of Remembrance in France and Italy* Oxford: Oxford University Press.

⁵Spoliations and Restitutions: Historical Overview, Spoliations and Restitutions: Historical Overview § (2008).

⁶Trouillot, Michel-Rolph. *Silencing the Past: Power and the Production of History*. Boston: Beacon Press, 2015: 3.

the damage caused by a lack of proper (and ethical) restitution. This becomes irrelevant when power is posed next to the spoils of conflict and war.

The archive, which is necessary in understanding these power dynamics, is pertinent in describing such silences. Archives adequately illustrate the relationship between stakeholder and collective history and memory. It must be remembered, and considered, that these are not just displays of stolen works, but installations of people's possessions taken as part of a hate crime in a time of war. Given this context, the research here must evaluate Bastian and Alexander's statement that "The archival evidence is important for the memory of the thousands of victims and survivors of human rights abuses, their relatives, and others who must individually confront the truth of what transpired"⁷. It is important to acknowledge and research within this work the ways in which the archive can be "insecure" and contribute to silence through heavy editing (in this case, Nazi falsified reports) in order to eliminate the voice of the stakeholder⁸. In turn, the question is asked whether or not the exhibit, in its current state, creates a new platform for restitution, or does it further contribute to a tradition of silencing within French museum practices?

⁷Bastian, Jeannette Allis., and Ben Alexander. 2009. *Community Archives the Shaping of Memory* London: Facet: 114.

⁸Tumblety, Joan. *Memory and History: Understanding Memory as a Source and Subject*. New York City: Routledge, 2013: 180.

Literature Review

This literature review focuses on four areas of scholarship as they relate to my research question: legitimization of museum looting practices through spoliation, the history and museum practices of the Musée du Louvre, exhibition installation and archival silencing, and the selection of works through deliberate marginalizing practices. In scrutinizing these practices the ability to fully assess the effectiveness of the permanent exhibit of both stolen and forced sale works, in the context of repatriable heritage, can be realized. I will make observations on the development of these museum practices in tandem with the expansion of European and international policies surrounding the restitution of looted goods as well. Some of the themes that will be considered in this thesis include: curatorial practices in France during the 19th century, looting policies and legislation during the Vichy Regime, and documentation of the Louvre (and its French museum counterparts) restitution efforts within the last ten to fifteen years.

I. Legitimization of Museum Looting Practices through Spoliation

In the decades that followed World War II, there were rising concerns over the return of works of art that were owned by Jewish families and collectors and stolen by the Nazis. Scholars from the fields of art history, history, and law have researched the impact that art and possession looting exert in times of conflict. Several notable studies have focused on the French context of World War II, and by and large, the interpretation of the term “spoliation”. Spoliation, as defined by the Working Party on the Spoliation of Jews in France (the Mattéoli Report/Mission) of 1997, entails “...the infringement of the right

to property under a policy that is discriminatory. These measures could be done by both the occupier and/or the authorities at large”⁹. In plainer terms, spoliation is a sort of legalized looting in which the procurement of possessions (in this case, art) as a product of conflict is legitimized through legislative avenues. Spoliation was not and is not something that simply appeared in French museum culture during World War II—it had been there all along. In Elizabeth Campbell Karlsgodt’s seminal book *Defending National Treasures: French Art and Heritage Under Vichy*, Campbell Karlsgodt posits that spoliation in the Vichy Regime was carried out as a form of legal theft with a primary goal of Aryanizing the French economy¹⁰. To disseminate their looting from the Third Reich’s pillaging, spoliation of French-Jewish possessions was justified by pointing out the illegality of German actions in direct opposition to the Hague Convention’s ban on pilfering of private property¹¹. Going as far back as the Third Republic, it has been identified that this sort of “legal looting” has been justified through the ‘l’art libre sous l’Etat protecteur’ (free art under the protection of the state) as a means to maintain the principle that art revitalizes both the “moral prestige and material prosperity” of the state¹². Though spoliation efforts were overt during World War II, other periods of conflict in France saw much more covert actions. From 1794 to 1810, works of art went to Paris (primarily to the Louvre) as a result of Napoleon’s conquests and in an attempt to raise national approval of the regime through the rejuvenation of French culture¹³. The “preliminary 1814 Convention and Treaty of Paris did not provide

⁹Working Party on the Spoliation of Jews in France, and Jean Matteoli, Interim Report: April-December 1997 § (1997).

¹⁰Karlsgodt, 192

¹¹Karlsgodt, 192

¹² Sherman, Daniel J. “The State and the Use of Patronage: The Envoi System.” Essay. In *Worthy Monuments: Art Museums and the Politics of Culture in Nineteenth-Century France*, 17–18. Cambridge, MA: Harvard University Press, 1989.

¹³ Sherman, 24–25

any guidelines for the return of stolen art”, a precedent that continued from this point well into (and after) World War II¹⁴. In this regard, spoliation does not only seem to be a tool of museums to amplify the prestige of their collections, but also a weapon of nationalistic ideology in times of French conflict.

Many have pointed out this valorization of French looting as a staple mechanism in winning public favor during wartime. Since French culture in these times of conflict had been centered largely on art and its procurement, it becomes less shocking that efforts to correct past spoliation have been met with resistance. In her study on heritage and identity, Carol Zhang notes that heritage has the power to legitimize national identity through what is right and what is wrong—what can be precluded and what can be kept¹⁵. In this regard, spoliation as a legal basis for pillaging functions very similarly. Just as spoliation works to build nationalist sentiment by bringing in works to claim French superiority, it has been significantly furthered through the appropriation of those same works. Vichy policy did not only intend physically wipe out the Jewish population, but also to renationalize and reclaim their possessions as property of the Third Reich. Diane Kelly-Walton notes that, in the formative days of World War II, many curators planned on keeping the Jewish collections that they swore to protect from German forces¹⁶. Elizabeth Karlsgodt corroborates this account by asserting that, those who took many of these Jewish collections for “protection”, were ultimately the same individuals who created the policies to claim museum guardianship over unclaimed possessions in the

¹⁴Goodwin, Paige S. 2008. “Mapping the Limits of Repatriable Cultural Heritage: a Case Study of Stolen Flemish Art in French Museums.” *University of Pennsylvania Law Review* 157 (2): 680.

¹⁵Zhang, Carol X., Honggen Xiao, Nigel Morgan, and Tuan Phong Ly. 2018. “Politics of Memories: Identity Construction in museums.(Report).” *Annals of Tourism Research* 73 (November): 116–30

¹⁶Walton, Kelly Diane, “Leave No Stone Unturned: The Search for Art Stolen by the Nazis and the Legal Rules Governing Restitution of Stolen Art,” *Fordham Intellectual Property, Media & Entertainment Law Journal* 9, no. 2 (Winter/Symposium 1999): 564.

early post-war years¹⁷. The opportunism presented here, or *patrimania*, evident in policies of the time ultimately informed attitudes for later legislation as well¹⁸. Parisot asserts that “Property rights are perpetual and not lost by non-use” but, “Two bills were drafted after the war laying down the conditions under which items subject to litigation could become State property, but [these] bills were never enacted”¹⁹. In this regard, the nationalism associated with the process of spoliation is taken more seriously than returning the possessions to their rightful owners. This evolution of legislation was not truly acknowledged until the 1980s and 1990s when French cultural organizations began to reassess the laws made in the initial post-war years²⁰. Correcting these nationalistic policies that approve (and encourage spoliation) is an arduous task, but the dismantling of the present system is necessary.

The precedent set by the legal legitimization of spoliation is only beginning to be unraveled now. The process for reclaiming these works is incredibly difficult for families, and many scholars, such as Howard N. Spiegler who writes of such issues in *Recovering Nazi-Looted Art: Report from the Front Lines*, have contended that it is this difficulty that prevents works from being restituted entirely²¹. It has only just recently been established and noted by scholar Nicholas M. O'Donnell that cultural property laws, which did not allow previously acquired works taken from Jewish collections to be returned, can now start to be applied²². The crux of this argument begins by asking whether or not the

¹⁷Karlsodt, 4

¹⁸Parisot, Veronique "Pillage and Restitution: What Became of Works of Art Removed from France to Germany during World War II, Paris, 17 November 1996," *International Journal of Cultural Property* 6, no. 1 (1997): 156-157.

¹⁹Parisot, 156-157.

²⁰Sweets, John F. "Hold That Pendulum! Redefining Fascism, Collaborationism and Resistance in France." *French Historical Studies* 15, no. 4 (1988): 731.

²¹Spiegler, Howard N. "Recovering Nazi-Looted Art: Report from the Front Lines," *Connecticut Journal of International Law* 16, no. 2 (Spring 2001): 297-312.

²²O'Donnell, Nicholas M. 2018. "Are the Principles Set Out for Identifying Nazi-Looted Art Fit for purpose?(FORUM)." *Apollo* 188 (669): 26-27.

amendments being made to these laws and old legislation are enough. By using materials for restitution cases in the United States, laws regarding reparations and spoliation are being adjusted accordingly²³. The permanent installation of stolen and forced sale works at the Louvre is, in its own way, an attempt at reconciling the outdated spoliation laws. The exhibition itself was a collaboration with the Commission for the Compensation of Victims of Spoliation in an attempt to determine whether the works that have been put up in the gallery are spoliated or not.²⁴ As scholarship has tracked from the pre-War years to the post, spoliation is a constantly changing issue within the realm of French museums. Much of, if not the entire basis of French museum practice post-World War II has relied on spoliation to keep unrestituted works within the museums grasp. This topic, and the literature regarding it, is central to the research for this thesis for the reasons listed above.

II. The History & Conventions of the Louvre

While this thesis will focus on a contemporary art installation at the Louvre, the history of the Louvre and its collecting and display practices provides a backdrop against which to assess its current museological practices. Several seminal studies of the Louvre and its history situate the museum as an institution for the public but highlight its role in plunder that Napoleon reaped, as well as a result of other major French military conflicts. In order to fully grasp the gravity of this current permanent installation of the Musée du Louvre, the museum as it is known today, and how it came to be, must also be understood. The Palace of the Louvre opened to the public during the French Revolution

²³Minyard, Kiesha. 2007. "Adding Tools to the Arsenal: Options for Restitution from the Intermediary Seller and Recovery for Good-Faith Possessors of Nazi-Looted Art." *Texas International Law Journal* 43 (1): 115–34.

²⁴"Two New Rooms at the Louvre for Stolen Paintings Recovered after WWII." *Musée Du Louvre Press Room*. Musée du Louvre, February 9, 2018. Musée du Louvre.

and was intended to be “the capstone of a system of museums to serve the common man and woman of the New Republic”²⁵. It was a great success, bolstered by the accessibility of the collections to every person in the public. Whether a visitor was nobility or a sex worker, they were welcomed to view art at the Louvre²⁶. What is most pertinent about the Louvre’s beginnings for the purposes of this thesis is, as stated by Edward Porter, Mary Alexander and Juilee Decker in *Museums in Motion: An Introduction to the History and Functions of Museums*, that from 1794 onward, much of the artwork acquired by the Louvre was the result of Napoleon’s campaigns through Antwerp, Brussels, Belgium, and the whole of Italy. All of this history is backed by French officials, justifying seizure of works as necessary for those pieces to be repaired in the Louvre’s superior conservation workshop²⁷. As posited in *Art History and its Institutions: Foundations of a Discipline*, the consistent state of upheaval and unrest surrounding the museum, coupled with the flow of new and old collections being assessed (and kept) in its secure vaults, made the Louvre an intersection of cultural patrimony where art could both enter and exit depending upon its perceived importance to the French public²⁸. Thus, the start of the Louvre’s life as a museum and cultural institution, much like many other museums, came with pillaging to provide for collections. Though it has always been a museum by and for the people this statement does not necessarily define *which* people the museum regards as the “French public”.

During the Second Republic (1848-1852), the Louvre was still considered to be an essential part of the lives of the working class all the way up to the wealthy. Museum-

²⁵Alexander, Edward Porter, Mary Alexander, and Juilee Decker. *Museums in Motion: An Introduction to the History and Functions of Museums*. 2nd ed. Lanham, MD: Rowman & Littlefield Publishers, Inc., 2017.

²⁶Porter and Alexander, 29

²⁷Porter and Alexander, 31

²⁸Mansfield, Elizabeth. 2002. *Art History and Its Institutions: Foundations of a Discipline*. London ;Routledge, 150.

going, specifically to the Louvre, has been regarded by scholars as a place of refuge for middle-class citizens amidst the rapidly changing urban cityscape²⁹. The Musée du Louvre was “completed” at this time under Napoleon III, adding to its existing space more exhibition galleries, storage, and administrative offices³⁰. In the fifty or so years between its opening and the Second Republic, the Louvre became a staple of Parisian life, not only defining itself as a necessary cultural institution but one that still functioned primarily as a reflection of national identity. As stated previously, this precedent of national patrimony that was accessible to the public was only furthered by the image that the palace that once belonged to kings allowed anyone inside its walls free of charge³¹. As pointedly stated by Porter, Alexander, and Decker: “The concept of Liberté, Egalité, and Fraternité extended to the Louvre’s galleries...physical manifestations of French dominance”³².

The Louvre during World War I, reinforced by ideas of French dominance and superiority, functioned in a way that prioritized protection of French cultural heritage yet much of the museum staff struggled to implement these changes. Karlsgodt notes in her retelling of the pre-World War II years that the damage wrought to French art, architecture, and other cultural objects brought to the public's attention the need to assess and protect heritage³³. As recognized by Jeremy D. Popkin, and several other French historians, the government of World War I France was very apt to ask its citizens to risk their lives rather than lose their personal livelihoods to the quickly crumbling economy³⁴.

²⁹Mansfield, 59

³⁰Alexander and Porter, 32

³¹Alexander and Porter, 41

³²Alexander and Porter, 41

³³Karlsgodt, 68

³⁴Popkin, Jeremy D. “Chapter 23: The Coming of the War.” Essay. In *A History of Modern France*, 4th ed., 201–10. New York, NY: Routledge, 2013.

A Museum at War: The Louvre; 1914-1921 discusses that, after the Louvre was closed in August of 1914, many critics cited the moving of its collections to Toulouse as a sign of defeat that would corrupt the morale of the Parisian citizens³⁵. Though the masterpieces were returned in December of 1918, the public was not allowed access to them for quite some time due to necessary repairs. In addition, it is widely understood that the museum actually gained quite a few works in the aftermath of World War I that would need to find homes on the now refurbished gallery walls—the French art acquisition process put into practice once again³⁶. If anything, the Louvre stoked public anger with the reopening of the collections, creating an exhibit citing themes of revenge and devastation. This coordinated exhibit reflected feelings of frustration in the wake of World War I and pushed the French public to recognize the reemergence of the Louvre as the restoration of a staple of Parisian life, one that had been virtually wiped out during the dark years of the war³⁷.

Sentiments of fear and anxiety swept through the Louvre during World War II as they had during World War I, though this time, on a much grander scale. Maingon and Campserveux note that, as early as 1937, it has been recorded that the Louvre began drawing up large plans and documents of its collections and where they would be sent if an invasion were imminent³⁸. In her essay for the *Spoils of War* exhibition (1997), Marie Hamon pointed out that any works that did not make it out of France passed through the Jeu de Paume where the Einsatzstab Reichsleiter Rosenberg (ERR) set up office to

³⁵Claire Maingon, and David Campserveux. 2014. "A Museum at War: The Louvre 1914-1921." *L'Esprit Créateur* 54 (2): 127–40.

³⁶Maingon and Campserveux, 131

³⁷Maingon and Campserveux, 129

³⁸Nicholas, Lynn H. "Period of Adjustment." Essay. In *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and Second World War*, 27–56. New York City, NY: Vintage Books, 1994.

document (and plunder) works of art, cultural property, and Jewish possessions that had been catalogued by the Third Reich as valuable to the German cause³⁹. The Louvre was able to “preempt 49 out of the 333 paintings [inventoried by the Germans]” which they ultimately returned in 1945⁴⁰. The Vichy propensity to completely eradicate all signs of Jewish existence from French cultural history was so blatant that its effects reverberate through the ways in which museums in France operate today. As early as 1940, Otto Abetz, German Ambassador to the Vichy government, was writing reports to Hitler that would begin the expropriation of Jewish property to the Third Reich⁴¹. The aryianization procedures that were pushed by the Vichy throughout World War II allowed for the selling of Jewish-owned works to French collectors, consolidating modern Jewish artist’s works under the term “degenerate”, subsequently destroying Jewish property that the Third Reich did not steal for themselves, and more. All of these slow, deliberate, and calculated actions have ultimately poisoned the way in which the French government, and its people, perceive the humanity of their Jewish citizens—these sentiments to permeate the museum space even today⁴².

The idea of the museum as a civic space that encouraged nation-building activities was significantly damaged during World War II. As conjectured by Donald Preziosi in *Art History and Museology: Rendering the Visible Legible*, the Louvre was *the* civic

³⁹Simpson, Elizabeth, and Marie Hamon. “Spoliation and Recovery of Cultural Property in France.” Essay. In *The Spoils of War: World War II and Its Aftermath: The Loss, Reappearance, and Recovery of Cultural Property*, 63–66. New York City, NY: Harry N. Abrams, Inc. in association with The Bard Graduate Center for Studies in the Decorative Arts, 1997.

⁴⁰Hamon, 64

⁴¹Chermont, Isabelle Le Masne de, et Laurence Sigal-Klagsbald. “Le Pillage Des Oeuvres D’art En France Pendant L’Occupation: Des Actions organisées Et De Grande Envergure=Art Looting in France during the Occupation: Far-Reaching and Concerted Actions.” Essay. In *Qui Appartenaient Ces Tableaux?: La Politique française De Recherche De Provenance Et De Restitution Des Oeuvres D’art pillées Durant La Seconde Guerre Mondiale = Looking for Owners: French Policy for Provenance Research, Restitution and Custody of Art Stolen in France during World War Two*, 6–7. Paris: Réunion des Musées nationaux, 2008.

⁴²le Masne de Chermont and Sigal-Klagsbald, 18-21

museum, tasking the public who entered its walls with realizing their position as citizens who belonged within the community of their nation⁴³. With the absence of its function as both a museum space and social arena in Parisian and French society, came a loss to the public. They no longer felt they had a “place” within the cultural institutions of their nation. The response, when the war was over, exceeded that of the rush to restore French dominance post-World War I. The missing works that had not been returned to French museums (and French citizens) after World War II were put together in a catalogue by the Bureau Central des Restitutions (the Central Restitutions Office)⁴⁴. Jacques Jaujard created The French Artistic Recovery Commission which, by June 5, 1950, had recovered 61,233 works to France and assisted almost 500 private individuals/collections with recovering approximately 45,441. The difficulty ultimately lies in the fact that 14,625 items were either remitted to the State Property Department, were unidentified by their owners before December 31st, 1949 (or a claim for loss was never filed) or may have been considered modern art objects “without artistic value or impossible to identify”⁴⁵. Works labeled MNR for Musées Nationaux Récupération (National Museums’ Recovered Art) total 1,752—these were given primarily to the Louvre for safeguarding. Two hundred and ninety-six are currently on loan to other French museums⁴⁶. They can never be owned by the museum, or the French state. However, they can be put on display, as is demonstrated through the current permanent exhibition of MNR works, the very works that constitute the case study of this thesis.

⁴³Macdonald, Sharon, and Donald Preziosi . “Art History and Museology: Rendering the Visible Legible .” Essay. In *A Companion to Museum Studies*, 146–69. Malden, MA: Wiley-Blackwell, 2011.

⁴⁴Hamon, 64

⁴⁵Hamon, 66

⁴⁶“Two New Rooms at the Louvre for Stolen Paintings Recovered after WWII.”, 2018

III. Installation & Archival Silencing

Archival silencing is often used in studies pertaining to museological archival practices. Often, this methodology is assumed to be applicable only within the parameters of physical archives or text databases. The intention here is to observe and comment on the ways in which the archive, and its silences, can surface in the built installations of the museum. Rowat's *The Record and Repository as a Cultural Form of Expression* identifies the relevance of the term "selection" because it implies that much of the archival material to which the public is allowed access to has already been censored to some extent⁴⁷. The existence of the archive in the museum space can be temperamental, as considered by Rowat who states, "While archivists methodically preserve the lineage of old knowledge and its authorship, curators are expected to uncover new knowledge and contribute to ways of understanding that build upon each other in order to form the cultural continuum"⁴⁸. Temperamental in nature can be defined as the way in which the museum's "tone" can be affected by the administration that rules over it, down to the curators who invent the exhibitions. This is particularly important for the case study of the permanent installation of stolen and forced-sale works in the Musée du Louvre. The installation itself was created solely through the hands of curators with little to no interaction with any professional discipline outside of the museum. This becomes of significant concern considering that France does not require its curators to undergo any sort of provenance training as is the standard in the United States and Germany⁴⁹. In this

⁴⁷Rowat, T. 1993. "The Record and Repository as a Cultural Form of Expression", *Archivaria 36*: Electronic Records: 198.

⁴⁸Rowat, 200

⁴⁹Noce, Vincent. "Damning Report Says France Must Catch up, Fast, in Return of Nazi-Era Loot." The Art Newspaper. The Art Newspaper, August 9, 2018. <https://www.theartnewspaper.com/news/france-must-catch-up-fast-in-return-of-nazi-era-loot>.

regard, the silences become even more apparent and varied through the exclusion of those professionals who could make meaningful contributions to this exhibit. Those who have not been trained in the nuances and details of the archive became the ones controlling the flow of information. This reinforces Ben Alexander's point in *Excluding Archival Silences: Oral History and Historical Absence*, where he concludes that these practices only take fragmentary evidence to compile a formation of culture that is all encompassing⁵⁰. Thus, it insinuates that piecemeal information is used to illustrate a full picture of what the museum or archive is when, in fact, it is disjointed and lacking at best.

The Musée du Louvre is a state-run institution, and thus, its practices in memorializing space can be inflexible, which can create exhibition environments that lack the ability to fully recognize a narrative of looting and injustice⁵¹. If the process in which the display is created is fragmentary in nature, that means the information gleaned from it through the visitor will also be disjointed, leaving spaces for the silences to be even more apparent. What is "missing" may not be wholly apparent to the museum visitor. When the visitor observes an exhibition they assume the full story is being told unless explicitly stated otherwise. When a museum presents their exhibition, or their archive, as being a complete narrative when it only includes a portion of the information available, a silence is formed. It may not be recognized by the visitor, or even the curators themselves, but the silence still remains and is still able to push forth an incomplete history, nonetheless.

⁵⁰Alexander, Ben. 2006. "Excluding Archival Silences: Oral History and Historical Absence." *Archival Science* 6 (1): 2.

⁵¹Nance, Sarah. 2020. "Memorial Time: Claudia Rankine, C. D. Wright, and the Temporal Space of Remembrance." *The Arizona Quarterly* 76 (2): 29–55.

A study by Vanda L. Zammuner and Alessandra Testa of the University of Padova concluded that the information they collected on visitors attending both private and public museums shows that “the informational supports visitors reported using most often (78%) are those freely available at the exhibit, such as informational wall displays, or informational cards you can consult in each exhibit room”⁵². The study also noted that “the institutions supply useful information...making it easier for art curators to supply semantic and formal links among exhibited art works, as well as for visitors to perceive the exhibit as a coherent whole”⁵³. With this in mind, viewing the permanent installation of these stolen/forced-sale works becomes increasingly more complex. The curators for this particular space on the second floor of the Richelieu Wing in the Musée du Louvre have unintentionally built an environment that is not entirely conducive to the previously stated mission of the gallery. Thirty-one works of Northern European and French origin are crammed into two minuscule rooms below the stairs of this wing. The spaces can barely hold twenty people or more at any given time, and the wall labels accompanying the artworks are neither thorough nor multilingual. Though these works are unclaimed this does not correlate with the lack of evidence or archive to corroborate their provenance⁵⁴. As discussed in the methods section, below, there were substantial efforts both during and after World War II to keep detailed records about where each piece that was returned to France originated.

IV. Selection of Works through Marginalization

⁵²Zammuner, Vanda L., and Alessandra Testa. 2001. “Similarities and Differences in Perceptions and Motivations of Museum and Temporary Exhibit Visitors.” *Visual Arts Research* 27 (1): 91.

⁵³ Zammuner & Testa, 92

⁵⁴Bazyler, Shah. 2019. *Searching for Justice After the Holocaust: Fulfilling the Terezin Declaration and Immovable Property Restitution. Searching for Justice After the Holocaust*. New York: Oxford University Press. 138.

To further this discussion regarding the space in which these pieces currently exist, the silencing techniques used in the selection of the works must also be considered for this thesis. According to the *Musées Nationaux Récupération* database, the Musée du Louvre currently has in their possession works categorized as Egyptian Antiquities, Greco-Roman Antiquities, Oriental Antiquities, Ancient Graphic Arts, Ancient Works of Art, Ancient Paintings and Sculpture, and 19th Century Art⁵⁵. The Musée du Louvre houses 1,752 works of France's cumulative 2,143 unrestituted objects from World War II. The Louvre confirms that, of those 1,752 works, 807 are paintings and only 296 pieces are actually on display within the institution at any given time—the rest are on loan to various museums in France⁵⁶. Although the works within the museum that are unrepatriated are labeled as such, none of these works have been given nearly as much attention as the thirty-one 19th-century, European paintings in the permanent installation. Although it is generally understood by scholars such as Ben Alexander that “all cultural artifacts are marked by historical silences that are inherent to their very materiality” the silences created by the selection of these works creates even more tension⁵⁷. There is already an evident silence in the provenance displayed to the viewer via the exhibition labels throughout the entire museum space, but this is only furthered by the culling of pieces for this particular permanent installation. In actively choosing to display only those works that fall under a strictly European genre or style, the museum is effectively able to delineate what they view to be worthy of letting go. Although the Musée du

⁵⁵“The MNR: or Works from Artistic Spoliation Entrusted to the Museums of France”, *Musées Nationaux Récupération*: Ministère de la Culture. 2000.

⁵⁶“Two New Rooms at the Louvre for Stolen Paintings Recovered after WWII.” *Musée Du Louvre Press Room*. Musée du Louvre, February 9, 2018. <https://presse.louvre.fr/two-new-rooms-at-the-louvre-for-stolen-paintings-recovered-after-wwii/>: 3.

⁵⁷Alexander, 2

Louvre boasts that they have returned 50 stolen/forced-sale works since 1951, it becomes clear that this number is woefully inadequate in relation to the sheer number of works still in their possession⁵⁸. In this regard, the exploration of the silencing process when it comes to the actual allotment of works to the gallery space must be critically observed. This thesis will consider the nuances of the curatorial practice in relation to silencing by examining how these works were chosen while also delving into the capacity for their repatriation.

⁵⁸Musée du Louve Press, 4.

Thesis Methodology

To order to fully understand whether or not exhibitions such as the permanent display of looted and forced-sale works at the Musée du Louvre exist as effective spaces for active repatriation of Jewish-owned, World War II era art, this thesis explores archival silencing through the use of discourse analysis. Archival Silencing, as defined by Rodney G.S. Carter, is “The power of the archive [to be] witnessed in the act of inclusion...The power to exclude is a fundamental aspect of the archive. Inevitably, there are distortions, omissions, erasures, and silences in the archive. Not every story is told”⁵⁹. Archival silence creates a void and retains the ability to recognize where gaps have systemically occurred. In the specific case of French museums, especially the Musée du Louvre, silences have emerged through the businesslike practices of the institution. In turn, these silences and gapping are only furthered by the conversations surrounding such absences, and thus, critical discourse analysis of government-produced texts becomes an appropriate method to apply to this thesis.

Though the 1970 UNESCO conventions established “rules governing acquisition and adopted a standard that requires ‘full, clear, and satisfactory documentation in relation to the origin of any object to be acquired’”, this is not often applied to the specific case of French museums⁶⁰ (UNESCO and UNIDROIT Conference Summary, 2005). The collaborative efforts between the Nazi regime and the Vichy government of France allowed for artwork to not only be fully documented, but to leave a substantial paper trail that narrates how, where, when, and why each piece was taken⁶¹. In this

⁵⁹Carter, Rodney G.S. 2006. “Of Things Said and Unsaid: Power, Archival Silences, and Power in Silence.” *Archivaria*, no. 61 (March): 216.

⁶⁰Walton, 573.

⁶¹Bazylar, 138.

regard, the void no longer becomes about a lack of evidence, but the silencing wrought by systems of power onto marginalized groups. Rather than use merely similar words that crop up in legal texts across the breadth of this discussion involving the Louvre, it is important to be more specific. The ways in which labels such as “MNR”, and terms such as “spoliation” and “repatriated” redefine heritage practices in this context is especially pertinent to my usage of discourse analysis. These phrases and labels bestow meanings that not only redefine the value of the works within the exhibition, but also reclassify the relationship between the potential artwork owner and the museum visitor. Ultimately, the words and phrases chosen to blur the line between the difference of government and institutional property versus private property. By examining the language and representation of the archive throughout the museum space, I investigate if the permanent installation of Nazi-era stolen/forced-sale works at the Musée du Louvre uses this documentation (labels, government documents, the MNR database, etc.) as a way to further their agenda of holding the works, or if these texts can effectively upend institutionalized silences.

I. Discourse Analysis for Dissecting Power

Discourse analysis, like archival silencing, goes hand in hand with the politics of power and identity. As stated by Michel Foucault in *Discipline and Punish: the Birth of the Prison*: “it is the diagram of a mechanism of power reduced to its ideal form”⁶². The “it” in the context of this body of research is understanding the power dynamics inherent to the restitution process, in particular as they are displayed through textual evidence

⁶²Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. 1. Vol. 1. New York City: Penguin Books, 2019: 438.

related to the permanent installation in the Musée du Louvre. The space itself only consists of two very small, very cramped rooms in which thirty-one previously Jewish-owned works are crammed in on top of one another. Inadvertently, the museum's space *is* a space of subjectification in which the language of art melds with the language of the archive both visually and textually⁶³. The language used to promote the exhibit, to describe the installation, the statement of intent, and the exhibition labels are all important textual elements that indicate the narrative surrounding the works. They also help to understand the kinds of representation associated with pieces of art that are identified as MNR. The language used to describe the post-World War II semiotic analysis of these discourses is necessary to understand how the text surrounding the exhibit lends itself to meaning-making terminologies and structures⁶⁴.

As Zhang et al. argue, the museum as an institution holds a place of power allowing for the manipulation of heritage in order to claim identities through what can be remembered or forgotten⁶⁵. The symbology and language surrounding this discourse enables the visitor to conceive a sense of national identity created by the actions of the museum. Since the museum, in this case the Musée du Louvre, is famously influential for its ability to write and edit public discourse surrounding its collections, the installations it chooses to present can do the same thing. Zheng et al. speak to the way in which museums use heritage as “The (re)construction of national identity [which] is often conceived as the outcome of social processes in which individuals are exposed to collective cultural/national elements...and through which beliefs, values, assumptions and

⁶³Hetherington, Kevin. 2011. “Foucault, the Museum and the Diagram.” *The Sociological Review* 59 (3): 467.

⁶⁴O’Halloran, Kay L. 2004. *Multimodal Discourse Analysis Systemic-Functional Perspectives* London ;; Continuum: 29.

⁶⁵Zhang, Carol X, 116–30.

expectations associated with (or distinctive of) the culture or nation are transmitted to its members”⁶⁶. The Louvre’s permanent display of Nazi-era stolen/forced-sale art informs a narrative of national identity based on language surrounding the restitution of those aforementioned works. Terms such as “spoliation”, “MNR-labeled” (for Musée Nationaux Récupération or National Museums of Recovered Art Catalogues), and content produced by the Compensation for Victims of Spoliation Commission (who assist the Louvre in restitution cases) will be examined in tandem with works describing terminology explicit to restitution and repatriation efforts.

II. Musée du Louvre Discourse on the Restitution of MNR Works

The conversation between the Musée du Louvre and its critics regarding the handling of MNR works has been in question since 1947, following the final report of the Art Looting Investigation Unit. This unit worked tirelessly to assess steps taken by the Jeu de Paume and other cultural institutions in securing, once more, the property of Jewish French citizens⁶⁷. While some believe the Louvre has done more than enough to reconstitute works, many scholars, such as Elizabeth Simpson and Elizabeth Campbell Karlsgodt, do not agree. For example, as of June 30th, 1940, Wilhelm Keitel (Commander and Chief of the Wehrmacht) ordered General von Bockelberg, governor of Paris, to ensure that stolen works were marked with the names of their Jewish owners so as “...to be used for collateral in peace negotiations”⁶⁸. If every piece of art that was taken

⁶⁶Zhang, 117

⁶⁷Simpson, Elizabeth. “The Art Looting Investigation Unit Final Report.” The Documentation Project: Jeu de Paume. Project for the Documentation of Wartime Cultural Losses (The Documentation Project), 1998. <http://docproj.loyola.edu/oss1/index.html>.

⁶⁸le Masne de Chermont and Sigal-Klagsbald, 6-7

from French Jewish citizens was intended to be labeled with their surnames, how exactly does the Louvre have so many unclaimed, unrestituted, and unrepatriated works? Thus, critical discourse finds itself woven through the history of the Louvre, leaving much speculation about how and why MNR works have not found their way back home.

The History of the Louvre recognizes cultural icons of post-war France, such as René Huyghe and Jacques Jaujard. They were seen as national heroes who had successfully kept the majority of French art, material culture, and architecture safe from Nazi looting; the operative phrase here is the “majority”. This is to say, despite Huyghe and Jaujard’s best efforts to save French art and culture, that those within the Musée du Louvre were not wholly critical in the damage they unintentionally wrought on the restitution process. Jaujard and Huyghe, in the middle of the war, had no way of knowing that the works they attempted to save for Jewish families and collectors would ultimately become permanent parts of the future Louvre collection. This is highlighted by the December 31st discussion of 1943 in which Jaujard, Huyghe, and French Art Historian Marcel Aubert met with German Art Historian Hermann Bunjes of the Third Reich to exchange works between the Musée du Louvre and the looted, Jewish-owned art currently held by the Nazis⁶⁹. In attempting to save other works by saving the few, the Louvre ultimately lost more artworks than initially anticipated when German forces refused to provide the stolen Jewish works they promised in return⁷⁰. Following this, the 2,000 items that were remitted to the custodianship of the Louvre in 1939 through the

⁶⁹Karlsodt, 254–58

⁷⁰Karlsodt, 256

discretion of the “Commissions of Choice”⁷¹. The commission, chaired by Jaujard, decided the following criteria to retain the remaining works”

*“Paintings of high-quality worthy of the Louvre, then paintings by secondary masters but signed and dated or unusual and rare works destined for the study rooms of the Louvre and for its reserves. Then a certain number of paintings were considered with the intention of offering them to historical museums. The provinces were also of particular concern in this classification. Finally, it was believed that the occasion could be seized for the purpose of starting a collection of works destined to supply embassies, ministries, and other official bodies.”*⁷²

These are just two of many examples documented regarding the Louvre’s dubious behavior when negotiating the terms and conditions of their art transfers as well as forced-sales. The language of these documents fundamentally changes the perception of the “ownership” the Musée du Louvre has over these works. Discourse analysis of the MNR Catalogues, the Mattéoli Report, and the ALIU Final Report, can reveal the Musée du Louvre’s position. One can look at the arguments for and against curatorial and preservation-based practices, as I plan to do with this method, in order to determine how this use of language has shaped the permanent installation of forced-sale/MNR works.

III. Multimodality & the Exhibition Space

As Gee and Kress have stated, “Multimodality asserts that ‘language’ is just one among the many resources for making meaning”⁷³. This is to say, the language surrounding issues brought up regarding the Louvre’s exhibits by its critics (and even its own museum community) can be seen in the verbal discourse about the institution as well as the physical layout of the exhibition itself. The uniqueness of this exhibition, and its

⁷¹le Masne de Chermont, and Sigal-Klagsbald, 31

⁷² le Masne de Chermont and Sigal-Klagsbald, 31

⁷³Gee, James Paul., and Gunther Kress. “Multimodal Discourse Analysis.” Essay. In *An Introduction to Discourse Analysis: Theory and Method*, 38–48. New York City, NY: Routledge, 2014.

intentions, can be modeled through multimodal discourse. Rather than being an exhibition that merely asks visitors to stand-in a space and take in the artwork presented to them, this exhibition works to function as a place of reunion between displaced visitors and unhoused possessions. Where the exhibition space typically has meaning made for it by the content of the pieces on display, the permanent exhibition of MNR works at the Musée du Louvre are an entirely different story⁷⁴. The meaning is not made by the artists on display or their chosen subjects. Instead, nuance is created for the visitor through the lack of ownership of the works on display. It is, ultimately, space for the reclamation to occur—in the best circumstances, a place for healing. Thus, the reuniting of the works of art with their previous owners becomes the meaning-making process by which the museum seeks to pique visitor interest and interaction. The interpretation is not made by the art, but rather, by the people who come in contact with the works—as each has the potential to claim ownership if provenance and patronage can be rightfully proven.

⁷⁴Gee & Kress, 42

The Louvre & its Public (or Lack Thereof)

Thus, with its long and, at times, tumultuous history with the public the Musée du Louvre's permanent installation of MNR works within their Richelieu Wing walks a precarious line between what the public is and is not allowed to see. The avowed intention of the exhibition is primarily to reunite the works displayed with their original owners, creating a space in which the viewer is no longer a passive spectator⁷⁵. Where a typical museum display asks a visitor to observe from an outside perspective, this exhibition space seeks to create a room where the visitor can also exist as a potential owner. With this in mind, one could assume that the museum staff had already made their peace with the presumed departure of works once claimed. Yet their actions since the display was revealed in 2018 would indicate otherwise. Presumably, with an exhibition that seeks to amend such well known atrocities there would be considerable press surrounding the display; this has not been the case. Instead, outside of the Musée du Louvre's own press statement, there was very little advertising of the exhibition at all from 2018 onward. This may have been bolstered by the Richelieu Wing being under renovations throughout this time, but the lack of press on such a meaningful exhibition is uncommon for the Louvre. The Washington Post, one of the only news outlets to cover the exhibition, noted the criticism the public expressed towards the exhibition. Citing comments from restitution lawyers and scholars like Christopher Marianello and Marc Masurovsky, they noted the public's feeling that this exhibition came far too late after the Washington Declaration (1998) and lacked accountability in regard to the French art

⁷⁵“Two New Rooms at the Louvre for Stolen Paintings Recovered after WWII”, 2018

worlds collaboration with the Vichy government⁷⁶. This stands in direct opposition to Chief Curator of Painting (and primary curator for the exhibition), Sébastien Allard's, statement that "Our objective is very clear, to restitute everything we can"⁷⁷. If this is in fact the objective, then why has the Louvre made the space so inaccessible both physically and digitally?

The digital landscape of the Musée du Louvre is not only increasingly complex but, at times, unattainable for the general public. There is no clear distinction between access to virtual exhibits and the databases that hold all the museum's works. To operate these databases alone is a bit of a feat. To find images of the collection, one must either know the full title or accession number to search for works. If this proves fruitless, the next step is to attempt to find works through one of the museum's seven associated databases. This proves especially arduous if the online visitor is unsure of which database to select, or where the work(s) they are looking for are located in the museum. In this case study, discovering the virtual presence of the exhibition space is only possible if the visitor already knows which database to use (the Louvre's Atlas Database) and which room number *Tableaux en attente de restitution* is situated (#805). Once all of this is set in place, problems continue to arise. Photos of surrounding rooms indicate that photographs of the space were taken between 2008 to 2009. The digital catalogue of this exhibition, however, is different. The copyright has been taken off the images, but the green walls indicate that the photographs (and the subsequent artwork identified within them) were taken around the same time. For this research, I am able to identify the stark

⁷⁶McAuley, James. "The Louvre Is Showing Nazi-Looted Art in a Bid to Find Its Owners. Some Wonder Why It Took so Long." *The Washington Post*. February 2, 2018.

⁷⁷The Washington Post, 2018

difference between the rooms because I have accessed current photos of the exhibition where the walls are white, and the artwork is stacked upon each other much more closely. For the average visitor or member of the public who happens to get this far, they may not realize the difference. While the identifying information about the room has been updated, the images have not, and the copyright has been stripped. Actions that can be considered to be somewhat deceptive. For the public to assume the identifying information present to be correct but to not know that the images and artworks represented are incorrect for the space is problematic. It is difficult for museums in France to show images of MNR works because laws put into place in the post-World War II years proclaim that property rights of these works cannot be diminished due to their lack of custody. Thus, the Louvre cannot advertise them as possessions of the museum. This is largely because, in 1949, the Department of the Ministry of France was tasked with distributing the remaining 2,000+ works that had not been claimed following their return to the country, Parisot states:

*“It was required that the works of art be exhibited upon arrival and registered on a provisional inventory (1,595 inventory numbers, some items being grouped as sets with a single inventory number) which was to be made available to dispossessed owners until, as the decree stated, a statutory time limit for claims expired, although the time limit was never specified.”*⁷⁸

As a result, like the digital presentation of the space, the physical presence of the exhibition also holds an increasingly contentious position in the eyes of the public. Since its creation in 2018, the *Tableaux en attente de restitution* has not been open and available to the public. The space was opened underneath the stairs of the Richelieu Wing just as this section of the museum went under renovation. As areas of the Richelieu Wing

⁷⁸Parisot, 156-157

have been opened to the public, this space has not had such a privilege. That the exhibition is underneath the main staircase, makes it quite literally out of sight and out of mind. Thus, the crux of the issue comes forward. How and why is a permanent exhibition that is supposedly intended to be seen by the public so hidden from the people it aims to help? How is art supposed to find its way home if its digital presence is nonexistent, the images of the space so difficult to find, and the physical exhibition rooms cordoned off from the rest of the collections? Famous French art historian and the newly appointed Louvre Head Researcher in Provenance Emmanuelle Polack even went so far as to comment on the exhibit in the *New York Times* in 2018 stating that “... the explanatory text in the exhibition rooms [does] not say that most of the looted artwork belonged to Jewish families...nor do the plaques beneath the paintings explain where and how each one was found in Germany”⁷⁹. The lack of proper information given, coupled with the off-limits status of the exhibition space makes it incredibly difficult for the public to gain access, let alone to learn about any of the images present. This was later corroborated by the May 2018 report from David Zivie, a French Ministry of Culture official, in which he criticized the French government and its art institutions for their “inefficiency and lack of ambition” when it came to properly researching and restituting MNR works⁸⁰. The exhibition itself and its insufficient access is almost a physical representation of the scathing report as it points out the lackluster restitution efforts of the Musée du Louvre.

With all of this in mind, the public interaction (or lack thereof) with the exhibition is telling of the tone deafness of the Louvre. With late action and little attempt to involve

⁷⁹Breeden, Aurielen. “Art Looted by Nazis Gets a New Space at the Louvre. But Is It Really Home?.” *The New York Times*. February 8, 2018.

⁸⁰Campbell-Karlsodt, Elizabeth. “French Report Denounces ‘Inefficiency and a Lack of Ambition’ in Research on Nazi-Looted Art.” *Art Collection Ethics*. Art Collection Ethics, April 18, 2018.
<https://www.artcollectionethics.org/nazi-era-art/2019/5/10/tzt3uyybn874qf69n3gqfpgqxmnbou>.

the communities affected by the events of World War II, the exhibition seems to cloak the exhibition in years of institutional tradition and outdated practices. It also anticipates that the public who would hold this exhibition closest to heart (the Jewish community of Paris, France, and those who were exiled from the country as a result of the Holocaust) would want restitution to be completed in this manner. As stated by Linda Alcoff in *The Problem of Speaking for Others*, “In both the practice of speaking for as well as the practice of speaking about others, I am engaging in the act of representing the other’s needs, goals, situation, and in fact, *who they are*”⁸¹. This premise can be applied to the case study at hand. When creating the exhibition space, no one outside of the Louvre’s curatorial department was contacted on the best way to go about creating such a space. It should be noted that, in most Louvre exhibition spaces, the public is not considered to begin with. But this case *is* different from typical exhibitions. It is not intended as a space in which people passively walk through and observe artworks for their artistic quality and merit. Instead, it is a place where works are meant to be recognized, where families are meant to visit to reclaim a piece of who they were before they lost everything. In this case, it would be expected that the Musée du Louvre would reach out to the public more to create the exhibition than simply reaching out to the Commission for Compensation of Spoliation. By placing so little effort into asking what the Jewish community (and those who are still alive to claim these works) want or need, the exhibition fails to truly become a space of reclamation. Voices and stories that could and should be told are instead decidedly silenced by the tradition of the institution to place the onus of cultural heritage work solely on the backs of curators. For this project, help outside the discipline of art

⁸¹Alcoff, Linda. “The Problem of Speaking for Others.” *Cultural Critique*, no. 20 (December 1991): 5–32. <https://doi.org/10.2307/1354221>.

history may be necessary. The silencing of the Jewish population of World War II becomes, by extension, the silencing of the surviving Jewish families and collectors who want to regain their works from the Louvre. In the words of Emmanuelle Polack, “They [MNR artworks] are removed from their historical context, and so you can’t understand the enduring necessity of returning them. They were witness to a story—tell us that story!”⁸².

It is also important to note that the layout of this exhibit will be pertinent to the French (and international) public if it is able to be viewed. The way visitors interact with and move through a museum gallery or exhibition has long been a central focus to curators’ works—the *Tableaux en attente de restitution* is no exception to this. The act of “civic seeing” in this space is complex. Whereas civic seeing was used earlier in simpler terms of the public viewer’s relationship to, and with, the museum space as a place of community, it can now be seen as a way to “stress the need for exhibitions to be arranged so as to allow multiple possibilities in terms of how they are both seen and interpreted”⁸³. As seen in this exhibition, the museum space is no longer merely a place for the public to engage with artwork on an aesthetic or academic level. The exhibition space can now offer a point of healing in many contexts, especially as it is seen in the potential for restitution from this gallery alone. In a way, a civic duty *is* placed on the French citizen and the international visitor through this exhibition. It asks the viewers to not only take in the works but to assist in finding their rightful owners—to look critically—not only at the composition of artworks, but at the historical space in which their absence is most felt.

⁸²The New York Times, 2018

⁸³Macdonald, Sharon, and Tony Bennett. “Civic Seeing: Museums and the Organization of Vision.” Essay. In *A Companion to Museum Studies*, 565–603. Malden, MA: Wiley-Blackwell, 2011.

The “pure” gaze that is so typical of the museum space is completely dismantled in favor of asking help from any and everyone who visits the exhibition in finding rightful owners. What is so meaningful about this is how far this practice departs from the traditional rules and regulations of restitution. Restitution has so often been a very clinical, very lawful process that goes through channels of bureaucracy to funnel information through others in order to reacquire works. The physicality of the museum space and the role it plays in the public eye is starkly opposite to this. The law (CIVS) does not get involved until provenance or ownership is proven, and thus, the eye of the visitor, and as a member of the public, is unhindered by the complications of such discourse. Instead, the public shifts from being a body that passively walks through the exhibition looking at art to that of an active assistant in the restitution process—a title that is not often accessible in European museums.

The physical blueprint of *Tableaux en attente de restitution* harkens back to a time when the public was far more involved in museums and their work than it is today. As posited by Donald Preziosi in *Art History and Museology: Rendering the Visible Legible*, “The museum and the nation-state and the modern notion of culture arose together. The museum’s function was to provide a space within that of the nation or community whose unity and autonomy both prefigured and was paradigmatic of the projected unity of the nation”⁸⁴. With this in mind, the placement of works in room number 805 differs largely from that of the modern Louvre. Rather than the works being spaced out evenly and not overly crowded as they were in the 2009 set-up of the room, the current exhibition space can only be described as “salon-style”. The paintings are

⁸⁴Macdonald and Preziosi, 146

stacked on top of one another and take up all available space within the two rooms. This display resembles those of the Louvre of the 19th and 20th centuries (primarily the pre-World War II years) when the museum used all available wall space possible to display their works. The same can be said for the salons of the same period, in which artwork was placed in the same way, with more popular works closer to eye level while less appreciated works were located near to the ceiling. The Musée du Louvre may have chosen to create this traditional placement in the modern space for several reasons. Creating a “look” that is so traditionally representative of the (historical) Louvre may be meant to assert a kind of “old world” charm on the viewer. By providing an aesthetic placement that reaches back into an older French tradition, the public might be meant to feel more at home, and thus, more comfortable in the exhibition despite its uncomfortable purpose. The French do not enjoy discussing (or acknowledging) their collaborative efforts with the Nazi regime through their Vichy government. Creating an exhibition space that feels so quintessentially French may soften the blow of how critical the exhibit’s existence is of prior French actions. It may also be intended to mirror a salon in the hopes that it encourages reclamation. French salons were places where people not only viewed new art but purchased it as well. It is possible that the Louvre hopes the public will respond to the installation and encourage reclamation and subsequent restitution requests as a result. Finally, it is possible that the space is simply just too small for what the museum wanted to do with it. To cram thirty-one works into a space that originally fit fifteen works is an impressive feat. The crowdedness of the space may really just be due to lack of room in other areas of the museum to display such a wide range of MNR works. This may even unintentionally work against the Louvre because it

emphasizes the sheer amount of works they still possess that are not their own by crowding such a tiny space. All in all, one cannot fully say how the public would and should interact with the exhibition because, as stated previously, they have not been allowed to even enter due to renovations.



Fig. 1 View of exhibition space from inside the front entrance, Musée du Louvre (2018)



Fig. 2 View of exhibition space diagonal from entrance, Christophe Ena (2018)

In summation, the Musée du Louvre has created a unique relationship with its public through its permanent installation of MNR works. The Louvre was and still is an institution for the people, but the way it has chosen to display this has changed throughout the years. In this specific case study, many questions arise over whether the Louvre is truly creating an accessible space for its patrons. Though they have stated that they want the works restituted, the complex positioning of the museum space both physically and virtually suggests otherwise. This is bolstered by the fact that only a mere fifty works have been restituted in the entire country since restitution processes began in 1946. Only time can and will tell if the position of the public visitor as a new, active individual who can use the space for reclamation will come to fruition or not. It will all end up depending on whether the Louvre will abandon traditional, less effective methods of curation and adopt more appropriate cultural heritage practices to return the works to their rightful owners.



Fig. 3 Multiple views of the exhibition space pre-2018 renovation, Musée du Louvre (2009)

The Legal Language of French Restitution

The issue of French restitution of stolen/forced-sale works can be summarized in the words of Hubert Landais, the former administrator of French museums from 1977 to 1978, when he said, “It is a very bizarre story. We never attempted to look for owners. I realize how surprising that must seem. The weak point in the justification offered by museum administrators is that no one in the last fifty years has taken the initiative”⁸⁵. Whether this initiative was stymied before it could even begin by the international and French legal systems, or whether it occurred through ulterior motives, shall be explored in this section. The legal ramifications surrounding museum ownership of these MNR works, their usage, and their digital display is incredibly muddy. In order to fully understand why and how the Louvre is able to display these works in their exhibition space a comprehensive analysis of language used in laws surrounding museum acquisition and restitution policies post World War II will be conducted.

Though many conventions, laws, and addendums were created in the immediate aftermath of World War II, France was not quick to jump into any agreement and did not truly begin legitimate restitution efforts until the early 1990’s. In fact, the lack of state and international legislation participated in by French museums meant that MNR works were often forgotten in their totality. Conveniently, keeping these works meant preventing their purchase by foreign investors and also expanded the French collections⁸⁶. Thus, this lack of clearly defined limitations as to what could be kept by the French state, and what should be returned, enabled French museums like the Louvre to keep their repositories of MNR works unnoticed and unclaimed. This behavior is further

⁸⁵Karlsodt, 286

⁸⁶Karlsodt, 285

corroborated by France's slow compliance with the 1970 UNESCO convention—they did not enter into agreement with the convention until January 1997. The increased scrutiny of European museums in the 1990s, especially those in France, meant that their immediate cooperation with new legislation was necessary. On June 24th, 1995, France was one of the first nations to sign onto the terms of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects⁸⁷. Though France has admittedly changed its way significantly since World War II, and exponentially so in the last thirty years, the content of laws they have adhered to actually provides very little protection for the MNR, and even less so for the lost owners. I now examine three legal issues: laches, adverse possession, and undocumented objects; the Washington Conference and “just & fair solutions”; and finally orphaned works and digital use.

Laches, Adverse Possession, & “Undocumented Objects”

Statutes of Limitations have long proven to be a point of contention for victims of spoliation seeking to regain their cultural property—especially in the case of MNR works. As it stands, the common rule for statute of limitations in terms of theft is that they should “...begin to run from the time of theft” but this changes and is not invoked if the aforementioned property is concealed during that time⁸⁸. It is also possible for the statute to begin once “the victim has identified the holder of the property and made a demand for return”⁸⁹. It is also said, in legal terms, to be construed as “...when the victim discovers—or, with the exercise of reasonable diligence, should have discovered—the facts that form the basis action of the case”⁹⁰. All of this leads to the understanding that

⁸⁷Simpson, 308

⁸⁸Malaro, Marie C., and DeAngelis Ildiko Pogány. Essay. In *A Legal Primer on Managing Museum Collections* 1, 3rd ed., 1:72–73. Washington, D.C.: Smithsonian Institution Press, 1998.

⁸⁹Malaro and DeAngelis, 73

⁹⁰Malaro and DeAngelis, 73

statute of limitations, especially when it comes to stolen or forced-sale property, is more often than not ambiguous and vague at best. The phrasing surrounding these statutes, especially in art restitution, are more often than not just as generalized as the grounds used to invoke them. In the case of French restitution, these statute of limitation rules have become clearer in the post-World War II world, as they contend Article 2224 of the French Civil Code which suggests that an owner has five years from the day of discovering provenance to claim the stolen property as their own; MNR works are not held to this law⁹¹. Though statute of limitations is more flexible surrounding MNR works, it does not mean defenses surrounding the timeliness of seeking restitution are entirely out of the question. The Defense of Laches is a legal tool that can potentially be used in such cases. Laches suggest that the plaintiff in question has been negligent in their pursuit of the lost property (acknowledges prior ownership but does not seek it) and, as a result, this delay will either create a detriment to the defendant and/or suggests that the works will be worse off in the possession of the plaintiff⁹². Similar to the legal wording of statute of limitations, laches are exceedingly limited in their interpretation and can be used more so in defense of museums than they can to victims of spoliation. The lack of concrete, certain language in such tools allows for museums like the Louvre to hold onto the works for as long as they feel suitable. This poses a variety of ethical problems, the most glaring being that many individuals do not come forward due to a lack of care or trying, but for a variety of reasons out of their control. A family or individual may have fled the country and had no way of returning, the surviving family member may not have

⁹¹Carron, Louise. "On Law, Museums and Nazi-Era Looted Art in France and the United States." Center for Art Law. Center for Art Law, December 5, 2019. <https://itsartlaw.org/2018/04/16/restitution-at-last/>.

⁹²Malara and DeAngelis, 72

pertinent information like the title of the piece(s) or its last known location, the surviving family member may have passed away before relaying information about the piece(s), or an individual or family may not have the financial means to undertake travel and legal expenses associated with restitution. Though the statute of limitations remains flexible in France, it is understood that each MNR legal battle is dealt with in a unique, case-by-case style.

Laches are not dissimilar to the doctrine of adverse property. In this rule, a plaintiff establishes a title over the lost property by asserting that “...the possession of the property is hostile (that is, clearly at odds with anyone else’s assertion of title), actual, viable, and continuous for the amount of time required by the statute”⁹³. Legal doctrine such as this puts the onus on the victim to prove that a massively wealthy and well-connected institution has been inherently hostile towards them; an intimidating feat on paper, let alone in practice. In this case, it also forces the victim to toe the very precarious line between asserting collaboration between the State and the Third Reich in order to substantiate the claim of hostility. The French attitude towards the Vichy years has been historically categorized as negative and often leads to French claims in denying collaboration outright. As a result, and once again, the Doctrine of Adverse Possession does very little to help victims of spoliation in France. It is also important to note the legal language used to label these works and the ways in which this kind of coding also produces difficulty for victims in regaining their property. As mentioned previously in this research, terms such as MNR, forced-sale, and stolen property are often used interchangeably to describe unclaimed Jewish-owned works of art and personal

⁹³Malaro and DeAngelis, 81

possessions. Though these words are fairly self-explanatory, the law uses slightly different and even more opaque language to define such works. MNR works, by law, can be considered both as “documented” or “undocumented” objects/spoliated works. In the case of “documented works”, these are unrestituted objects labeled as having a clear and credible paper trail that indicates ownership, provenance, etc. “Undocumented works” are those objects that “...have no credible record or origin or ownership because they were excavated (and often removed) from their countries of origin clandestinely and in violation of the law”⁹⁴. It is difficult to determine whether or not the MNR works on display at the Louvre, as well as those held in their storage, can be defined as documented versus undocumented. Since the public has very little access to the actual MNR directory (the digital database’s link has been broken for quite some time online, and the physical catalogue can cost anywhere between \$100-\$150 USD (not including export taxes) it is hard to say how many MNR works are truly “documented”. This ultimately leads to an understandable place of uncertainty for any individual or family seeking to reclaim their lost property. Though they can prove their works have been spoliated, it is an incredibly complicated legal process from that point onward with such vague and easily misinterpreted clauses in place.

The Washington Declaration & “Just and Fair Solutions”

France participated and agreed to the terms of the Washington Conference on Holocaust-Era Assets, held from November 30th, 1998 to December 3rd, 1998.⁹⁵ On the

⁹⁴Malaro and DeAngelis, 83

⁹⁵Washington Conference on Holocaust-Era Assets, November 30-December 3, 1998: Proceedings. 1998.

second to last day of the conference, Professor Adolphe Steg, Deputy Chair of the Mattéolli Mission, spoke on behalf of the French delegation:

*“When seeking a solution (and for us, a general rule in all fields) we refer ourselves only to the interest of the victims. Clearly we do not protect an institution, or organization or corporation, but only the victims”*⁹⁶.

This statement follows the decided upon conference principles very closely. Among the various Declarations that France and many other countries agreed to, clauses IV and IX are of the utmost importance to this research. They are as follows:

“IV. In establishing that a work of art had been confiscated by the Nazis and not subsequently restituted, consideration should be given to unavoidable gaps or ambiguities in the provenance in light of the passage of time and the circumstances of the Holocaust era.

*IX. If the pre-War owners of art that is found to have been confiscated by the Nazis, or their heirs, cannot be identified, steps should be taken expeditiously to achieve a just and fair solution.”*⁹⁷

Both these two clauses in particular, as well as Steg’s statement, holds to the main concern of this research regarding the Louvre’s permanent display of MNR, forced-sale, and spoliated works. Is all that is being done now holding in line with what was said twenty-three years ago? In some ways, yes. The “considerable gaps and ambiguities” noted by the Washington Conference have been somewhat accounted for in this exhibition. The exhibition labels identify the last known whereabouts of each work, and give some provenance background as to the artists, its country of origin, and more. If someone were to come forward to claim a work, it can be assumed that the Commission for the Compensation of Victims of Spoliation would handle this lack of information to the best of their abilities when attempting to determine where, when, how, and why the

⁹⁶Washington Conference on Holocaust-Era Assets Proceedings, 265

⁹⁷Andrieu, Claire, Serge Klarsfeld, and Anette Wieviorka. *The Persecution of the Jews of France: 1940-1944 and the Restoration of Republican Legality, Collection of Official Texts: 1940-199*. Paris, France: Documentation Française, 2000.

object became spoliated. The “expeditious steps to be taken “do appear to be more slow and steady steps. Though Steg’s comment about victims taking priority rings true in many cases, the lack of significant restitution to come out of France since the end of World War II, and the renewed interest in the late 1990s is lackluster at best. If victims are as important as France has claimed them to be, the nature of this exhibition is in direct opposition to that. The small, cramped space, the lack of press, and the limited visitor accessibility supports the open-ended state of clause number nine. With no heirs able to come forward due to the nature of the exhibition, the likelihood of the ambiguity in “just and fair solutions” to be met becomes more of a possibility. This clause has allowed French museums (especially the Louvre) to determine what they believe “just and fair solutions” to be in order to continue holding their repository of unclaimed works⁹⁸. Ultimately, it allows this research to question who exactly decides what can be defined as a “fair and just solution” when victims' voices certainly do not come into play in determining restitution, valuation, and more.

Orphaned Works & Digital Use

Perhaps one of the exhibitions clearest faults outside of its physical lack of space, its packed gallery, and in-person access issues is its inaccessible digital footprint. As mentioned before, the exhibition's photographic history only includes a few photos taken on press day (many of which are headshots of curator Sébastien Allard in the gallery space) and no close-up images of the works. On the digital press release, where there would typically be preview images of the works on display, there is a black screen in place of them that reads “The images could be used exclusively for the promotion of the

⁹⁸Campfens, Evelien. 2014. *Fair and Just Solutions? : Alternatives to Litigation in Nazi-Looted Art Disputes: Status Quo and New Developments* The Hague, Netherlands: Eleven International Publishing.

project”⁹⁹. This happens for a variety of reasons but primarily due to the intricacies of digital use laws when it comes to unrestituted artwork. As a rule of thumb, “The decision about which objects to digitize will often turn not on a collection object’s important but on whether the museum holds sufficient rights in the object to permit” and subsequently means that “...reproducing work in digital format is an infringement of the copyright owner’s right of production”¹⁰⁰. This is only further complicated by the fact that, in the eyes of the law, these MNR works are considered to be “orphaned works” in terms of their ability to be digitized. This is to say that those works that sit unclaimed do not legally have a copyright owner to identify. In the special case of MNR works, the Louvre and other French museums are aware that there *is* an owner, they just have yet to identify them. If the Louvre chooses to post the images online they are essentially acknowledging that they do not own copyright and have to guess the likelihood of a copyright holder to come forward, and with that, what the legal repercussions would be on their institution¹⁰¹. This puts the Musée du Louvre at a great disadvantage in terms of providing victims potential access to their works. Since the Louvre is bound by French law not to claim these works as their own, exhibit them under that pretense, or lend them to foreign museums for their own displays, their actual ability to distribute images of the works becomes fraught with complications¹⁰². There is no digital space in which people outside of Paris can see what is on display in the MNR rooms of the Louvre. The physical barriers give way to digital ones that continue to assert that the MNR display is only for those who find themselves in Paris, at the Louvre, and happen to arrive on a day in which

⁹⁹Two New Rooms at the Louvre For Stolen Paintings Recovered After WWII, 2018

¹⁰⁰Malaro and DeAngelis, 191

¹⁰¹Malaro and DeAngelis, 199-200

¹⁰²Carron, 2018

the wing is not being renovated. The language of inaccessibility runs deep in the hallways of the institution, and within the boundaries of it its digital presence. For the Louvre to gain legal rights to display the photos digitally would take time but as stated in the Washington Conference clauses, the whole point in assisting victims in finding their property is to do so efficiently. This issue is only exacerbated by, as French legal expert Louise Carron states, “At a time where the Internet crushes the physical boundaries and provides a free way of obtaining information, the outdated online MNR database is the embodiment of the inadequacy of the French measure”¹⁰³. If these claims cannot be carried out effectively by an institution as well-connected, wealthy, and impressive as the Louvre, who is to say that museums all over the world cannot find loopholes in retaining their stolen/forced sale collections?



Fig. 4 Françoise Nyssen, Minister of French Culture, viewing *Tableaux en attente de restitution*, Alain Jocard (2018)

¹⁰³Carron, 2018

Efficacy or Symbolism?

From the outside, the permanent exhibitions of MNR works at the Musée du Louvre appear to the public as the institution intended: a space for works that have been long removed from their original homes through tragic circumstances, awaiting to be reclaimed by their rightful heirs. This, on paper, not only looks right but it *feels* right too. It provides the public with the mystery of viewing works that have a provenance that has yet to be discovered while also insinuating that they could belong to any one person (or family) among us. The stage is certainly set for restitution if one is to go by the press release from the Louvre, and its minor coverage of the installation since 2018. Is that enough, though? Simply put, the exhibition in its current form (and with its current intentions) is likely not enough to institute tangible, consistent change in terms of effectively restituting the works on display to their original Jewish owners. This is not to say that the Louvre's aims for the exhibition were not well-meaning. On the contrary, the conception of the exhibition shows a major shift in the way the Louvre, and France as a whole, views the MNR works and unrestituted property they still have in their possession. This first public attempt to repatriate works *is* meaningful because it shows acknowledgement by the museum that these works technically aren't theirs.

Prior to this exhibition, the museum was simply incorporating labels on 76 existing works on display that identified them as MNR¹⁰⁴. This exhibit attempts to correct that inattentive behavior by creating a focal point in which visitors may go to experience the MNR works as a reflection of their circumstances within the museum. As Carron aptly states though, the tone of the museum does not line-up with their actions,

¹⁰⁴Noce. 2018

corroborating with this thesis that, “...the new installation is hidden in a wing dedicated to 15th and 16th Century Flemish paintings, with very little indications, and visitors walk through the rooms without really stopping”¹⁰⁵. While the exhibition symbolically opens the door to accelerated restitution in the French museum world, three years later it is still more of a symbol than it is a working space for repatriation of stolen Jewish property. As David Zivie, Cultural Heritage Advisor to former Cultural Minister Audrey Azoulay stated in his 2018 report of French policies regarding post-WWII restitution efforts, “...Contrary to the U.S. or Germany, France does not train curators on provenance research”¹⁰⁶. Without having the adequate individuals onboard to successfully create an exhibition of this caliber it is easy to see how the exhibition may lack necessary cultural heritage methods and practices for successful restitution. This brings up a lot of concerns and questions when it comes to this exhibition space¹⁰⁷. If the individuals tasked with creating the meaning behind each exhibition at the Louvre have not been adequately trained and educated on restitution, provenance research, and spoliation, how can a gallery within the institution ever fully meet the requirements needed to support successful attempts at repatriation? The answer is, they cannot, but that does not mean that all is necessarily lost.

There are a variety of ways the Louvre may seek to change the permanent exhibition of MNR works moving forward. Though institutional changes such as onboarding more cultural heritage experts, provenance curators, art lawyers, and

¹⁰⁵Carron, 2018

¹⁰⁶Noce, 2018

¹⁰⁷Zivie, David, “Traces remain in registers...” Cultural Property Looted During the Second World War: An Ambition to Seek, Find, Restore and Explain § (2018).

restitution historians are necessary changes in ensuring the museum is significantly more well-equipped to work with their MNR works, this is only the first step. Changing the language surrounding restitution and spoliation is the most necessary step in enacting progress at both the Louvre and the larger French State. The Louvre, as stated at the beginning of this thesis, has been an institution by and for the people it serves since its inception. If this mantra is to be used by the museum in the present-day, its actions must follow suit. Providing a space for empathy, understanding, and loss through the exhibition could be a large step in changing the way in which the institution could rewrite the way the gallery space is perceived. The Louvre (and many museums in France like it) function as a space in which outreach can be broadened beyond the walls of the museum in order to foster and nurture a relationship with the community in which they are situated¹⁰⁸. The French state faced criticism in the 1990s for not putting more effort into their restitution attempts, a claim that was seriously revisited in 2017 and 2018. As a result, the museum has created an environment of hostility and distrust in some regards towards its public by appearing to withhold works rather than return them. In order for this exhibition to gain the standing it needs in the eyes of its local and international critics, trust needs to be restored.

In addition to hiring the correct experts to reinstitute trust in the museum it may also be necessary to change the way in which the exhibition itself is designed. As of April 2021, the haphazard, cramped display with very little explanation of what the MNR works are and how they came to be labeled as such gives off an impression that the

¹⁰⁸Gokcigdem, Elif M. "Fostering Empathy through Museums." Introduction. In *Fostering Empathy through Museums*, 19–32. Lanham, MA: Rowman & Littlefield, 2016.

gallery space was not as important (or seen as valuable) to the museum as a whole. The Musée du Louvre would benefit from assessing similar exhibitions surrounding unrestituted works such as *Looking For Owners: French Policy for Provenance Research, Restitution and Custody of Stolen Art Stolen in France during World War Two* from 2008. This exhibition aimed to not only display unrestituted as well as repatriated artwork, but to also thoughtfully provide a full historical context in which the collections could be viewed. It was created in collaboration with the Israel Museum and Musée d'Art et d'Histoire du Judaïsme in Paris and its all-encompassing nature not only created a backdrop in which the works could be understood on an aesthetic level but created the forum in which a conversation could be had about French involvement in World War II¹⁰⁹. This exhibition not only created an open access vehicle in which the public could interact with the previously sealed French archive surrounding the MNR works while also being in the presence of said works of art. If the Louvre were to reinvent the space in which the current exhibition sits by, perhaps, setting it into an even larger space that is more prominently visible to the public it would be a huge space. Then, integrating the history of the Louvre's MNR collections in conjunction with acknowledging the part played by the Louvre in acquiring them may begin to encourage the public in trusting the institution once more. Though these are minor adjustments the Louvre would benefit tremendously from removing the veil of ambiguity that hangs over this exhibition and replacing it with the transparency and accessibility the public craves and demands from them.

¹⁰⁹Le Masne de Chermont and Sigal-Klagsbald, 64-200

As much as the Musée du Louvre has steadily increased their involvement in restituting their MNR, forced-sale/stolen works from their collection the space does not reflect these attempts. Instead, it gives off an air of insensitivity as it doesn't accurately align with the statements the Louvre has put forward regarding increased accessibility to its archives as well as its collections. The nature of its rushed execution as well as the hasty and inefficient way it was presented to the press means that it comes off as, simply, a room off the main gallery with no real context. Here, the archival silence is brought forward in a visible way. The context behind each work is not presented (i.e. the way in which it came to be labeled MNR) nor is there sufficient text on the gallery walls to indicate the story behind the works displayed. Though the Louvre may not be able to provide the full narrative for each work, it would be preferable if they were to provide an overarching statement to the visitor, prior to them entering the space, that acts as an intermediary between the individual and the story of the gallery. This would change the conditions of the exhibition from the rooms existing as a space to simply view stolen/forced-sale artwork to an active point of repatriation and cultural heritage restitution. If implemented correctly, the Musée du Louvre would be able to claim a position of championing an effort in which cultural heritage and curatorial work meld in order to provide trauma relief to the families of Holocaust survivors.

Conclusion

After taking the time in this research to assess the exhibition of permanent MNR works on display at the Louvre it must be concluded that, in its current form the gallery space does not effectively provide a space for accessible restitution efforts. This does not mean it is an impossible feat. On the contrary, as stated in these various chapters, the Musée du Louvre has all it needs at its disposal to rewrite their story surrounding the role they play in holding unrestituted, not yet repatriated works from the public. Though France has been heavily criticized since the end of World War II for its slow attempts at mending their participation in the looting of works, it does not mean that French museums such as the Musée du Louvre cannot do their own work to right wrongs. The exhibition space as it stands does not do enough to reunite heirs with their property. It appears small and to be an afterthought. The legal implications surrounding restitution and MNR works are complicated, unique, and not always clear. The theme surrounding all of this information seems to be of ambiguity, vagueness, and avoidance. With all that being said, the exhibition itself is a step in a direction that France does not typically take and one that museums as institutions don't often take. Though the level of accountability is not present in the moment in the way that is most necessary, the country and its museums seem to be on a trajectory of healing. The newly formed MNR database on the Musée du Louvre website, published on March 26th, 2021 speaks to this increased interest to provide more ease of access to its works. Though the database itself is difficult to maneuver with its lack of filtering and search engine options it is, at a bare minimum, finally creating a digital footprint for MNR works previously hidden in storage. If archival silences can gain volume, and if liability can be actively acknowledged then the

real focal point of this discussion, and this research may finally be able to take center stages: the victims of the Holocaust, the victims of spoliation. On September 30th, 1949, four years after the end of the war, the French government bestowed upon the Musée du Louvre (and all other French museums holding MNR works) the title “détenteurs précaires” meaning “precarious holders”¹¹⁰. One could argue that they are still precarious holders. That this act of owning without ownership while waiting for heirs to come forward is the definition of precarious in and of itself. The permanent exhibition of MNR works at the Musée du Louvre is a reflection of this inherently precarious nature and, with time, will hopefully transfer the delicate nature of their lack of ownership to real, tangible restitution efforts for the victims of the Holocaust in France.

¹¹⁰ Karlsgodt, 283

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