

THE RETURN OF PAINTINGS BY MAURICE DE VLAMINCK AND ANDRÉ DRAIN TO THE HEIRS OF DANE REICHSMANN – A CASE STUDY OF THEIR STORAGE IN THE MODERN GALLERY / NATIONAL MUSEUM OF MODERN ART FROM 1946 TO 2023

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Since its establishment, the National Museum of Modern Art (NMMA), formerly known as the Modern Gallery (MG)¹ has collected, preserved, researched and interpreted artworks, artists, movements, ideas and actions crucial for Croatian visual arts from the late 19th century up to the present day. With the aim of satisfying the “spiritual needs of the people,”² the Zagreb Art Society founded the Modern Gallery at the beginning of the 20th century, acquiring the first artworks for its collection. Irena Kraševac³ has extensively researched the documents and exhibition catalogues of the Art Society, which confirm that the earliest acquisition for the future gallery’s collection was the relief *Jesus and Mary Magdalene*⁴ by František Bílek, donated to the society in 1903. The following year,

in 1904, the society provided financial support for Mirko Rački’s study in Prague, commissioning and purchasing his painting *At Death’s Door*⁵. At the same time, the society also supported Meštrović’s work in Vienna. As a result, the young artist sent the society a large plaster sculpture, *Timor Dei*, after his successful participation at the Secession Exhibition in Vienna in 1905.⁶ Although among the first three acquisitions made for the Modern Gallery only Rački’s painting remains at the museum, its collection has grown continuously and intensively over the past 120 years. Thanks to the dedicated work of generations of museum staff, as well as numerous donations and purchases, the NMMA’s collection holds 12,270 works of art as of December 2023.

Due to the turbulent time, repeated relocations of artworks and documents, as well as frequent shortages of staff and space, the records of the Modern Gallery, now the NMMA, have never been fully examined or systematically organized. The majority of this material is stored in the Croatian State Archives, in the Art Society’s archival fonds and the Modern Gallery / NMMA fonds, the arrangement of which remains an ongoing process. Records from the period between 1947 and 1974, when the Modern Gallery was a department of the Yugoslav Academy of Sciences and Arts, is largely preserved in the Archives of the Croatian Academy of Sciences and Arts.

As part of management of the Modern Gallery / NMMA collection, all available information on museum objects allocated to the museum’s collections and custody during and after World War II is preserved and studied, particularly in cases where there is suspicion that the items were

unjustly confiscated from their rightful owners. Although new research conducted as part of the *Pilot Project to Determine the Provenance of Museum Objects Confiscated During and After WWII* was further complicated by the relocation of the entire collection and operations due to the post-earthquake restoration of the museum's main building at the address Hebrangova 1,⁷ the NMMA, through the return of two paintings to heir Andrew Reichsman in September 2023, reaffirmed the restitution of artworks unjustly seized during World War II and its aftermath as its fundamental historical, moral and professional obligation.

The paintings *Still Life with a Bottle* by André Derain (Fig. 1) and *Landscape by the Water* by Maurice de Vlaminck (Fig. 2) belonged to Dane Reichsmann, until the catastrophe of World War II. Born in 1876 in Đakovo into a prosperous Jewish entrepreneurial family (Fig. 3), Dane Reichsmann⁸ owned a general goods and liquor store established by his grandfather and exported *Strossmayer's plum brandy* between the two world wars. In 1920, alongside Pavao and Eduard Kaiser and Aleksandar Stark, he co-founded the First Osijek Factory for Candies, Chocolate, and Chocolate Products, *Kaiser and Stark* (later known as Kandit). He also held shares in the Osijek Sugar Factory and the First Croatian Savings Bank in Zagreb. He resided in Slavujevac, Zagreb, with his family. In April and May 1941, the newly proclaimed Independent State of Croatia confiscated his property, car, valuables, money, furniture and food, and he was expelled from his home. Attempting to salvage some of his assets, Dane Reichsmann, along with other Jewish co-owners, immediately fictitiously sold

the Osijek factory to non-Jewish collaborators and co-owners, the factory manager Josip Turić and Josip Orešković.⁹ In April 1941, he entrusted his artworks to the care of a reliable associate, Dr. Marijan Polić. Dane and his wife Frieda Reichsmann, née Schnabel, were soon deported to Auschwitz, where they were killed in 1944.

The Commission for Gathering and Protection of Cultural Monuments and Antiquities (KOMZA), acting immediately after the end of the war, "based on the decision on the protection and preservation of cultural monuments and antiquities issued by the National Committee for the Liberation of Yugoslavia on February 20, 1945," recorded nine artworks in the apartment of Marijan Polić. He declared that these artworks had been entrusted to him for safekeeping by Dane Reichsmann.¹⁰ The Commission's report no. 12/45, dated June 7, 1945, includes a detailed inventory of the listed items and references the catalogue "Schlomović's Exhibition in Zagreb, 1940," specifying the numbers under which individual artworks were displayed at the first and only comprehensive exhibition of the Erich Šlomović¹¹ collection. This exhibition was held at the Home of Fine Arts of King Peter I the Great Liberator in Zagreb from November 24, 1940 to the end of January 1941. Since the comprehensive catalogue *French Art from the Erich Šlomović Collection*¹² precisely lists all the paintings and prints included in the Commission's inventory, it is evident that Dane Reichsmann purchased them from Šlomović only a few months prior to being forced to hand them over to Marijan Polić in April 1941.

Among the aforementioned Reichsmann's artworks, the Commission allocated André Derain's *Still Life with a Bottle* (oil on

canvas, 55 x 59.5 cm; signed lower right: *a derain*) and Maurice de Vlaminck's *Landscape by the Water* (oil on canvas, 59.5 x 72.5 cm; signed lower left: *Vlaminck*) to the Modern Gallery. The records of the gallery note that Derain's *Still Life with a Bottle* was entered into its inventory book (Fig. 4) at the beginning of 1946 under the entry number MGP-17, though without a specific date of registration. Ownership is attributed to the "Commission for Science and Culture," with a pencil notation indicating "list no. 6."

Derain's painting is listed in the catalogue *French Art from the Erih Šlomović Collection* under entry number 27, reproduced¹³ and highlighted with the note, "among the artist's earliest works."¹⁴

The described history is confirmed by inscriptions and markings on the back of the painting, where, in addition to the standard inventory label MG/MGP, there is also an older one with the artist's name, title and the notes "original oil painting" and "catalogue no. 27." The older label is written in ink and clearly refers to the *French Art from the Erih Šlomović Collection* exhibition at the Home of Fine Arts in 1940/1941. On the back frame, the number "4781" is written in pencil.

Vlaminck's painting *Landscape by the Water* was recorded in the storage book of the Modern Gallery on February 1, 1946, under catalogue number MGP-116. The ownership is listed as "Council for Education and Culture of the People's Republic of Croatia, Zagreb," and the note written in pencil reads "catalogue no. 10." In the *French Art from the Erih Šlomović Collection* catalogue, it is listed under catalogue number 174,¹⁵ which is also marked on the back of the painting. In addition to the standard inventory label

MG/MGP, there is an older one written in ink. The older label includes the artist's name, title, the notes "original oil painting," and "catalogue no. 174," and it clearly refers to the *French Art from the Erih Šlomović Collection* exhibition at the Home of Fine Arts in 1940/1941. On the back frame, there is also a rectangular label with the number 1226, a label with a diamond shape and the inscription "20 PARIS DEPOSEE F 73 x 60," and a pencil note reading "K-IV-1-12-45" (Fig. 5).

From the entry in the inventory book in 1946 to their return occurring in 2023, the artworks from the collection of Dane Reichsmann, for almost eight decades, shared the fate of the museum collection of the Modern Gallery / NMMA, in good and bad times, during numerous restorations, the Homeland War up to the recent earthquakes.

Dane's son Franjo¹⁶ and daughter Danica¹⁷ emigrated from Croatia before World War II. Franjo moved from Vienna to America in 1938, while Danica left Zagreb for London. Both survived the war and later lived in America.

Danica Ann Reichsmann Svoboda passed away in 2002, without seeing the return of her family's inheritance,¹⁸ which she had been seeking through legal means from the Croatian state for decades. In her will from 2001,¹⁹ she bequeathed the artworks in question to her nephew Andrew Reichsman, the son of Franz (Franjo) and grandson of Dane Reichsmann. The formal conditions for the return of the paintings to their rightful owner were met by a decision from the Municipal Civil Court in Zagreb, which ruled in December 2020 that the artworks were part of the estate of the late Danica Ann Reichsmann Svoboda.²⁰ The inheritance was officially

confirmed in the final ruling *The Inheritance Decision of the Late Danica Ann Reichsmann Svoboda*²¹ on November 3, 2021 (Case No. O-7098/21), establishing that Andrew Reichsman was the legal heir. The transfer of the paintings from storage to the heir was announced by the director of the NMMA, Branko Franceschi, to the Croatian Museum Council, and the transfer was finally completed on September 18, 2023. The paintings were received by the heir Andrew Reichsman, the nephew of Mrs. Danica Reichsmann Svoboda, accompanied by family members and the lawyer Monja Matić, who handled the case. On behalf of the NMMA, the handover was attended by Director Branko Franceschi, museum advisor Lada Bošnjak Velagić and senior conservator-restorer Petra Kursar. Following the handover of the paintings, both parties signed an acknowledgment of receipt of the artworks, and the NMMA also provided the owner with the standard record form documenting the current condition of the artworks. Before the transfer, the heir Andrew Reichsman requested confirmation from the City Institute for Cultural and Natural Heritage Conservation of the City of Zagreb for the export from the Republic of Croatia, as required for artworks that do not have the status of protected cultural property. In accordance with current legislation, the *Act on Protection and Conservation of Cultural property*²² and the *Regulations on the Conditions for Granting Permission for the Export and Removal of Cultural Goods from the Republic of Croatia*,²³ the City Institute approved the requested export, after obtaining the prior opinion of the NMMA, in which Director Branko Franceschi confirmed the museum's position that the heir

should be granted unobstructed transfer of the Derain and Vlaminck paintings, which he had finally taken into his ownership. Following the aforementioned final inheritance decision²⁴ and the *Approval from the Croatian Academy of Sciences and Arts Directorate*, on September 18, 2023, the Department of Prints and Drawings of the Croatian Academy of Sciences and Arts handed over eight prints to Andrew Reichsman inherited from the collection of Dane Reichsmann. These artworks had been in the Department of Prints and Drawings as deposits (Paul Cézanne, *Bathers*, colour lithograph; Paul Cézanne, *Breakfast on the Grass*, colour lithograph; Pierre Bonnard, *Classical Scene*, lithograph; Pierre-Auguste Renoir, *Portrait of a Man*, lithograph; Maurice Denis, *Mother with Children*, etching; Pablo Picasso, *Two Women and a Man*, drypoint, etching; Pablo Picasso, *Three Graces*, drypoint, etching; Ivan Roch, *Đakovo – Cathedral*, toned etching).²⁵

Out of the 41 items seized from Dane Reichsmann's villa in 1941 as Jewish property by State Directorate for Reconstruction under the law of the Independent State of Croatia and transferred to the Croatian State Museum for Arts and Crafts, two items were returned to Andrew Reichsman on September 18, 2023: a medal in its original box and a copper bowl. Neither of these objects were recorded in the inventory books of the Museum of Arts and Crafts. Regarding the items inventoried within the museum collections of metalwork, ceramics, glass and paintings, Andrew Reichsman accepted the proposal from the Museum of Arts and Crafts for the institution to purchase 14 objects of exceptional historical and artistic significance for its collection. The remaining 25

items will be returned to him as soon as the Ministry of Culture and Media of the Republic of Croatia grants final approval of the *Decision on the Deaccessioning* of said objects, which was issued by the museum on April 30, 2024.²⁶

Numerous domestic and international media outlets reported that the long-standing legal disputes over the restitution of artworks from Dane Reichsmann's collection to his heirs have finally been resolved. Links to selected media articles are included in the appendix to this article (appendix 1). The return of works that had been held for nearly eight decades in the NMMA, the Department of Prints and Drawings of the Croatian Academy of Sciences and Arts and the Museum of Arts and Crafts to the heir, American film producer Andrew Reichsman, has been hailed as a positive step forward in the efforts of the Croatian state, the Ministry of Culture and Media and Croatian heritage institutions to ensure the restitution of artworks unjustly seized during the war and its aftermath.

It is important to emphasize that the methodology for provenance research of artworks confiscated from Holocaust victims, developed through the increasingly intensive collaboration of Croatian institutions with the World Jewish Restitution Organization, is of exceptional importance for the restitution of all art objects unethically seized during the war and post-war period, regardless of the ethnic background, religious affiliation or political beliefs of their owners. By returning these artworks to Dane Reichsmann's heir and continuing provenance research on other artworks suspected of having been unjustly taken and not yet restituted, the NMMA and many other Croatian

heritage institutions fulfil their historical, moral and professional obligations. This is done with the aim of ensuring justice, respecting individual property rights and safeguarding our shared cultural heritage.

NOTES

¹ Vlada Republike Hrvatske, "Odluka o izmjeni naziva Moderne galerije u Nacionalni muzej moderne umjetnosti," April 1, 2021, *Narodne novine* 34/2021, https://narodne-novine.nn.hr/clanci/sluzbeni/2021_04_34_722.html (accessed August 28, 2024).

² [Iso Kršnjavi], "Hrvatski salon 1898., VI. Ekonomske prilike naše umjetnosti (Zaključni članak)," *Narodne novine* LXV, no. 11 (1899): 1–2.

³ Irena Kraševac, "Prva tri djela u fundusu Moderne galerije Društva umjetnosti," *Radovi Instituta za povijest umjetnosti* 43 (2019): 243–255.

⁴ František Bílek, *Jesus and Mary Magdalene*, 1901–1902 (?), wood, 196 x 108 cm, NMMA, Zagreb, MG-1325 (previous inventory no. 170 refers to the *Inventory Book of the Modern Gallery*, entry 1707/1946). The relief was donated by Maruša Pavla Neureutterova to the parish church of St. Mark in Zagreb, and in 1903, parish priest Stjepan Boroš donated it to the Society of Arts. In 1953, the Modern Gallery transferred Bílek's relief, along with 112 other artworks, as deposit in the Glyptothèque of the Yugoslav Academy of Sciences and Arts. This arrangement was subsequently formalized with the *Agreement on Deposit of Artworks* (record no. 65), concluded on February 2, 1959. The relief is still in the storage of the Glyptothèque of the Croatian Academy of Sciences and Arts, marked as G-MZO-1185.

⁵ Mirko Rački, *At Death's Door*, 1904, oil on canvas, 89 x 176 cm, NMMA, Zagreb, MG-937 (previous inventory no. 33 refers to the *Inventory Book of the Modern Gallery*, entry 1707/1946).

⁶ Ivan Meštrović, *Timor Dei*, 1903–1905, plaster, 200 x 145 x 120 cm, deposited at the Glyptothèque of the Croatian Academy of Sciences and Arts, Zagreb, MZP-732.

⁷ The National Museum of Modern Art was closed to the public on February 26, 2023, following a decision by the Ministry of Culture and Media for the post-earthquake renovation of the Vranyczany Palace. After arranging temporary accommodation at the former Electric Light Bulb Factory, the relocation of all museum collections and property to the address Folnegovićeve 10 was completed on December 21, 2023.

⁸ Ivo Goldstein, ed., *Židovski biografski leksikon: radna verzija* (Zagreb: Leksikografski zavod Miroslav Krleža, s. a.), s. v. "Reichsmann, Dane," <https://zbl.lzmk.hr/> (accessed August 28, 2024).

⁹ Josip Orešković, although married to Stark's daughter Hilda, was convicted in 1945 for economic collaboration with the enemy and the theft of Jewish property due to the aforementioned transaction.

¹⁰ Croatian State Archives, HR-HDA-2117-2-12, KOMZA 12/45.

¹¹ Erich Šlomović (1915–1944) was a student and trusted associate of Ambroise Vollard, one of the most prominent French art dealers of the time. Between 1934/1935 and in 1939, he assembled a large collection of works by French masters, particularly impressionists and post-impressionists, in Paris. His collection also includes photographs, letters, and inscriptions from artists, offering a fascinating insight into the contemporary art scene. Unable to establish his planned museum of modern French art in Belgrade, Šlomović exhibited his entire collection (429 works) at the Home of Fine Arts in Zagreb in 1940/1941. He was killed in 1944. A portion of Šlomović's collection that survived World War II is kept at the National Museum in Belgrade.

¹² *Francuska umjetnost iz kolekcije Erih Šlomović*, exhibition catalogue (Zagreb: Dom likovnih umjetnosti kralja Petra I. Velikog Oslobodioca, 1940), <https://dizbi.hazu.hr/a/?pr=iiif.v.a&id=12896&ti-fy={%22view%22:%22info%22}> (accessed August 28, 2024).

¹³ *Ibid.*, 87.

¹⁴ *Ibid.*, 10.

¹⁵ *Ibid.*, 29.

¹⁶ Franjo Reichsmann (1913–1996) used the name Franz Karl Reichsman during his lifetime.

¹⁷ Danica Ann Reichsmann (1915–2002), married Reichsmann Svoboda.

¹⁸ The decision on inheritance by the District Court for districts V and VI of the City of Zagreb, dated December 30, 1947, and November 23, 1953, with case no. O-184/1947, established that the legal heirs of the late Dana Reichsmann were her son Franjo Reichsmann, daughter Danica, and grandson Mihajlo Reichsmann (1938–2000), who later changed his name to Michael Reches. Franz Karl Reichsman and Michael Reches officially renounced their inheritance of the respective paintings on behalf of Danica Ann Reichsmann Svoboda in 1991.

¹⁹ The will of Danica Ann Reichsmann Svoboda, dated December 17, 2001, was judicially registered and confirmed as valid by the decision of the High Court, District Probate Registry in Ipswich, dated September 16, 2002.

²⁰ The judgment of the Municipal Civil Court in Zagreb dated December 8, 2020, case no. 5-P-12171/19-52.

²¹ Decision of the Municipal Civil Court in Zagreb regarding the inheritance of the late Danica Ann Reichsmann Svoboda, no. O-7098/21.

²² Zastupnički dom Hrvatskoga državnog sabora, "Zakon o zaštiti i očuvanju kulturnih dobara," June 25, 1999, *Narodne novine* 69/1999, articles 67, 68 and 69, https://narodne-novine.nn.hr/clanci/sluzbeni/1999_07_69_1284.html (accessed August 28, 2024).

²³ Ministarstvo kulture Republike Hrvatske, "Pravilnik o uvjetima za davanje dozvole radi izvoza i iznošenja kulturnih dobara iz Republike Hrvatske," June 17, 2013, *Narodne novine* 75/2013, articles 4 and 5, https://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_75_1514.html (accessed August 28, 2024).

²⁴ Decision of the Municipal Civil Court in Zagreb regarding the inheritance of the late Danica Ann Reichsmann Svoboda, no. O-7098/21.

²⁵ Kabinet grafike HAZU, *Godišnje izvješće Kabineta grafike Hrvatske akademije znanosti i umjetnosti za 2023. godinu* (Zagreb: Kabinet grafike HAZU, 2023), https://mdc.hr/files/pdf/Izvjescja/2023/Kabinet-grafike-HAZU_2023.pdf (accessed August 28, 2024).

²⁶ Muzej za umjetnost i obrt, *Zapisnik sa šeste sjednice Upravnog vijeća Muzeja za umjetnost*

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PRILOZI/APPENDICES

Prilog 1. Mrežni izvori / novinski članci o povratu slika Mauricea de Vlamincka i Andréa Deraina nasljednicima Dane Reichsmanna (izbor)

Appendix 1. Online Sources / Newspaper Articles on the Restitution of Maurice de Vlaminck's and André Derain's Paintings to the Heirs of Dane Reichsmann (selection)

ArtDependence Magazine. „Croatia returns Looted Art to Grandson of Holocaust Victim“. *ArtDependence Magazine*, 25. rujna 2023. <https://www.artdependence.com/articles/croatia-returns-looted-art-to-grandson-of-holocaust-victim/> (pristupljeno 28. kolovoza 2024.).

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European Jewish Congress. „Croatia returns looted art to the descendant of a Holocaust victim“. 28. rujna 2023. <https://eurojewcong.org/news/communities-news/croatia/croatia-returns-looted-art-to-the-descendant-of-a-holocaust-victim/> (pristupljeno 28. kolovoza 2024.).

Hickley, Catherine. „Croatian Museums Return Art Looted During Holocaust to Jewish Heir: The collection of a Zagreb businessman murdered in Auschwitz includes paintings by André Derain and Maurice de Vlaminck, along with lithographs by Picasso and Cézanne“. *The New York Times*, 22. rujna 2023. <https://www.nytimes.com/2023/09/22/arts/design/croatia-restitution-holocaust.html> (pristupljeno 28. kolovoza 2024.).

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The Times of Israel. „In apparent first, Croatia restores looted art to grandson of Holocaust victim: Three museums return pieces to Andy Reichsman, who continued decades-long struggle by late aunt to reclaim works stolen by Nazi-allied regime“. *The Times of Israel*, 23. rujna 2023. <https://www.timesofisrael.com/in-apparent-first-croatia-restores-looted-art-to-grandson-of-holocaust-victim/> (pristupljeno 28. kolovoza 2024.).

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Hrvatski državni arhiv (HDA), Komisija za sakupljanje i očuvanje kulturnih spomenika i starina, HR-HDA-2117

POVRAT SLIKA MAURICEA DE VLAMINCKA I ANDRÉA DERAÏNA NASLJEDNICIMA DANE REICHSMANNA – STUDIJA SLUČAJA POHRANE U MODERNOJ GALERIJI / NACIONALNOME MUZEJU MODERNE UMJETNOSTI OD 1946. DO 2023. GODINE

Cilj je članka opisati i dokumentirati proces povratka dviju slika pohranjenih u Nacionalnome muzeju moderne umjetnosti nasljednicima njihovih zakonitih vlasnika. Riječ je o slikama „Mrtva priroda s flašom“ Andréa Deraina i „Pejsaž pored vode“ Mauricea de Vlamincka koje su do Drugoga svjetskog rata pripadale Dani Reichsmannu. U radu je prikazana kratka povijest obitelji vlasnika, sudbina umjetnina tijekom rata i poraća s naglaskom na ulogu Komisije za sakupljanje i očuvanje kulturnih spomenika i starina (KOM-ZA-e) te upis u knjizi pohrane Moderne galerije, a posebna je pozornost pridana procesu povrata koji je omogućen odlukom Općinskoga građanskog suda u Zagrebu iz 2020. godine. Opisana je primopredaja umjetnina i njezini medijski odjeci. Na kraju priloga istaknuta je važnost istraživanja provenijencije umjetničkih djela oduzetih tijekom rata i poraća koje se razvija pojačanom suradnjom hrvatskih ustanova i Svjetske židovske organizacije za restituciju, a koja je iznimno važna za povrat davno nepravедno oduzete imovine. Riječ je o procesima koje baštinske ustanove, ali i sva ostala nadležna tijela moraju shvatiti kao svoju civilizacijsku, etičku i stručnu obvezu.