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A TRAGIC FATE

Law and Ethics in the Battle Over Nazi-Looted Art

Nicholas O'Donnell

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BOOK REVIEW

A comprehensive review of United States court cases involving art that was plundered by Nazis.

Adolf Hitler's Nazi regime was always keenly attuned to the power of cultural symbolism and eager to find new ways to disenfranchise Jewish people. These two preoccupations converged in their looting of privately owned art between 1933 and 1945. Some treasures were brazenly confiscated, while others were purchased at steep, coerced discounts. In the last few decades, there's been growing interest in this large-scale larceny, and yet much of the stolen art will likely never be returned to its original owners. Debut author O'Donnell, an attorney, calls this the "central paradox posed by disputes in the last twenty years." In this book, he diligently catalogs the many moral and judicial reasons for this absurdity, as well as the evolution of laws regarding claims. His study specifically focuses on cases that resulted in litigation in America, providing an exhaustive account of each and arguing that such litigation can be an effective legal strategy, despite complaints to the contrary. O'Donnell also includes discussions of landmark moments in art-restitution law, such as the London Declaration in 1943, the Washington Conference on Holocaust-Era Assets in 1998, and the Holocaust Expropriated Art Recovery Act of 2016, which was introduced in the U.S. Senate. The United States emerges in O'Donnell's account as an early, forceful leader in international art restitution, despite the fact that some of its own laws, and even the Fifth Amendment, can complicate victims' options. His mastery of the relevant law is nothing short of stunning, and his meticulous parsing of legal detail leaves no stones unturned. This is primarily a work of legal scholarship, and the intense attention that it lavishes upon legal minutiae may prove prohibitive to lay readers. However, it also unearths the moral drama beneath the legal niceties and ably discusses the ways that uncooperative museums are complicit in Nazi theft and how nations grapple with the dark legacies of their pasts.

A brilliant display of legal erudition, combined with historical incisiveness.

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