

The List Is Not Public, It Doesn't Even Exist

Many people remember when cultural minister Gabor Gorgey personally returned four Munkacsy paintings to the heirs of art collector Jenő Vida in 2002. It was one of the most memorable moments in the history of art recovery.

**By Lajos Csordas, *Nepszabadsag*
September 11, 2010**

It was not a court decision that compelled the minister for this step but a proposal prepared by the Treasury Assets Directorate, the Hungarian National Gallery and a state secretary of cultural affairs in charge of restitutions, based on a thorough historical and legal inquiry that revealed that these works had never been nationalized.

Nevertheless, the State Audit Office and the Justice Ministry criticized Gorgey and in that spirit was a government order issued declaring that an asset owned by the Hungarian state can only be turned over based on a law (in our case the law on restitution) or a court decision.

The Sigray heirs, for example, first had to present a court order to take paintings owned by them off the walls of the National Gallery. As it has been reported, a few weeks ago, the heirs of Mor Lipót Herzog filed a lawsuit at a U.S. Court to recover art works acquired by the Hungarian state after the war. Earlier between 1999 and 2008, they sued to recover 12 paintings in Hungary, but lost the case. Their claim now covers 44 items. They could claim even more pieces if they had information on what they could claim. In the heirs' opinion, Hungary should follow Germany's example.

They write: "Germany commissioned the inventory of "unclaimed" art works years ago and published the list of art treasures on the Internet. As a result, three valuable pieces in the former Herzog collection, including a painting by Georg Pencz, were returned last February."

Around the world the so-called "provenance research" has seen a resurgence in museums, and separate departments have been created for it. In our country, this type of research has been done since the early 1990s by constantly changing organizations. In 2002, the Museum of Fine Arts was commissioned with the task, joined later by the Hungarian National Archives, the National Széchényi Library; and staff members of the National Gallery and the Museum of Applied Arts have also done research in matters of restitution.

The team by this time was headed by Maria Mihály, deputy director of the Museum of Fine Arts, who said at a press conference in 2002 that the research could be finished in two years. The goal was to thoroughly explore the "career" of art works in the collections of national museums. Using the emerging database, they thought, court cases similar to the Herzog lawsuit could be preempted and it could form the basis for legal agreements with parties claiming recovery.

A lot of work has been done. Their research, for example, has covered almost all pieces in the collection of the Museum of Fine Arts on some level. "We can answer many of the questions we couldn't answer just a few years ago," says Maria Mihaly, who, along with a colleague, is doing almost all the research work on provenance.

"I may have been an optimist when I predicted two years in 2002, since the work continues up to this day. As a matter of fact, the research periods keep being extended in other countries, too." Even in Germany cited by the Herzogs, she adds. Their research covers the historical background, legal regulations, the activities of the officially established ministerial commissions, the collection and return of art works, the contemporary export permits, as well as specific art works.

They are collecting and processing old auction catalogues, international and domestic publications in the field. Their efficiency is hampered by the fact that in 1956, documents from the cultural ministry held in the Hungarian National Archives perished.

Collected documents have been deposited in the archive located in the Museum of Fine Arts building where they have been catalogued and digitized. However, no lists have been prepared (or at least published) that would reveal which assets of uncertain legality ("unclaimed" art works, in the Herzogs' words) have been identified by the intensive inquiry. It is hard to believe that no such works have been found, and that no lists of them exist, say, for internal use.

This must be a delicate issue for the museum. They say there is no such extract. The database can be researched, though, and in major international libraries one can find the catalogues of the Museum of Fine Arts that can also be used by the Herzog attorneys to accurately establish what is in the museum's collection, and the catalogues also contain information about the provenance of individual art works.

In recent years, the research has not received actual government support. Cooperation between the ministries and research on restitution at the government level has ended. Until 2002, its supervision had been assigned to a state secretary, then for a while a ministerial commissioner was in charge, but his assignment has ended since. Similarly, the Commission on the Return of Cultural Assets, set up in 1993 and headed by the cultural minister in charge, whose members included representatives of the relevant departments and heads of the major public collections, has also been dismantled.

The regulation on the commission has been repealed. This is all the more deplorable since in recent years other European countries have created professional and advisory commissions to rigorously examine the provenance of art works and to make decisions on recovery claims. In the deputy director's view, research on restitution becomes important to the governments in power when they are influenced by a major case. She considers the Herzog lawsuit as such, which the government might handle at a higher level.