

# PROVENANCE STUDIES IN POLAND\* (PART 2)

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Systemic-economic transformations of 1989 resulted in a breakthrough in numerous dimensions of our social, cultural, and scientific life. That which for many had been until then unattainable, such as conducting surveys in foreign libraries, galleries or museums, finally became real after obtaining financial support. It became possible to intensify, expand, and sometimes – in the history of art, library studies, and museology – to open new domains of research and supplement heretofore quests with comparative studies enabling a detailed definition of the attribution and provenance of artworks. In successive decades the rapid development of the Internet and activities connected with the digitisation of databases and Internet services provided new and effective research instruments, made possible access to numerous rare sources, and became a useful and quick platform for the exchange of information. Foreign scholarships and research grants, as well as participation in international conferences, symposia and sessions intensified the exchange of thoughts and indubitably affected changes of expectations, research standards, and publications. Joining the European Union in 2004 not only deepened the described phenomena but also altered prevailing conditions. Polish representatives started to take part in work conducted by European commissions by co-creating Community law and obligating themselves to its implementation in the domestic system, reflected in the functioning of museums in Poland. Participation in the undertakings of such international organisations as ICOM compels to accept in museology earlier devised norms and designated good practice, provenance studies being regarded as one of them.

One of the topics of meetings and conferences, mentioned already in earlier articles,<sup>1</sup> were museum objects of unknown origin. This problem was also broached in Poland, mainly at conferences organised by the Stefan Batory Foundation.<sup>2</sup> At that time they became the object of the

reflections and research of Dorota Folga-Januszewska and Agnieszka Jaskanis,<sup>3</sup> and several years later were recalled as an essential problem by the first of those two authors in her *Muzea w Polsce 1989–2008. Stan, zachodzące zmiany i kierunki rozwoju muzeów w Europie oraz rekomendacje dla muzeów polskich*, one of the “Reports on the State of Culture” of the Ministry of Culture and National Heritage.<sup>4</sup> Folga-Januszewska established that in 2005 only 67% of museum resources had a documented origin and 33% comprised “orphaned works”.<sup>5</sup> Although they had been included into ownership inventories and it is even known from where they had been brought or handed over to a museum, little or actually nothing was established about their previous owners and history.<sup>6</sup> The latter were mentioned within the context of an act on obligatory research on, and publication of the provenance of works accumulated in public museums, recommended by Stanisław Waltoś.<sup>7</sup> The act in question imposed the necessity of conducting provenance studies, and as one of four acts *rendering possible an efficient functioning of museums and exchange of collections*<sup>8</sup> was proposed by a group of experts at the Council of Europe in their Mobility of Collections programme as part of priority activity within the range of museology in 2008-2013. Such a regulation would have indicated *the courses of activity in a situation of supervision over heritage of unknown origin, the manner of acting in relation to claims, the principles of publication, and eventual initiation of returning illegally owned works*.<sup>9</sup> The introduction of this regulation was to become a condition for the application of two other postulated acts: on protection against confiscation and on state guarantees for entitled cultural institutions.

The necessity of conducting provenance studies, even if in a restricted form, was sanctioned in the Polish legal system by the Act of 5 August 2015 on Amendment of the Acts Regulating the Conditions of Access to Certain Professions

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(Dz.U. 30 September 2015, item 1505), which in article 5 introduces changes into the Act on Museums of 21 November 1996 (Dz.U. 2012, item 987). The changes in question concern the legal protection of mobile objects of historical, artistic or scientific value loaned from abroad for a temporary exhibition organised on the territory of the Republic of Poland (chapter 4.a, art. 31.a–31.e, in the amended Act on Museums). The Act imposes the obligation of making sure that a mobile object of historical or scientific value, on loan from abroad for a temporary exhibition organised on the territory of the Republic of Poland, can be subjected to legal protection. This procedure encompasses above-mentioned legal protection connected with, i.a. checking whether the object is not mentioned in databases of lost cultural goods as stolen or taken out of the country contrary to the law or is a sought wartime loss. There are two registers in Poland with legal reassertion in acts: *Krajowy wykaz zabytków skradzionych lub wywiezionych za granicę niezgodnie z prawem*, kept by the National Institute of Museology and Collection Protection (NIMOZ), and the recently created *Krajowy rejestr utraconych dóbr kultury*. Essential importance is attached to *Baza obiektów utraconych w wyniku II wojny światowej* conducted by the Division of Looted Art in the Department of Cultural Heritage Abroad and Wartime Losses at the Ministry of Culture and National Heritage (MKiDN). Among significant foreign stolen property registers mention is due to the Interpol database: *Stolen Works of Art*.

The requirement to maintain suitable diligence is contained also in Directive 2014/60/EU, which became binding in the European Union on 19 December 2015.<sup>10</sup> Another, earlier Directive 93/7/EEC required that a Member State seeking the return of a historical monument proves the ill will of the owner.<sup>11</sup> It also introduced contact points indicated by governments of the Member States.<sup>12</sup>

The domain of NIMOZ encompasses servicing so-called museum immunity, conducting a contact point dealing with Directive 2014/60/EU, and communication with other European contact points in the IMI system (information exchange system on the domestic market), procedures of permits for a permanent transit of historical monuments abroad, and coordination of two programmes of the Minister of KiDN, including the “Museum collections” programme. All those activities require checking information about the object in the mentioned domestic bases and even laboriously following its fate. Information about “museum immunity” and the export of monuments abroad, programmes of the Minister of KiDN and *Krajowy wykaz zabytków skradzionych i wywiezionych za granicę niezgodnie z prawem* are on the Institute’s website: [www.nimoz.pl](http://www.nimoz.pl). The database publishes material for studying the provenance of museum objects within the context of lost former Jewish property. Information about the contact point and module pertaining to cultural goods within the MI system are foreseen. They do not, however, exploit the entire sphere of the activity of this institution.

An important undertaking conducted by NIMOZ involves a long-range project known as *Museum Statistics*. Initiated in December 2013 its purpose was to gather reliable information about museums, thus enabling the observation of the state of Polish museology. The participation of museum institutions (state, Church, self-government, schools

of higher learning, and private) in the project is voluntary. During the first year questionnaires were sent to museum institutions, but as of 2014 they are filled in online. According to persons involved in the realisation of the project, about 15% of Polish museums participated in the first two years. Although the project gains popularity from one year to the next – in 2015 already 197 museums responded to the questionnaire – the collected data are rather fragmentary and comprise estimates; nevertheless, they should be treated as material obtained from a representative, albeit incomplete, group of museums. They can demonstrate the scale of the phenomenon, chiefly in a percentage relation. The first survey collecting information about the year 2103 was of a pilot nature, and although *the gathered outcome was so incomplete that it cannot provide a foundation for reliable analyses* it enabled an evaluation of the project, while experience obtained in this way provided bases for rebuilding the structure of the questionnaire and rendering the questions more precise. In the following years the content of some of them changed and became more detailed due to the introduction of additional sub-points or else they were omitted, mainly in order to simplify the questionnaire. Data interesting from the viewpoint of questions connected with provenance research can be found in sections concerning collections and their list as well as digitisation.

In 2014 the questionnaire was expanded by means of additional detailed problems concerning provenance, for instance, by asking the question: “Are procedures concerning provenance studies focused on objects purchased by the museum mandatory in museum documents?”. Out of a total of 101 institutions, which decided to respond, 68, i.e. more than 67% of the respondents said: “yes”. Amidst undertakings made in order to establish the provenance of the purchased object mention was made, as a rule, of activities resulting from the workshop of an art historian, i.e. checking whether the object features ownership signs – 70%, whether the offered object was not redesigned or displays traces of the removal of marks and signs of ownership – 60%, as well as checking information about the history of the object in pertinent literature and specialist press – 61%. A written declaration of the offer-maker about the origin of the presented object also turned out to be essential for 65% of the museums. Checking the object in databases of lost cultural goods and requesting help from state institutions in determining the legality of its provenance are practised more rarely – 31% and 12%, respectively, of the museums undertook this type of activity.

Among the museums that filled in the questionnaire only 34.7% included the office of the main inventory-keeper. A much more universal solution was the functioning of an inner purchase commission or another advisory body involved in obtaining collections – more than 67% of all museums. On the other hand, in the case of the question: “Does the museum possess devised methods of inner quality control of the archiving, protection, management, and availability of evidentiary and visual documentation of the objects and of regulating copyright and ownership rights to objects within the range of examining provenance and copyright?” out of a total of 78 institutions only 12 answered: “yes” (slightly more than 15%) and out of those 10 institutions declared that they contain a post responsible



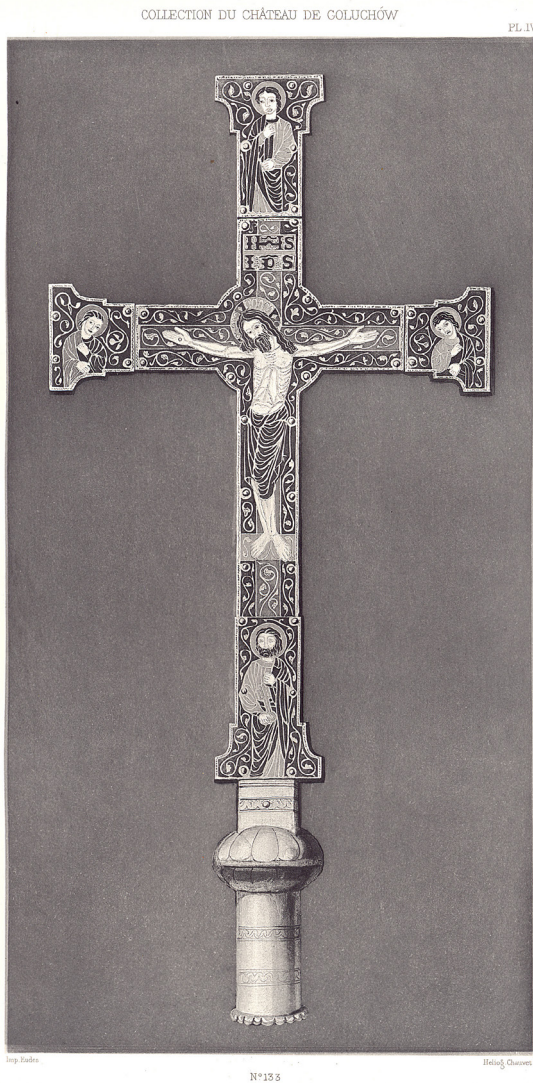
1. Satirical drawing sent to NIMOZ in 2014 as a commentary to a questionnaire prepared by the Institute

for control.<sup>13</sup>

A concrete person assigned for this task was employed on a full-time basis only by the National Museum in Warsaw, which up to now had not taken part in the *Museum statistics* project. In March 2010 it created a post for examining the collections' provenance. The duties of this employee include studying the history of collections with particular attention paid to the 1939–1945 period, the establishment of the provenance of those historical monuments, which though recorded in inventory management books have no definite origin, introducing order into records of monuments in the Museum inventory in connection with a change of their legal status, and cooperating with the Ministry of Foreign Affairs (MSZ) and the Ministry of Culture and National Heritage in the case of discovering monuments comprising the Museum's war looses. In other museum institutions, lacking an independent post connected with the examination of the provenance of art works, such duties are part of the work performed by the main inventory clerks, custodians, and heads and keepers of departments, including the Documentation and Scientific Information Department and even the Purchasing Committee. As a rule, these functions are fulfilled by employees of the Inventory Department together with substantive employees or by the latter to a degree permitted by time, i.e. in time free from the more urgent issues of the department. Nonetheless, the majority of museums, in which there is no such post, do not feel the need for its establishment; as usual, the main obstacle is a lack of financial means. If those museums were to receive funds intended for the creation of a post dealing with research on collection provenance then in accordance with their declarations they would readily establish it. It was also postulated to settle the financial problem in a systematic

manner, as is the case in Germany and Austria. Such a post would be situated within the structure of the institution or be distinct. This could be the position of an independent specialist or, as one of the directors proposed, even a section dealing with provenance in the Main Inventory Department.<sup>14</sup> A post relating to provenance was opened at the beginning of 2017 within the structures of the National Museum in Szczecin, but up to this moment it remains vacant due to a lack of funds.

It follows from an analysis of the cited range of the duties of a specialist studying the provenance of the collections at the National Museum in Warsaw that extremely strong emphasis was placed on becoming acquainted with the history of the Museum since the latter makes it easier to determine the provenance of museum objects gathered for years. Studies dedicated to the history of the Museum collection make it possible to perceive information concerning particular museum objects in a different light. Take the example of the Museum of Greater Poland in which part of the resources of the Mielżyński Museum in Poznań, the property of the Poznań Society of Friends of Sciences, was deposited and was not part of the foundation basis of the Museum of Greater Poland, which should seek its beginnings rather in the Kaiser Fredrich Museum zu Posen. This is the reason why it contains donations made by German collectors and deposits of the Berlin Gallery.<sup>15</sup> In the case of the Wawel State Art Collection objects belonging it could change institutions, but the owner remained the same – the Republic of Poland. Another example – only thanks to knowledge of the contents of a document of 22 April 1920, establishing the Army Museum in Warsaw, can one understand the duality of assigning the resources of this institution: part of the collection belongs to the Polish State and part to the



2. Processional cross from Limoges found at a dumpsite, originally from the collection in Gołuchów (illustrations from É. Molinier, *Objets d'art du Moyen Age de la Renaissance*, Paris 1903, pl. IV)

Magistrate of the capital city of Warsaw.<sup>16</sup> If we were unaware of this fact, then the information that scientific publications described the Museum as the Fourth Department of the National Museum in Warsaw would cause quite a consternation.<sup>17</sup> The tasks of the person holding the post examining the provenance of the collections thus include not only arranging the collection and inventories in order so as to determine the origin of the museum objects; he should also apply his knowledge to searching for wartime losses whose number in the age of the Internet and rapid information exchange is increasing.

Understandably, one would like to intensify the process of seeking artworks and their restitution. This purpose is served by assorted fora. In November 2014 the Minister of Culture and National Heritage, together with the International Cultural Centre, organised in Cracow a conference: "Looted-Recovered. Cultural Goods – the Case of

Poland". Papers read by foreign and Polish speakers as well as those presented at accompanying workshops<sup>18</sup> mentioned, apart from descriptions of wartime losses, property restitution and successes won in this field, also questions pertaining to provenances studies within the context of wartime losses. An account of the conference, written on the spot, was published by Nawojka Cieślińska-Lobkowitz in "Krytyka Polityczna".<sup>19</sup> A month later, in mid-December, the "The Robbed Art – in Search of Cultural Property Lost during World War II" conference took place in Salzburg. The co-organisers of the event were the Embassy of the Republic of Poland in Vienna, the University of Salzburg, and the Archive of the City of Salzburg, with the support of the mayor. The discussion focused on the role played by Fischhorn Castle<sup>20</sup> in its capacity as a repository during the Second World War in reference to the fate of Polish artworks. The conference recalled and discussed the case of a procession cross from Limoges, originating from the Czartoryski collections in Gołuchów, which, together with other monuments taken after the Warsaw Uprising, was stored in the Castle interiors, and then for several decades all traces of its existence vanished.

The problem of provenance studies was presented in literature in assorted contexts. Already in 1957 library experts devised the principles of such studies,<sup>21</sup> although attempts at describing them appeared earlier upon the occasion of presenting works referring to provenance research,<sup>22</sup> because, as Maria Sipaytto noticed: *The pursuit of some branch of knowledge or simply a certain type of research is, as a rule, preceded by their methodology; it is not strange, therefore, that publications of provenance material as well as works based on them considerably preceded all reflections about this method.*<sup>23</sup> Methods of provenance studies became the topic of library science lectures and courses. Graduates implemented their knowledge in praxis by creating alphabetical catalogues and provenance indices, with whose assistance they attempted to study the reception of a given work or sociological problems.<sup>24</sup>

Although in Polish history of art it is difficult to unambiguously indicate a publication describing the methodology of studying the origin of an artwork, in collection and exhibition catalogues provenance has obviously always had a reserved place in scientific notes.<sup>25</sup> Eminent scientists and excellent teachers headed by Professor Jan Białostocki made sure that this should take place. The opening of frontiers, the expansion of international cooperation, and the possibility of a rapid exchange of information produced collection catalogues meticulously prepared anew, such as those describing the collections of the National Museum in Wrocław.<sup>26</sup> Bożena Steinborn, an undisputed museum authority, regards the two-volume work by Dorota Juszczyk and Hanna Małachowicz about Polish painting to 1900 in the collections of the Royal Castle in Warsaw as a model of a *catalogue raisonné*.<sup>27</sup> Steinborn considered this publication to be a point of departure for reflections on a presentation of collections in *catalogues raisonnés*, which, i.a. describe the history of a given work reaching as far into the past as possible.<sup>28</sup>

Publications about wartime losses expanded predominantly wartime history to the last documented trace. In turn, in texts about regained works of art provenance occupied

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foot with later Czech mark circa 1810; later bowl marked with Polish .800 mark circa 1925; underside engraved "Sumptibus Monasterii Sieciechowiensis A.D. 1608"

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3. Note from the online auction catalogue by Doyle in New York describing a chalice with the inscription *Sumptibus Monasterii Sieciechowiensis A. D. 1608*

a significant part of the account, since the artworks in question were returned thanks to their proven origin.<sup>29</sup> In collection monographs we come across information about the date of the purchase of a given artwork, the person it had been purchased from or who donated it, and about the place of its exposition or storage. The origin of objects was presented in various methodological aspects as well as within the context of applied or postulated legal regulations. In the case of the article by Roman Olkowski one may speak about a methodical work focused on arranging the collection in order.<sup>30</sup> In my article published two years ago<sup>31</sup> I drew attention to the close relation of the documented origin of a given work with its value as well as to assorted threats and abuse in this domain. The methodology of provenance studies concentrated on wartime losses became the topic of a text by Katarzyna Zielińska<sup>32</sup> and a training publication by the same author, written together with Anna Lewandowska and Karolina Zalewska.<sup>33</sup> Magdalena Palica drew attention to the modern and insufficiently appreciated potential of the Internet in research of this kind.<sup>34</sup> This author applied a specific, electronic research method in creating a universally available *Silesian Art Collections* database, accumulating information about pre-war collectors from this region, their collections and works of art belonging to them: a total of 64 collections and 478 work of art.<sup>35</sup> Upon this occasion it is worth mentioning the work by Zofia Bandura about archival

sources connected with art museums in old Wrocław.<sup>36</sup>

The scope of the interest of Polish researchers encompasses also the difficult and complicated problems of former manorial property,<sup>37</sup> post-war repositories,<sup>38</sup> so-called degenerate art,<sup>39</sup> archaeological objects, including those obtained from illegal excavations,<sup>40</sup> martyrology heritage,<sup>41</sup> and even attempts, rather exotic for the domestic reader, made by Indians to regain from museums the ashes of their ancestors.<sup>42</sup> Attention was drawn to the possibility of falsifying provenance by using documents connected with taking monuments abroad, attempts at the legalisation of works of art originating from crime,<sup>43</sup> or even the semantic meaning of the term "reclaimed" and the purposefulness of its use, with the reclamation of described objects as the point of departure.<sup>44</sup> Information about origin makes it possible to regain a stolen object.<sup>45</sup> Attempts at persuading about the purposefulness of provenance studies are made also on antiques fora.<sup>46</sup>

An author dealing with provenance studies and such affiliated topics as reprivatisation, the property of Holocaust victims, Judaica, German looting at the time of the Second World War, and reclamation, is the oft-mentioned Nawojka Cieślińska-Lobkowitz, historian and art critic active on the international forum, who publishes her articles in: "Muzealnictwo", "Kronika Zamkowa", "Tygodnik Powszechny", and "Gazeta Wyborcza", the serial publication:



4. Provenance inscription on the reverse of the base of a chalice stolen in 1994, which contributed to its identification in 2014 and retrieval in 2015.

"Zagłada Żydów: studia i materiały", and abroad. Member of The European Shoah Legacy Institute, within which she conducted the *Provenance Research Training Program* in Vilnius. Her article about the necessity of foreign museums returning illegally obtained works of art<sup>47</sup> introduces us to legal problems connected with the purchase for museums of exhibits not checked from the viewpoint of their provenance. Olgierd Jakubowski described how to minimise the threat of a museum purchasing for its collections a historical monument originating from theft, illegal archaeological excavations, illicitly brought over from another country, a forgery, or a wartime loss.<sup>48</sup> Iwona Gredka, analysing the purchase of objects in accordance with the interest of a museum and the regulations of binding law, warned against unconscious fencing committed by museums.<sup>49</sup> Problems dealing with provenance studies, the application of provenance standards in the case of objects in collections, conflicts between the owner and the possessor, and the expiration of claims – all have been presented in a publication applying a research technique consisting of focused group interviews, used in studies conducted to determine quality.<sup>50</sup> Separate discussions were conducted with three groups: representatives of collectors, monument protection organs, and subjects managing cultural institutions or conducting cultural activity. Each discussion was attended by two moderators – a lawyer and a sociologist. The point of departure were entries on provenance in *Kodeks Etyki ICOM dla Muzeów*.

Up to now, legal aspects within the context of provenance

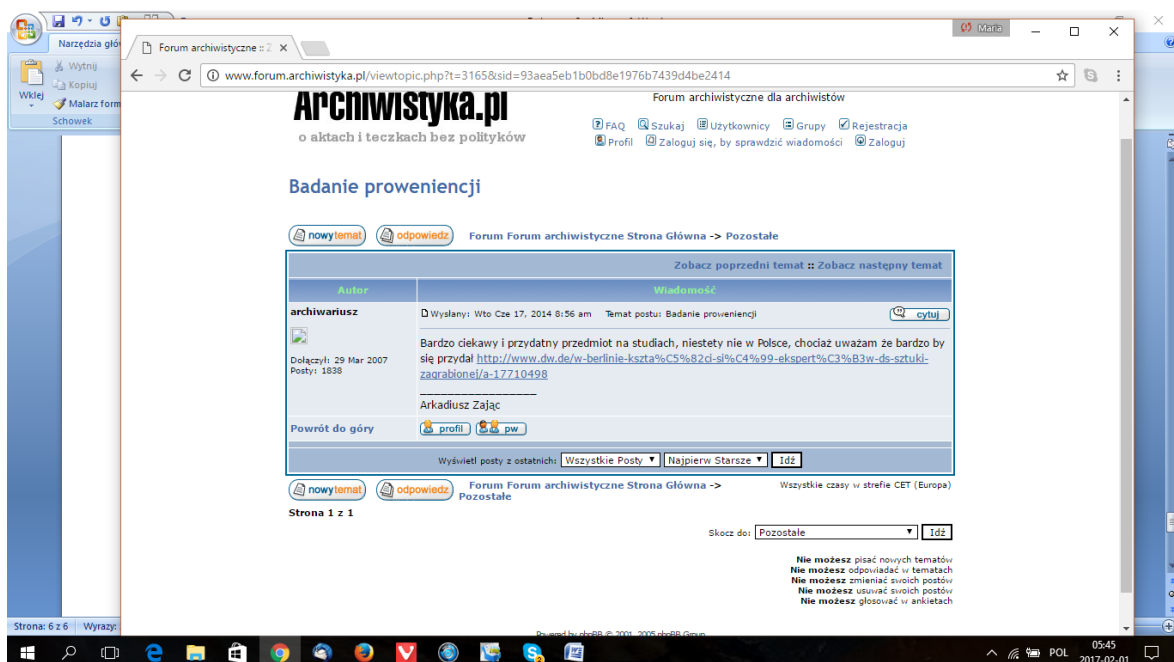
studies could come down to moral-ethical guidelines and the thoroughness of the workshop of the historian of art, although already the UNESCO Convention of 1970 on the means of prohibiting and preventing of the illegal import, export and transfer of ownership of cultural property,<sup>51</sup> which Poland ratified in 1974, indicated the necessity of the special duties of museums and antiquarians purchasing works of art. At present, legal regulations are entering this sphere with harsh injunctions and indispensable requirements. In article 34 the Act on Museums of 21 November 1996 (Dz. U. 1997, no. 5. item 24) appealed only to the honesty of the museum expert. *Kodeks Etyki ICOM dla Muzeów* mentioned the essence of good practice in the chapter: *O pozyskiwaniu zbiorów*, with point 2.2. on the important ownership title and point 2.3 discussing origin and obligatory diligence, which consists of the obligation to determine the full history of an object or item from the moment of its discovery or production.<sup>52</sup> On the other hand, two international documents – the UNIDROIT Convention (art. 4.4.), still not ratified by Poland, and the mentioned EU Directive 1014/60/EU (art. 10.) impose upon the possessor, whose ownership is undermined, the duty of exercising *due diligence* while acquiring an object. Only in such a case may he receive compensation for the reclaimed artwork. Earlier, however, he must present all the circumstances of the purchase, including provenance documentation and whether he consulted an accessible register of stolen cultural objects. Recall that the Act of 5 August 2015 on Amendment

of the Acts Regulating the Conditions of Access to Certain Professions introduced changes into the Act on Museums of 21 November 1996 on the legal protection of movable objects of historical, artistic or scientific value, on loan from abroad for a temporary exhibition organised in the Republic of Poland, and imposed the duty of making sure whether the above-mentioned object has not been stolen or exported contrary to the law or is a sought wartime loss. It thus foresees necessary procedures connected with checking whether the object in question is not mentioned on domestic databases of lost cultural property and the Interpol database. A project of an act on the restoration of national cultural property, intent on implementing Directive 1014/60/EU in the Polish legal order, also contains regulations extremely essential for provenance studies and enjoining subjects dealing with a turnover in monuments to keep special books containing precise information about sold works of art and expert opinions pertaining to them.<sup>53</sup> The establishment and expansion of registers, including an official state one, is postulated by an entry in a United Nations resolution introducing international directives concerning the prevention of crime and the promotion of penal liability in the domain of illegal trade in cultural goods and other affiliated misdemeanours.<sup>54</sup>

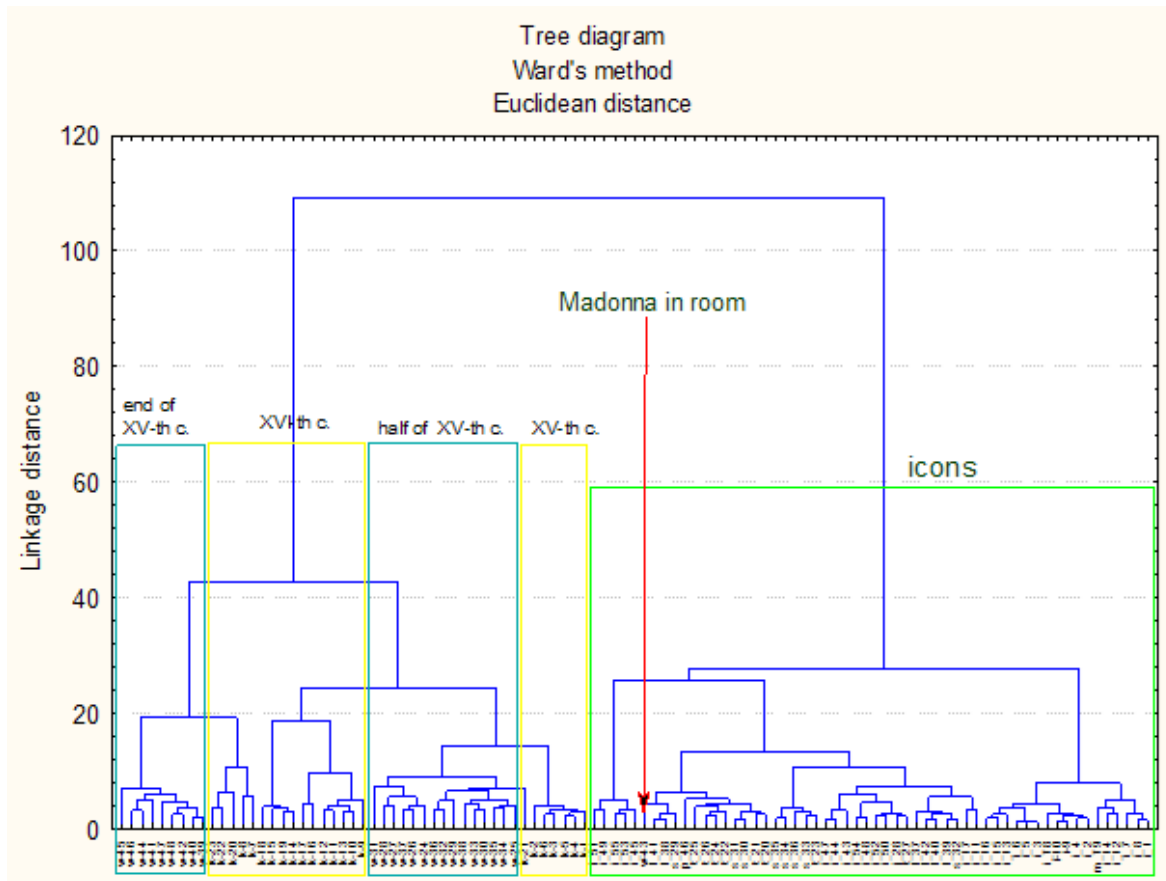
Growing legal requirements and restitution challenges are the reason why provenance studies are slowly becoming part the curriculum not only of courses in library studies, as has been the case in the past, but also in the history of art. At the University of Warsaw students could learn, as part of studies on graphic art, about “The provenance of drawings and the history of collecting graphic art”.

Unfortunately, this subject is not offered in any current didactic cycle. Permanent courses on provenance, however, have been introduced into the post-graduate curriculum of museology courses at the University of Warsaw, and are held since 1994.<sup>55</sup> For two years NIMOZ has been conducting workshops for museum experts. Nonetheless, in contrast to the USA, the United Kingdom, and Germany no Polish school of higher learning offers special courses in this field. For the past five years the Free University of Berlin has been conducting two-semester courses in provenance studies addressed to historians of art and archivists. Students carry out surveys in archives and become acquainted with the activity of auction houses. They also deal with paintings stolen from Jewish collectors during the National Socialism era, and follow the complicated fate of one of the “entrusted” works. Furthermore, they learn how to analyse and understand documents, which cannot be properly deciphered without a working knowledge of history.<sup>56</sup> It is worth noting that Polish students of museology and archive studies enquire about the availability of such independent courses.

Due to the dynamic development of technology, conservators and researchers supporting them started to show interest in provenance studies and actually have much to offer in this domain. Their proposals include new research methods involving the application of latest instruments, such as electronic technologies, which make it possible to solve problems of dating, authorship and, sometimes, the provenance of historical monuments. Interest in those methods and their use in provenance studies is declared by, e.g. the employees of the Nicolaus Copernicus University in Toruń,<sup>57</sup> which acts as a coordinator of the Polish Distributed



5. Statement at an archivists' forum – a post about provenance studies: *a very interesting and useful subject at university, unfortunately not taught in Poland, even though I believe it would be very useful* (print screen)



6. Graph presenting the analysis of condensation for ceruse deriving from icons, panel paintings of the Lesser Poland, Silesian or Gdańsk School, after <http://www.fizyka.umk.pl/~erihs/index.php/neutronowa-analiza-aktywacyjna/>

Research Consortium for Heritage Science. The Consortium, created upon the initiative of universities, academies, research institutes, and museum conservation ateliers has at its disposal a scattered and unique infrastructure for studying historical objects by means of physico-chemical methods offered to conservators, historians of art, museum curators, and archaeologists.<sup>58</sup> One of the applied methods is neutron activation analysis, which enables a detailed characteristic of the material used for executing a work of art. The method in question consists of a thorough analysis of trace elements, thus making it possible to, i.a. determine the history of the given object, and was first used in archaeological studies to establish the provenance of pottery. Today, it is applied for many other materials, including pigments, ores, alloys, and such stones as marble or sandstone, or alabaster.<sup>59</sup> In Poland the offered technique was used for, i.a. examining the provenance of a figurine of the so-called Jackowa Madonna from Przemyśl<sup>60</sup> and the pigments of icons from the fifteenth to the eighteenth century.<sup>61</sup>

Provenance studies are an inseparable part of efforts restoring a work of art for public presentation. Take the example of a publication on the conservation of a painting by Lucas Cranach the Elder from the Wawel collections. In 2004–2012 the forgotten and extensively damaged canvas was examined and subjected to thorough conservation

carried out by Ewa Wiłkojć, who described it in: *Chrystus błogosławiący dzieci Lucasa Cranacha st. w zbiorach Zamku Królewskiego na Wawelu w świetle badań i działań konserwatorskich*. One of the chapters is dedicated to provenance studies.<sup>62</sup> The presence of a conservator at establishing the history of a painting and confirming its identity is, unfortunately, insufficiently appreciated. Copies of pre-war 1:1 photographs cut into pieces and placed on a found painting provide evidence for the confirmation or negation of the identity of a given artwork.<sup>63</sup> In other cases, conservation documentation is capable of confirming the authenticity of a painting upon the basis of “paintbrush handwriting”, which, for all practical purposes, cannot be forged and can be compared more to papillary lines than to handwriting.

Hopefully, postulates made by museum curators concerning additional funds for conducting and organising provenance studies as well as supporting museums with systemic solutions will be heard. The heart of the matter is for problems connected with studying the history of objects and determining their origin not to give rise to doubts and anxiety, and for errors in the recognition of objects not to take place, although some are committed even by the best European institutions with magnificent traditions.<sup>64</sup>

It can be said that provenance studies in Poland are becoming increasingly significant and that interest in them





7. Paintbrush visible in a pre-war photograph; section of the painting by Julian Falat *Before hunting in Rytwiany*

(Photo: 4 – T. Zadrożny; 7 – National Museum in Warsaw)

is also growing, as is the number of publications directly or indirectly pertaining to them. It could be that the specificity of Polish history is the sole reason why we still so often understand the tasks of those studies and their range slightly differently than, e.g. museum professionals in the United States. For the latter the problem is restricted even in its terminology to former Jewish property and thus it becomes easiest to treat homogeneously phenomena taking place in the public sphere. The extent to which provenance studies and post-graduate courses are organised in Poland still remains insufficient. Their programme meets with the interest of the participants, chiefly museum professionals. The number of publications, conferences, and exhibitions on the history of Polish collecting and historical as well as contemporary art collections, with attention paid both to losses and holdings as well as the role played in society, is also on the rise.<sup>65</sup> Here the significance of provenance studies is almost tangible. Contemporary technical accomplishments in the domain of computing and conservation favour the development of such studies. Introduced legal regulations no longer only urge and appeal for good will and ethical undertakings but delineate norms, which enjoin to make

the effort of analysing and verifying data pertaining to the origin of objects. This is true especially whenever a museum institution intends to purchase a certain object or to borrow one from abroad for an exhibition; regulations obligate it to check whether the offered or loaned museum exhibit does not have concealed legal faults and whether it originates from theft or illegal transference or is outright a wartime loss; this means that for their own sake museums today cannot avoid provenance studies. One of the unresolved questions is that of the knowledge and skill of people conducting such studies, their reliability and required range of studies since due to their universality and legal compulsion as well as the direct availability of popular databases there might appear a routine automatisations of the process as well as the reduction and superficiality of quests.

As if in response to postulates formulated by museum curators – and due to an indubitable appreciation of the value of research on the history of objects – in November 2016 they appeared for the first time in the programme of the Minister of Culture and National Heritage.<sup>66</sup> For the time being it only refers to Polish wartime losses but, as one can

find out from the strategic objectives of the programme premises, *the long-range task [...] is to create among the employees of cultural institutions the need to examine the origin of objects not only in the context of wartime losses, but also in the case of new purchases and the existing*

*collections of the institutions.*<sup>67</sup> We may hope, therefore, that with the financial support of the authorities and suitable regulations the postulates made for so many years by museum curators and numerous milieus associated with culture will finally come true.

**Abstract:** This article continues the first part of Provenance studies in Poland published in issue 57 of the “Muzealnictwo” Annual in 2016, and complements the text published two years ago, which was more general and focused on the situation in the USA and Europe. It presents diverse aspects of the topic, through statistical analysis of the situation in our museums and discussing works by Polish authors who tackled the problem of methodology, including first texts on library science and war losses, so-called orphaned works and property of Holocaust victims, and the post-war situation which contributed to the work’s loss of its origin. The article also draws attention to the legal aspects of purchasing artworks without due diligence, as well as to the verification of museum exhibits’ origin before obtaining legal protection for those works which are to be

placed under so-called museum immunity. In the literature on provenance studies when examining the provenance of artworks, the increasing role of digital tools, such as the internet or digitisation, has been noted. Attention has also been drawn to the contribution of conservators and their innovative methods which may help determine the origin of an object. Another aspect raised in the text is the issue of the theoretical preparation to conduct provenance studies as well as the education which is already standard in library science faculties, but still a long-awaited subject for students of art history and archiving. Although NIMOZ has already organised day-long workshops for museum professionals, and the University of Warsaw has conducted academic seminars lasting several hours, there is still a long way before reaching the two-term studies offered at the Berlin Open University.

**Keywords:** provenance studies, war losses, requisition, restitution of cultural goods, provenance

#### Endnotes

- <sup>1</sup> Conference “The Spoils of War” 1995, Washington 1998, Vilnius 2000 and Prague-Terezin in 2009. Cf. M. Romanowska-Zadrożna, *Badania proveniencyjne, czyli habent sua fata artis opera*, “Muzealnictwo” 2012, no. 53, p. 13; Z. Bandurska, D. Kacprzak, P. Kosiewski, M. Romanowska-Zadrożna, B. Steinborn, M. Tarnowska, *Badania proveniencyjne muzealiów pod kątem ich ewentualnego pochodzenia z własności żydowskiej*, “Muzealnictwo” 2012, no. 53, p. 14; M. Romanowska-Zadrożna, *Badania proveniencyjne w Europie...*, pp.144-142; M. Romanowska-Zadrożna, *Badania proveniencyjne w Polsce (Część 1)*, p. 144.
- <sup>2</sup> M. Romanowska-Zadrożna, *Badania proveniencyjne w Polsce (Część 1.)...*, p. 141.
- <sup>3</sup> D. Folga-Januszewska, *Muzea w Polsce 1989-2008. Stan, zachodzące zmiany i kierunki rozwoju muzeów w Europie oraz rekomendacje dla muzeów polskich*, MKiDN, Warszawa 2008, [http://www.nck.pl/files/muzea\\_raport.pdf](http://www.nck.pl/files/muzea_raport.pdf) [accessed on: 2 May 2016], [http://www.kongreskultury.pl/library/File/RaportMuzea/muzea\\_raport\\_w.pelna\(l\).pdf](http://www.kongreskultury.pl/library/File/RaportMuzea/muzea_raport_w.pelna(l).pdf) [accessed on: 31 January 2017].
- <sup>4</sup> D. Folga-Januszewska, *Muzea w Polsce 1989-2008. Stan, zachodzące zmiany i kierunki rozwoju muzeów w Europie oraz rekomendacje dla muzeów polskich*, MKiDN, Warszawa 2008, [http://www.nck.pl/files/muzea\\_raport.pdf](http://www.nck.pl/files/muzea_raport.pdf) [accessed on: 2 May 2016], [http://www.kongreskultury.pl/library/File/RaportMuzea/muzea\\_raport\\_w.pelna\(l\).pdf](http://www.kongreskultury.pl/library/File/RaportMuzea/muzea_raport_w.pelna(l).pdf) [accessed on: 31 January 2017].
- <sup>5</sup> *Ibidem*, p. 17. The basis was composed of questionnaires prepared by Dorota Folga-Januszewska in cooperation with the Department of Heritage MKiDN under the auspices of the ICOM National Committee Poland.
- <sup>6</sup> Frequently, this state of things was caused by the absence of archival and source material about collections in the possession of museums, the lack of documentation pertaining to appropriated collections, e.g. former German property or alleged former Jewish property, the loss of inventory books, the ambiguity of records, and the classification of museum objects in the course of a continued although not completed reprivatization, *ibidem*, p. 17.
- <sup>7</sup> *Ibidem*, p. 11, 55.
- <sup>8</sup> The acts in question concerned: protection against confiscation, state guarantees for entitled culture institutions, study and publication of the provenance of works collected in public museums, access to public collections, *ibidem*, p. 11, 55.
- <sup>9</sup> *Ibidem*, p. 56.
- <sup>10</sup> Directive of the European Parliament and Council 2014/60/EU of 15 May 2014 on the return of cultural objects unlawfully removed from a member state, changing the (European Union) regulation no. 1024/2102 (changed version), art.10.
- <sup>11</sup> Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State, art. 9.
- <sup>12</sup> *Ibidem*, art. 4.
- <sup>13</sup> At this stage I would like to thank Ms. Katarzyna Figiel for reading the fragment of the text about the *Statystyka muzeów* NIMOZ project and her comments.
- <sup>14</sup> Upon the basis of an e-mail survey addressed to selected museum institutions.
- <sup>15</sup> *Zbiory Sztuki. Muzeum Wielkopolskie w Poznaniu*. Katalog zbiorów, N. Pajzdierski (introduction), Greater Poland Museum, Poznań 1939, p. 7
- <sup>16</sup> *Zasady ustalania stosunku pomiędzy projektowanym Muzeum Wojska a miejskim Muzeum Narodowym ze strony Ministerstwa Spraw Wojskowych – Archiwum Kancelarii Muzeum Wojska* I 341, 4.3, resolution no. 4030, cf. R. Matuszewski, *Dzieje = History*, in: R. Matuszewski, J. Kozimor, *Ograbione muzeum. Straty wojenne Muzeum Wojska w okresie II wojny światowej = Plundered and Rebuilt. The Polish Military Museum during the Second World War and After*, Polish Army Museum in Warsaw, Warszawa 2007, pp. 17-20.

- <sup>17</sup> This ownership dualism was the reason for including the Army Museum on the list of museums and collections published in: "Nauka Polska" both as a separate unit and as the Fourth Department of the National Museum. Cf. E. Baranowicz, *Muzea i zbiory o charakterze muzealnym*, "Nauka Polska" 1927, no. 7, p. 151,152.
- <sup>18</sup> The conference was accompanied by workshops conducted by willing museum curators invited to the conference. The workshops are continued as part of courses organised by NIMOZ. In 2016 the material of the courses was published and rendered available on: [http://nimoz.pl/upload/wydawnictwa/ABC\\_Prowienienca\\_internet.pdf](http://nimoz.pl/upload/wydawnictwa/ABC_Prowienienca_internet.pdf) [accessed on: 1 May 2016].
- <sup>19</sup> N. Cieślińska-Lobkowicz, *Co z dziełami sztuki zrabowanymi Żydom?*, "Krytyka Polityczna" 8 December 2016, <http://www.krytykapolityczna.pl/en/artykuly/kultu-ra/20141208/polska-musi-zmierzyc-sie-z-tematem-dziel-sztuki-zrabowanych-zydom> [accessed on: 1 May 2016].
- <sup>20</sup> The meeting was accompanied by an animated film based on *Dziennik Fischhornu* by Bohdan Urbanowicz.
- <sup>21</sup> M. Sipayłło, *O metodzie badań proveniencyjnych starych druków*, B. Bieńkowska (ed.), "Z Badań nad Polskimi Księgozbiorami Historycznymi" 1975, fasc. 1, pp. 9-30.
- <sup>22</sup> K. Piekarski, *O zadaniach i metodzie badań proveniencyjnych*, "Przegląd Biblioteczny" 1929, year III, fasc. 3, pp. 388-415 (article-review of R. Kotula, *Właściciele rękopisów i starodruków zbiorów wielkopolskich Z. Czarnieckiego*, Lwów 1929); K. Piekarski, *Książka w Polsce XV i XVI w. Kultura staropolska*, Kraków 1932; B. Kocowski, *Zadania i materiały badań proveniencyjnych w zakresie starych druków*, Warszawa 1951, cf. M. Sipayłło, *O metodzie badań...* pp. 9-10.
- <sup>23</sup> M. Sipayłło, *O metodzie badań...*, p. 9.
- <sup>24</sup> H. Juszcakowska, *Nowa Heloiza J.J. Rousseau w polskich bibliotekach XVIII wieku. Próba zastosowania badań proveniencyjnych do zagadnień recepcji dzieła*, B. Bieńkowska (ed.), "Z Badań nad Polskimi Księgozbiorami Historycznymi" 1975, fasc. 1, pp. 31-61.
- <sup>25</sup> Cf. the history of the paintings in: G. Basteck, G. Janczarski, A. Ziemia, *Serenissima. Światło Wenecji. Dzieła mistrzów weneckich XIV-XVIII wieku ze zbiorów Muzeum Narodowego w Warszawie w świetle nowych badań technologicznych, historycznych i prac konserwatorskich*, MNW, Warszawa 1999.
- <sup>26</sup> B. Steinborn, *Katalog zbiorów malarstwa niderlandzkiego*, Wrocław, 1973 (with translations into the French; second bilingual edition 2006); B. Steinborn, *Katalog zbiorów malarstwa krajów romańskich*, MNWr, Wrocław 1982 (with translations into the French; second bilingual edition 2012).
- <sup>27</sup> D. Juszcak, H. Małachowicz, *Malarstwo polskie do 1900. Katalog zbiorów*, Royal Castle in Warsaw, Warszawa 2007; review in: "Kronika Zamkowa" 2008, no. 1-2/55-56/.
- <sup>28</sup> B. Steinborn, *Katalogi, których nam brak*, "Muzealnictwo" 2008, no. 49, p. 389, <http://muzealnictworocznik.com/resources/html/article/details?id=43291> [accessed on: 31 January 2017].
- <sup>29</sup> Articles about reclaimed historical monuments were published in the periodical: "Cenne, Bezcenne/Utracone", issued since 1997.
- <sup>30</sup> R. Olkowski, *O badaniu proveniencji muzealiów*, "Muzealnictwo" 2012, no. 53, pp. 27-37.
- <sup>31</sup> R. Olkowski, *O badaniu proveniencji muzealiów*, "Muzealnictwo" 2012, no. 53, pp. 27-37.
- <sup>32</sup> K. Zielińska, *Stan wyższej konieczności, czyli o potrzebie badań proveniencyjnych dzieł sztuki*, "Cenne, Bezcenne/Utracone" 2015, no. 3-4 (84-85), pp. 30-33.
- <sup>33</sup> A. Lewandowska, K. Zalewska, K. Zielińska, *ABC Podstawy prowadzenia badań proveniencyjnych*, "Szkolenia Narodowego Instytutu Muzealnictwa i Ochrony Zbiorów" 2015, no. 9.
- <sup>34</sup> M. Palica, *Problem badania proveniencji dzieł sztuki – przypadek Dolnego Śląska*, "Muzealnictwo" 2012, no. 53, pp. 38-43.
- <sup>35</sup> For the purpose of the project Magdalena Palica established the Rariora Artis Foundation, <http://www.slaskiekolekcje.eu/> – on her website she recommends a twin project: *Warszawa kolekcjonerska* dedicated to collectors from the second half of the nineteenth century and the early twentieth century; information about the project was published on 5 March 2014. The proposed link: <http://warszawakolekcjonerska.com> is not active.
- <sup>36</sup> Z. Bandurska, *Archivalien derehemaligen Breslauer Kunstmuseen*, "Berichte und Forschungen. Jahrbuch des Bundesinstituts für Kultur und Geschichte der Deutschen im östlichen Europa" 2004, Band 12.
- <sup>37</sup> L. M. Karecka, *Mienie zwane podworskim w Muzeum Narodowym w Warszawie*, "Muzealnictwo" 2012, no. 53, pp. 44-57.
- <sup>38</sup> L. M. Kamińska, *Powojenne składnice przemieszczonych dóbr kultury w Polsce. Przyczynek do szerszego opracowania*, "Muzealnictwo" 2016, no. 57, pp. 149-155.
- <sup>39</sup> S. P. Kubiak, *O badaniu i muzealnych prezentacjach twórczości czasów zwynrodniałych na marginesie krakowskiej wystawy „Polowanie na awangardę. Zakazana sztuka Trzeciej Rzeszy”*, "Muzealnictwo" 2012, no. 53, pp. 65-76.
- <sup>40</sup> M. Sabaciński, *Muzealik na rozdrożu. Głos w sprawie przekazywania muzeom znalezisk archeologicznych z amatorskich odkryć*, "Muzealnictwo" 2012, no. 53, pp. 93-99.
- <sup>41</sup> O. Jakubowski, *Przestępczość przeciwko dziedzictwu martyrologicznemu związanemu z Holocaustem - zarys zagadnienia*, in: *Przestępczość przeciwko dziedzictwu kulturowemu. Diagnostyka, zapobieganie, zwalczanie*, M. Trzeciński, O. Jakubowski (ed.), Katedra Kryminalistyki Wydziału Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego, Wrocław 2016, pp.103-113.
- <sup>42</sup> A. M. Dittwald, *Walka plemion indiańskich o zwrot szczątków przodków i kulturalnego dziedzictwa. Przykład restytucji z Ameryki Północno-Zachodniej*, "Muzealnictwo" 2012, no. 53, pp. 77-87.
- <sup>43</sup> O. Jakubowski, *Problem możliwości wykorzystywania dokumentów związanych z wywozem zabytków i dóbr kultury do prób legalizacji na rynku antykwarycznym dzieł sztuki pochodzących z przestępstwa*, "Opolskie Studia Administracyjno-Prawne" 2011, no. VIII, pp. 53-59.
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- <sup>45</sup> M. Romanowska-Zadrożna, D. Nowacki, *Inskrypcja wskazuje ślad*, "Cenne, Bezcenne/Utracone" 2015, no. 3-4 (84-85), pp. 4-9.
- <sup>46</sup> B. Brzóda, *O celowości i znaczeniu badania proveniencji oraz atrybucji dzieła sztuki*, Web portal: "Rynek i Sztuka" – 27 March 2012, <http://rynekisztuka.pl/2012/03/27/o-celowosci-i-znaczeniu-badania-proveniencji-oraz-atrybucji-dziela-sztuki/> [accessed on: 31 January 2017].
- <sup>47</sup> N. Cieślińska-Lobkowicz, *Muzea na cenzurowanym*, "Muzealnictwo" 2006, no. 47, pp. 173-185.
- <sup>48</sup> O. Jakubowski, *Nabywanie dóbr kultury przez muzea*, "Muzealnictwo" 2012, no. 53, pp. 88-92.
- <sup>49</sup> I. Gredka, *Bezpieczeństwo nabycia obiektów do muzeów*, in: *Kultura w praktyce. Zagadnienia prawne*, vol. 3, *Muzea a rynek sztuki. Aspekty prawne*, A. Jagielska-Burdak, W. Szafrński (ed.), Wydawnictwo PTPN, Poznań 2014, pp. 53-63.

- <sup>50</sup> *Rozpoznanie zbiorów*, in: *Zogniskowany wywiad grupowy jako metoda badania prawa ochrony dziedzictwa kultury*, A. Jagielska-Burduk, W. Szafranski, P. Lasik (ed.), Wydawnictwo UKW w Bydgoszczy, Bydgoszcz 2016, pp.113-123.
- <sup>51</sup> Dz. U. 1976, no. 32, item 190.
- <sup>52</sup> The Museum Commission of the Society of Historians of Art, upset about the neglect of provenance studies, appealed twice for a practical appliance of the regulations of *Kodeks Etyki ICOM dla Muzeów*, see: <[http://www.shs.pl/?page\\_id=278](http://www.shs.pl/?page_id=278)> [accessed on 25 March 2016].
- <sup>53</sup> In accordance with the protocol of decisions no. 2/2017 of the session of the Council of Ministers of 10 January 2017 the project was addressed to the Sejm.
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- <sup>55</sup> This problem was presented by the authors of the earlier cited texts: Lidia M. Karecka (today: Kamińska), Roman Olkowski, and Maria Romanowska-Zadrożna.
- <sup>56</sup> <http://www.dw.com//pl/w-berlinie-kształci-się-ekspertów-ds-sztuki> [accessed on: 30 December 2015].
- <sup>57</sup> Such interests are declared by Prof. Dr hab. Maria Poksińska.
- <sup>58</sup> The Consortium includes: the Nicolaus Copernicus University in Toruń, University of Science and Technology in Cracow, the Academy of Fine Arts in Cracow, Institute of Nuclear Chemistry and Technology in Warsaw, the Jerzy Haber Institute of Catalysis and Surface Chemistry, Polish Academy of Sciences in Cracow, the Robert Szwed Institute of Fluid-Flow Machinery, Polish Academy Gdańsk, LANBOZ-National Museum in Cracow, National Centre for Nuclear Research in Świerk, Warsaw University of Technology, Cracow University of Economics, the Jagiellonian University, University of Warsaw, University of Wrocław, <http://www.fizyka.umk.pl/~erihs/index.php/nasi-czlonkowie/> [accessed on: 31 January 2017].
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- <sup>61</sup> E. Pańczyk, J. Giemza, L. Waliś, *Application of INAA to identify lead white pigment in icons from the 15-th- 18-th centuries from south-eastern Poland*, *NEMEA-3 Neutron Measurements, Evaluations and Applications*, A. J. M. Plompen (ed.), European Commission, Joint Research Centre 2007, pp. 103-106.
- <sup>62</sup> E. Wiłkojć, *Chrystus błogosławiący dzieci Lucasa Cranacha st. w zbiorach Zamku Królewskiego na Wawelu w świetle badań i działań konserwatorskich*, Royal Castle on Wawel Hill, Kraków 2012.
- <sup>63</sup> A. Lewandowska, K. Zalewska, K. Zielińska, *ABC Podstawy prowadzenia...*, p. 27.
- <sup>64</sup> Take the example of the Museum of Military History in Vienna, which for decades displayed a banner of the Teachers' Seminar in Tomaszów as a military standard; it was included into the collections as a war trophy and to 1991 no one thought it necessary to translate the inscription featured on it, which would have faultlessly indicated the type and origin of the exhibit; see: M. Romanowska-Zadrożna, *Dzieje sztandaru*, *„Cenne, Bezcenne/Utracone”* 2000, no 2, p. 23.
- <sup>65</sup> E.g. G. P. Babiak, *Sobie, ojczyźnie czy potomności... Wybrane problemy mecenatu kulturalnego elit na ziemiach polskich w XIX wieku*, Wydawnictwo Neriton, Warszawa 2010.
- <sup>66</sup> <http://www.mkidn.gov.pl/pages/strona-glowna/finanse/programv-ministra/programy-rnkidn-2017/badanie-polskich-strat-wojennych.php> 7
- <sup>67</sup> [http://www.mkidn.gov.pl/media/po2017/dokumenty/20161028\\_Regulamin\\_Badanie\\_polskich\\_strat\\_wojennych\\_2017.pdf](http://www.mkidn.gov.pl/media/po2017/dokumenty/20161028_Regulamin_Badanie_polskich_strat_wojennych_2017.pdf)

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