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“Woman in Gold”: Hollywood Explores the Restitution of Nazi-Stolen Art

BY [ERICA WOLF](#) / ON MARCH 23, 2015

The Nazi art confiscations and forced sales that occurred during World War II have been described as “the greatest displacement of artwork in human history.”^[1] It has been estimated that between the years of 1933-1945, German forces, along with other Nazi agents, seized or forced the sale of approximately one-fifth of all Western art that was in existence at the time, a total of nearly 650,000 works then worth approximately \$2.5 billion. Today, the looted art is valued at approximately \$20.5 billion, with more than 100,000 works of art still unaccounted for.^[2]

After World War II, the Allied Forces, along with several other governments of the United Nations and the French National Committee, entered into various voluntary post-war agreements and committed to the fair and just restitution of Nazi-looted art. One such post-war agreement was enacted in December 1998, when the United States State Department sponsored The Washington Conference on Holocaust Era Assets. The purpose of the conference was to develop a consensus to assist in the resolution of complex issues regarding the repatriation of Nazi-stolen art.^[3] There, the United States and 43 other countries adopted the eleven protocols introduced at the Conference, known as the “[Washington Principles](#),” and committed to searching for Nazi-stolen art in their public art collections and to resolve Holocaust restitution claims justly and fairly.^[4] The Washington Principles are based on two fundamental propositions: “[a]rt museums and their collections should not be built with stolen property [and] that passion for art should not displace respect for justice.”^[5]

However, in spite of such initiatives, adherence to the spirit of these post-war agreements has proven quite ineffective. A recent study indicates that two-thirds of the nations that endorsed such post-war agreements have made scarce or no progress in establishing fair claims processes aimed at the restitution of Nazi-looted art.^[6] Seven decades after the fall of Hitler’s regime, Nazi-stolen works of art are still displayed in museums around the world. Litigation involving claims of Nazi-looted art has proven incredibly complex; as such suits raise crucial questions involving the separation of powers and judicial discretion.

Various media outlets have shed light on the “slow pace”^[7] of the restitution of Nazi-looted art and the various technical and procedural obstacles that plaintiffs have encountered from museums and galleries opposing such restitution claims. These challenges have been documented in newspapers, online blogs, books, documentaries and, most recently, film.

On April 3, 2015, The Weinstein Company will release “[Woman in Gold](#)” in the United States and Britain. The film is based on the true story of Maria Altmann, a Jewish World War II

survivor who successfully took on the Austrian government over the ownership of Austrian painter Gustav Klimt's gold-encrusted masterpiece [Portrait of Adele Bloch-Bauer I \(1907\)](#), along with several other Klimt paintings, which were stolen from her family by the Nazis during World War II. Dame Helen Mirren stars as Ms. Altmann with Ryan Reynolds playing her lawyer, E. Randol Schoenberg, who represented Ms. Altmann in her nearly eight-year lawsuit. The film co-stars Daniel Brühl, Katie Holmes and Elizabeth McGovern and was directed by Simon Curtis, who also directed "My Week with Marilyn". "Woman in Gold" had its premiere at the Berlin International Film Festival earlier this year.

Ms. Altmann was the niece of Ferdinand Bloch-Bauer, a very successful Viennese sugar merchant, and his wife Adele Bloch-Bauer, who ran a well-known Viennese salon for prominent artists and also served as the subject of two of Klimt's paintings (*Portrait of Adele Bloch-Bauer I (1907)* and [Portrait of Adele Bloch-Bauer II \(1912\)](#)). The Bloch-Bauers were "wealthy Jewish patrons of the arts" and close friends of Klimt.^[8] In 1925, Adele died. In her will she asked that her husband consider donating several Klimt paintings, including *Portrait of Adele Bloch-Bauer I*, to the Austrian Gallery upon his death. However, when the will was probated, it was found that Ferdinand was the true legal owner of the paintings, which therefore constituted a part of his property. In 1938, after Ferdinand fled to Switzerland, the Nazis, during the German occupation of Austria, seized all of Ferdinand's property, including his home, his business, and his extensive art collection, which included the Klimt paintings. Ferdinand died in November of 1945 leaving the residue of his estate to his nieces and nephews, one of whom was Maria Altmann. Although Ferdinand had expressed his intention to donate the paintings in accordance with Adele's wishes, his will made no mention of the Klimt works. By this time, a number of the looted paintings had found their way into the possession of the Austrian government. In 1947, after a Swiss court legally recognized Maria Altmann as one of the heirs to Ferdinand's estate, she, along with the other heirs, spent decades, mostly unsuccessfully, attempting to retrieve their uncle's property that had been illegally seized by the Nazis.^[9]

In late 1998, around the same time as the enactment of the Washington Principles, Austria passed a new restitution law, which set forth a new policy aimed at the return of Nazi-looted artwork to their rightful owners and heirs. Initially, in 1999, Ms. Altmann sought to pursue her claims in Austrian court. However, because the court costs associated with bringing such a suit in Austria are determined by the amount in controversy, based on the tremendous value of the paintings in question, Ms. Altmann ultimately filed her Complaint in the United States District Court for the Central District of California in August of 2000.^[10] Ms. Altmann won appeals all the way to the United States Supreme Court when, in 2004, the High Court, in a renowned case, held that the Foreign Sovereign Immunities Act applied retroactively, and Ms. Altmann's claims against the Austrian government could proceed.^[11] In 2005, as a result of the Supreme Court's decision, both parties agreed to submit the case to binding arbitration in Austria. In January 2006, after a nearly eight-year legal battle, the Austrian mediation panel ruled in favor of Ms. Altmann and awarded the Klimt paintings to Altmann and the other heirs.

The panel's ruling represented "a major moment for the art world—and a symbol of progress for art restitution."^[12]

In June 2006, "Portrait of Adele Bloch-Bauer I" was purchased by Ronald S. Lauder from the heirs for a record-breaking \$135 million dollars. At the time, it was the highest price ever paid for a painting. Today, "Portrait of Adele Bloch-Bauer I" is on display in the Neue Galerie in New York City. In February 2011, Ms. Altmann died at the age of 94.

At a news conference promoting the film, Helen Mirren, reflecting on the exceptional nature of Ms. Altmann's story, stated "[s]o many people from that particular conflict did not receive any justice whatsoever... and so to have one little tiny moment of justice, it is a great thing."^[13]

^[1] Lawrence M. Kaye, *Avoidance and Resolution of Cultural Heritage Disputes: Recovery of Art Looted During the Holocaust*, 14 Willamette J. Int'l L. & Disp. Resol. 243 (2006).

^[2] *Id.* at 244.

^[3] *Washington Conference Principles on Nazi-Confiscated Art*, (Dec. 3, 1998), available at <http://www.state.gov/p/eur/rt/hlcst/122038.htm>.

^[4] Ronald S. Lauder, *Time to Evict Nazi-Looted Art From Museums*, Wall St. J., June 30, 2014, <http://online.wsj.com/articles/ronald-lauder-time-to-evict-nazi-looted-art-from-museums-1404076759>.

^[5] *Id.*

^[6] Graham Bowley, *Report Criticizes Lax Efforts on the Restitution of Wartime Looted Art*, N.Y. Times, Sept. 11, 2014, at C1.

^[7] Michael Roddy, *'Woman in Gold' Shines Spotlight on Slow Restitution for Nazi-looted Art*, Reuters, Feb. 9, 2015, available at <http://www.reuters.com/article/2015/02/09/us-filmfestival-berlin-womaningold-idUSKBN0LD2AU20150209>.

^[8] Nahshon Perez, *Freedom from Past Injustices: A Critical Evaluation of Claims for Intergenerational Reparations* 120 (Edinburgh Univ. Press 2012).

^[9] *Altmann v. Republic of Austria*, 142 F. Supp. 2d 1187, 1192-1194 (C.D. Cal. 2001).

^[10] *Id.* at 1196-1197.

^[11] William Grimes, *Maria Altmann, Pursuer of Family's Stolen Paintings, Dies at 94*, N.Y. Times, Feb. 9, 2011, http://www.nytimes.com/2011/02/09/arts/design/09altmann.html?pagewanted=all&_r=0.

[12] Isabel Wilkinson, *Remembering Maria Altmann, Holocaust Hero Who Won Back Klimt Paintings*, The Daily Beast, Feb. 8, 2011, <http://www.thedailybeast.com/articles/2011/02/08/remembering-maria-altmann-holocaust-hero-who-won-back-klimt-paintings.html>.

[13] Roddy, *supra* note 7.