

Summer 7-28-2017

# Museum Approaches to Judaica: The Forgotten Spoils of the Nazi Plunder of Europe

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**Museum Approaches to Judaica:  
The Forgotten Spoils of the Nazi Plunder of Europe**

Derek Butler

Submitted in partial fulfillment for the degree  
Master of Arts in Museum Professions  
College of Communication and the Arts  
Seton Hall University  
August 2017

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Derek Butler

Approved by: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Martha Easton', written over a horizontal line. The signature is fluid and cursive.

Martha Easton

Thesis Advisor

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## **Abstract**

Museum professionals are faced with many legal and ethical issues on a daily basis, many of which are rooted in the actions of people in the past. One of the largest issues discussed in our community over the last several decades stems from the mass looting of artwork across Europe by the Nazis during World War Two. While much attention has been given to the procedures and practices museums must go through in order to identify potential stolen works and return them to their rightful owners, Jewish homes, businesses, and synagogues were also ransacked by German soldiers and anything of perceived value was stolen. Countless works of Judaica, or Jewish ceremonial objects, and sacred texts were taken from communities and families alike. What has happened with these objects after that fall of the Third Reich, especially when the majority of the Jewish population that once owned these items never returned?

My thesis examines the underrepresented topic of looted Judaica from World War Two, particularly looking at its role in museum collections. I examine the actions taken after the war to redistribute heirless property to Jewish museums and institutions around the world and the ongoing international efforts and discussions on provenance research and restitution of these objects as new Jewish communities are forming across Europe. I also examine the issue of object care for looted Judaica from the Registrar's or Collection Manager's perspective, identifying special requirements for these objects under Jewish law. Through a series of three case studies, I explore the actual implementation of restitution and special care procedures in Jewish museum today in order to determine the current state of the field. Ultimately, I argue that Jewish institutions need to devote more time to developing restitution claim procedures and policies, while also reshaping their collection care guidelines to reflect, not only museum best practices, but also respect to Jewish tradition and law.

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## **Introduction**

May 8, 1945. Following the official surrender of the Nazi army at the end of World War Two, the Allied forces found Europe in ruins. Cities were leveled from the fighting and priceless landmarks across the continent were destroyed or missing. As the Allies made their way through the destruction, the worst casualties of the war were realized as concentration camps were discovered across Europe. In total, eleven million people perished at the hands of the Third Reich. Hitler's plan to create an ethnically superior empire resulted in the systematic targeting and elimination of any groups deemed inferior to his Aryan race, including communists, homosexuals, the mentally and physically disabled, etc. However, the group most directly targeted by the Nazis was the Jewish people. Beginning in the early 1930s with the party's rise to power, Jews were limited in their rights as citizens and eventually targeted as perceived enemies of the regime. By 1945, over six million Jews had been murdered at the hand of the Nazis while countless others had lost their homes, their communities, and their families by the end of the war.

Aside from the destruction of the Jewish people, the Nazis also attempted to eliminate all traces of Jewish identity. As Jewish communities and homes were emptied of their citizens, Nazis began looting objects from Jewish homes, shops, synagogues, and museums. Many books by Jewish authors were burned, their artwork reclaimed by high ranking Nazis, and their possessions stored in warehouses for redistribution. While many of these objects were pieces of artwork or common household fixtures, a large portion of these were books, historical materials, and sacred items used in religious ceremonies or practices. These three categories of objects are traditionally defined under the term Judaica.<sup>1</sup> While some of these materials were desecrated or

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<sup>1</sup> Julie-Marthe Cohen and Felicitas Heimann-Jelinek, *Neglected Witnesses: The Fate of Jewish Ceremonial Objects During the Second World War and After* (Crickadarn, Nr Buihth Wells, United Kingdom: Institute of Art and Law, 2011), 13.

destroyed, large amounts of Judaica ended up in warehouses as well. Like the other looted materials, much of this Judaica was left displaced and homeless as its original owners and their communities ceased to exist by the end of the war.

In the aftermath of World War Two, large public efforts have been made to locate, identify, and repatriate works of art to their rightful owners. Major international efforts still make headlines as prized works are uncovered and provenance research helps return pieces to their rightful owners or their heirs. Some of these, like the battle over the ownership of the *Portrait of Adele Bloch-Bauer I*, or *The Woman in Gold*, have caught the attention of the popular media.<sup>2</sup> Despite the attention given to the restitution of Nazi-looted art, the return of other objects, particularly Judaica, has received less public attention. What efforts have been undertaken to sort out and return Jewish ceremonial objects to their appropriate homes? How has the museum world handled these objects, and what special considerations should be taken when caring for these objects? These are questions that this paper seeks to address.

As previously mentioned, much of the scholarship surrounding World War Two-era restitution efforts has focused heavily on the art world. The most well-known writing on the subject is Lynn H. Nicholas's *The Rape of Europa*. Published in 1994, Nicholas's book details the efforts of the Nazis to claim Europe's cultural property as their own from the earliest days of the regime through the end of the war.<sup>3</sup> While the book does make mention of efforts to deal with the Judaica found after the war, the majority of the text focuses on the efforts taken to retrieve, restore, and return artwork to the various countries from which it was taken. While the

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<sup>2</sup> Patricia Cohen. "The Story Behind 'Woman in Gold': Nazi Art Thieves and One Painting's Return." *The New York Times*, March 30, 2015. Accessed July 7, 2017. <https://www.nytimes.com/2015/03/31/arts/design/the-story-behind-woman-in-gold-nazi-art-thieves-and-one-paintings-return.html>.

<sup>3</sup> Lynn H. Nicholas, *The Rape of Europa: The Fate of Europe's Treasures in the Third Reich and the Second World War* (New York: A.A. Knopf, 1995).



text has brought attention to a number of high profile examples of these efforts, including the work of the Monuments Men and the case of *The Woman in Gold*, the text does little to explore the complex world of Judaica restitution. In addition to Nicholas's text, many others exist that relate to the postwar restitution of looted cultural property. Another prominent work in the field that followed *The Rape of Europa* is Elizabeth Simpson's *The Spoils of War*. Published in 1995 following an international symposium, the text goes further to discuss a broader range of cultural property affected by the Nazi regime, and the ongoing legal actions involving these different types of objects.<sup>4</sup> Simpson does discuss looted Judaica in more detail than previous works, but still positions Judaica as just one category in a wide range of looted objects. While Simpson provides a basic explanation of the theft of religious objects and some of the efforts taken to return them, she does not fully explore the efforts taken to return and care for Judaica.

While most books on this subject deal with the restitution of fine art, and only briefly discuss Jewish cultural property, there have been a number of journal articles that focus on specific Judaica collections or other Jewish property from a legal perspective. For instance, one of the most well-known legal cases involving the return of stolen Judaica focuses on the Chabad Lubavitch library and archive, repossessed by both the Soviet and Nazi governments, and now in the possession the Russian government. Talya Levi's article, "Russia and the Stolen Chabad Archive," outlines the full history of the case as well as the current legal action taking place in order to return these sacred Jewish documents to the organization's headquarters in Brooklyn.<sup>5</sup> This and many other articles like it provide insight into the ongoing legal struggles in the world

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<sup>4</sup> Elizabeth Simpson, *The Spoils of War: World War II and Its Aftermath: The Loss, Reappearance, and Recovery of Cultural Property* (New York: H.N. Abrams in association with the Bard Graduate Center for Studies in the Decorative Arts, 1997).

<sup>5</sup> Talya Levi, "Russia and the Stolen Chabad Archive," *Georgetown Journal of International Law* 46 (2014): 915-946.

of looted cultural property.<sup>6</sup> While these help give a glimpse into the current state of restitution claims and the legal precedents surrounding their return, these articles do not provide much insight into how these objects are collected, displayed, and cared for in the museum world.

The only text focused entirely on Jewish ritual objects is *Neglected Witnesses*, a collection of essays from museum professionals edited by Julie-Marthe Cohen.<sup>7</sup> This volume examines the looting, restitution, and distribution of Jewish ceremonial objects after the war, including information about the various bodies and conventions responsible for the fate of these sacred objects. Although a majority of the essays address the topic from the perspective of European institutions there is some emphasis on American institutions. This text is also important in the understanding of this topic because it examines the role that various museums have played since the fall of the Third Reich. While this text provides great historical, legal, and museological context about looted Judaica, it lacks a modern perspective on ways museums that house these objects in their collection deal with ongoing restitution claims and how these sacred objects are cared for in accordance with Jewish religious traditions. While a handful of articles also exist

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<sup>6</sup> Other articles on this topic include: Herbert Block, "The Restitution of Holocaust-Era Jewish Communal Property: An Unfinished Item on the Jewish Diplomatic Agenda," *Israel Journal of Foreign Affairs* 3, no. 1 (January 1, 2009): 71-79.

Yehuda Z Blum, "On the Restitution of Jewish Cultural Property Looted in World War II," *Proceedings of the Annual Meeting (American Society of International Law)* 94 (2000): 88-94.

Pamela Bruzzese, "DISTRIBUTING THE PAST: JEWISH CULTURAL PROPERTY IN LITHUANIA," *New York University Journal of International Law and Politics* 31, (October 1, 1998): 145-176.

<sup>7</sup> Julie-Marthe Cohen and Felicitas Heimann-Jelinek, *Neglected Witnesses: The Fate of Jewish Ceremonial Objects During the Second World War and After* (Crickadarn, Nr Builth Wells, United Kingdom: Institute of Art and Law, 2011).

discussing the appropriate Jewish approaches to caring for sacred objects, they do not provide insight into the current implementation of these methods in museums.<sup>8</sup>

This thesis seeks to address some of these understudied issues. The first chapter will examine the history of looted Judaica, explaining the endeavors undertaken to identify, restitute, and allocate sacred Jewish objects to museums when the original owners could not be found. I will also explore some of the legal actions and modern international conventions held regarding the ownership these objects. The second chapter will examine more closely the recommended methods of caring for Judaica, first defining different types of objects and the ways in which they are to be maintained according to Jewish law and tradition. I will then discuss best practices for museums in handling these objects. Chapters three through five will serve as case studies of specific Jewish museums in the United States. Each will examine the institution's history with looted Judaica, their current approaches to restitution if necessary, and any special approaches taken by the institution when handling sacred objects in accordance with Jewish law. This will help draw a conclusion about the state of looted Judaica in American museums and determine the current state of care and attention these objects receive in these institutions. Through an examination of the current standards in addressing and caring for looted Judaica, combined with the results of the three case studies of Jewish institutions, this thesis will seek to determine whether museums are actively involved in and planning for the restitution of sacred Jewish objects in accordance with the current international agreements passed on the subject.

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<sup>8</sup> Articles on this topic include: Michael Maggen, "The conservation of sacred materials in the Israel museum," *Conservation of living religious heritage* (2005), 102-106.

Virginia Greene, "Accessories of Holiness": Defining Jewish Sacred Objects." *Journal of the American Institute for Conservation* 31, no. 1 (1992), 31-39.

Emily Carambelas, *From Sacred to Secular: Collecting and Caring for Judaica* (Baltimore, MD: Johns Hopkins University, 2011), 1-19. Exhibition catalogue.

Additionally, it will determine whether these institutions are providing the appropriate care for these objects according to Jewish law and tradition.

## **Chapter 1: Ownership of Looted Judaica**

In order to begin the discussion of looted Judaica in museum collections, it is important to establish the precedents that brought these objects to these institutions. Following World War Two, the majority of Europe's Jewish communities were fragmented, if not completely destroyed. Warehouses of Judaica taken from families, synagogues, and museums around the continent posed a challenge to those given the task of identifying and returning these treasures to their owners. What should be done with objects whose owners were no longer living to reclaim the objects? Who should take possession of ritual objects taken from community synagogues that now lay in ruins with no congregants left to rebuild the communities? This chapter will discuss the approaches taken towards ownership of these ritual objects in order to establish an understanding of the current best practices museums should be taking towards these objects in their collections.

### **Jewish Cultural Reconstruction**

The first major effort towards the return of sacred Jewish objects came in the form of Jewish Cultural Reconstruction. Jewish Cultural Reconstruction (JCR) was established in 1947 as an entity under the guidance and support of larger Jewish organizations including the Commission on European Jewish Cultural Reconstruction, the World Jewish Congress, the American Jewish Committee, the American Jewish Conference, the Council for the Protection of the Rights and Interests of Jews from Germany, Hebrew University, the Synagogue Council of America, the Jewish Agency for Palestine, and the American Jewish Joint Distribution

Committee.<sup>9</sup> The organization took on the responsibility of identifying heirless Jewish property located in German warehouses and ultimately redistributing these materials to their rightful owners, or in their absence, other Jewish communities around the world.<sup>10</sup> JCR ultimately took the stance that these heirless objects were really the cultural property of all Jews and should be distributed in a way to ensure that these items were accessible to the greatest number of Jewish individuals possible. Since the majority of Europe's Jewish population had been wiped out by the Nazis, Europe was not one of the primary locations identified as a site for these objects. Instead, the organization chose to focus on large, vibrant Jewish centers where the objects could be used to help the community continue to grow. As the majority of Jewish immigrants had fled to the United States and Israel, these two locations became the focus of the organization's efforts.<sup>11</sup>

Processing these materials in Germany involved cataloging and identifying the objects in JCR's possession. By the end of the war, the JCR depot in Offenbach, Germany contained over five hundred thousand books, over a thousand Torah scrolls, and almost eight thousand ceremonial objects from around Europe.<sup>12</sup> If owners could be identified, lists were published and a deadline was set by which the owners had to come to claim their objects. Institutions taking

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<sup>9</sup> United States, Presidential Advisory Commission on Holocaust Assets in the United States, *Plunder and restitution: the U.S. and Holocaust victims assets: findings and recommendations of the Presidential Advisory Commission on Holocaust Assets in the United States and staff report* (Washington, D.C.: The Commission, 2000), 1.

<sup>10</sup> Cohen and Heimann-Jelinek, 29-32.

<sup>11</sup> Ibid, 33-34.

<sup>12</sup> Simpson, 87.

ownership of objects also set a deadline by which they would return objects if an original owner were to come forward.<sup>13</sup> The remaining objects were considered truly heirless at that point.

In 1949, Mordecai Narkiss, a representative of the Bezalel Museum in Jerusalem, examined the collections held in Germany to determine their quality. Ultimately, he sorted them into objects that were fit for museum display and objects that were fit for use in synagogues, getting the first choice of collection for his own museum.<sup>14</sup> Remaining items were sent to New York to JCR's base at The Jewish Museum on Fifth Avenue for distribution. Jewish museums, starting with those in New York, were given the ability to choose objects for their collections. Ultimately, The Jewish Museum and Yeshiva University received the largest numbers of ceremonial objects, each receiving over two hundred objects for their collections.<sup>15</sup> While these items were added to museum collections, they were still under the control of Jewish Cultural Reconstruction. Should a claim be made for one of the objects, the organization reserved the right to reclaim and redistribute those pieces. These institutions were also asked to label these pieces of Judaica accordingly, guaranteeing that they would not be sold or discarded from the collections and that clear provenance was included in exhibition labels and publications. Any repairs to broken objects were designated as the responsibility of the receiving museums.<sup>16</sup>

Pieces of Judaica that were designated for synagogues also arrived at The Jewish Museum for distribution. Through petitioning by a number of immigrant groups, it was decided that priority selection would be given to congregations made up of recent immigrants in the

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<sup>13</sup> Katharina Rauschenberger, "The Restitution of Jewish Cultural Objects and the Activities of Jewish Cultural Reconstruction Inc.," *Leo Baeck Institute Yearbook* 53, no. 1 (2008): 199.

<sup>14</sup> United States, Presidential Advisory Commission on Holocaust Assets in the United States, 3.

<sup>15</sup> Cohen and Heimann-Jelinek, 42.

<sup>16</sup> *Ibid.*

United States who would likely have the closest connection to the objects. Working with JCR, the Conference of Jewish Immigrant Congregations and the American Federation of Jews from Central Europe were given the right to distribute objects to these congregations based on the needs expressed by each congregation.<sup>17</sup> The remainder of these objects were put under the control of the Synagogue Council of America for distribution. Congregations would submit requests to the Synagogue Council, which would in turn review their qualifications and distribute objects accordingly. In order to receive objects, the congregation needed to have existed for at least five years, have a permanent address, hold Shabbat services throughout the year, and be part of a recognized denomination of Judaism within the United States.<sup>18</sup> All synagogues were subject to similar restrictions as museums. JCR retained the right to recall and redistribute objects if they received a claim for them, but if no claim was made in a two-year period from the time they were given to the synagogue, it would officially become the congregation's property. Objects were, again, to be retained and not sold by these institutions. Any repairs to broken objects were the responsibility of the congregations. Otherwise, they could be displayed or used as they saw fit.<sup>19</sup>

Ultimately, Jewish Cultural Reconstruction distributed almost three thousand ceremonial objects to institutions in the United States. Almost two-thirds of those pieces of Judaica found their home in synagogues and Jewish communities, while the remainder entered Jewish museums across the country for display.<sup>20</sup> The organization helped organize similar efforts in other countries across the world, distributing almost eight thousand ceremonial objects to

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<sup>17</sup> Cohen and Heimann-Jelinek, 38-9.

<sup>18</sup> Ibid, 39.

<sup>19</sup> Ibid, 36.

<sup>20</sup> Ibid, 42.



communities in not only the United States and Israel, but also South America, Canada, and Western Europe by the end of its efforts in 1952 when their task was complete.<sup>21</sup>

### Conventions

Despite its successful efforts to redistribute the looted Judaica of Europe, some have criticized Jewish Cultural Reconstruction's approach to taken toward ownership. While JCR functioned on the principle that heirless Judaica is the property of the larger Jewish community, others would argue that the true owners of these objects are the communities in the countries where these ceremonial objects were created. Years after the war, Jewish communities began reforming across Europe, emerging as Jews returned to the cities that once turned them away after the liberation of the camps. In addition, Jewish communities in Eastern Europe that once were stifled by the Soviet Union are now free to grow and practice as they please. As such, some question whether these objects should be returned to these communities, claiming that they could be used and celebrated now that these communities exist.<sup>22</sup> Yet others claim that there are no grounds in subsequent conventions that dictate the return of these objects from museum collections. In order to gain a better understanding of the issue today, a breakdown of several of the major conventions on the issue of looted Judaica follows.

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<sup>21</sup> Rauschenberger, 200.

<sup>22</sup> Rena Lipman. "Jewish Cultural Reconstruction Reconsidered: Should the Jewish Religious Objects Distributed Around the World After WWII be Returned to Europe?" *KUR - Kunst und Recht* 8, no.4 (2006), 10.

## **Hague Convention and Protocol of 1954**

The Hague Convention and Protocol of 1954 was enacted following World War II in order to set a precedent for the preservation of cultural heritage in the event of an armed conflict. The text of the convention states that cultural property should be left unharmed and that any sort of looting is prevented. If an object is taken from its appropriate owner, the convention dictates that it be returned to the appropriate authorities following the conflict. Chapter 1, Article 4(1) states, “The High Contracting Parties undertake to respect culture property situated in within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against such property.”<sup>23</sup> Article 4(3) continues, “The High Contracting Parties further undertake to prohibit, prevent, and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property.”<sup>24</sup> Had the Hague Convention been in place before World War Two, this provision would have restricted the destruction or theft of Judaica from communities across Europe as was carried out by the Nazi regime. Finally, the Protocols of the Convention state in Article 1(1), “Each High Contracting Party undertakes to prevent the exportation, from a territory occupied during an armed conflict, of cultural property as defined in Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May, 1954.”<sup>25</sup> Finally, Article 1(3) states, “Each High

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<sup>23</sup> Simpson, 288.

<sup>24</sup> Ibid, 288.

<sup>25</sup> Ibid, 294.

Contracting Party undertakes to return, at the close of hostilities, to the competent authorities of the territory previously occupied, cultural property which is in its territory, if such property has previously has been exported in contravention of the principles laid down in the first paragraph. Such property shall never be retained as war reparations.”<sup>26</sup> This would seem to dictate the return of the looted Judaica to the countries from which they were taken for redistribution.

However, there are several problems with this. Given that the governments of the affected territories were responsible for the looting of this cultural property and that the Allied powers took control of these countries, it would be the Allied governments that would take on the responsibility to handle this return. Since JCR was mandated by the United States Military to handle the repatriation of these objects, this part of the Convention seems to be upheld.

Secondly, as Yehuda Blum, a professor of international law at Hebrew University of Jerusalem, points out, these nations did not consider Jewish culture or citizens as part of their national identity.<sup>27</sup> As such, this Judaica was not considered the property of the nations who did not identify Jews as part of their culture, but rather the property of the Jewish people. JCR followed this mentality on ownership during their redistribution efforts. Finally, and most importantly, Blum points out that because this convention occurred following JCR’s efforts, it is in no way retroactive.<sup>28</sup> Therefore, the actions carried out by JCR following the war were not under the restriction of these policies in the first place.

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<sup>26</sup> Simpson, 294.

<sup>27</sup> Yehuda Z. Blum, "On the Restitution of Jewish Cultural Property Looted in World War II," *Proceedings of the Annual Meeting (American Society of International Law)* 94 (2000), 88-92.

<sup>28</sup> Ibid.

## **Washington Conference on Holocaust-Era Assets - 1998**

Held in Washington in 1998, the Washington Conference on Holocaust-Era Assets was a collaboration between the United States Holocaust Memorial Museum and the Department of State. In response to increasing demand to address the issue of unreturned Jewish property from World War II, the conference sought to establish a common initiative among attendee nations to put further efforts into identifying and returning stolen property to its rightful owners. The result of this conference became known as the Washington Conference Principles on Nazi-Confiscated Art. The eleven principles outlined in the document call for the identification of artwork that had not been repatriated to its rightful owners, the publication of these identified works, deeper provenance research, the creation of a central registry of pieces from this era, and the heirs and rightful owners of missing works to come forward with their claims to encourage greater action.<sup>29</sup> While these principles focus heavily on artwork, they are often applied to all Jewish cultural property. The principles are not legally binding, but rather are ethical guidelines for the nations who endorsed the principles at the conclusion of the conference, including the United States and Israel.

The nations responsible for Jewish Cultural Reconstruction have signed this agreement. However, at the time this conference was held, there was a greater focus placed on encouraging returns from uncooperative nations, like Russia, who were known to possess countless looted artworks with no intention of returning them. The focus was not on the objects already in museum collections from JCR. Today, however, some believe that institutions in nations endorsing the principles should be listing their JCR Judaica on registries in order to be more transparent about having these objects in their collections. At the time of the redistribution of

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<sup>29</sup> Cohen and Heimann-Jelinek, 341.

these objects, research was conducted into the ownership history of these objects, and they ultimately were redistributed because owners could not be located or identified. This history is supposed to be maintained along with the objects under guidelines established by JCR, so in theory, this provenance research and its availability to the public should already be in place. These items are currently owned by their respective museums, so it seems that the responsibility lies with each individual institution to determine whether further research and publication is warranted for their objects. Ethically, however, museums should continue provenance research in case ownership claims should arise.

### **Prague Holocaust-Era Assets Conference and the Terezin Declaration - 2009**

In the decade following the Washington Conference and its published principles, another Holocaust-Era Assets Conference was held in Prague, this time focusing less on artwork, but rather relating its principles directly to World War Two-era Judaica. The conference essentially called for similar procedures to those suggested in the Washington Principles, including deeper research into the origins and ownership of Judaica in museum collections, and the creation of an international database to further help efforts to return objects to their rightful owners. The resulting Terezin Declaration affirming the recommendations of the conference stated,

*“1. We encourage and support efforts to identify and catalogue these items which may be found in archives, libraries, museums and other government and non-government repositories, to return them to their original rightful owners and other appropriate individuals or institutions according to national law, and to consider a voluntary international registration of Torah scrolls and other Judaica objects where appropriate, and*

*2. We encourage measures that will ensure their protection, will make appropriate materials available to scholars, and where appropriate and possible in terms of conservation, will restore sacred scrolls and ceremonial objects currently in government hands to synagogue use, where needed, and will facilitate the circulation and display of such Judaica internationally by adequate and agreed upon solutions.*”<sup>30</sup>

As a result of the Terezin Declaration, some larger organizations, such as the European Shoah Legacy Institute, are actively working on projects and campaigns that work towards the identification of objects, creation of a registry, and the restitution of these pieces of Judaica to their rightful owners. Many Jewish museums have placed a greater emphasis on provenance research and publication of their collection pieces from this period, especially since the Declaration called on these cultural institutions to focus on their holdings.<sup>31</sup> Despite these efforts, the Declaration still has its problems. Like the Washington Principles, the Terezin Declaration serves as a set of ethical guidelines and initiatives for signing countries, rather than legally binding legislation. As a result, museums and other institutions with JCR objects and other looted Judaica are encouraged to research and publish their collections, but are not forced to do so. Thus, it is unclear how many museums are actively working towards restitution of their collections if heirs do exist. Again, it seems that the responsibility lies with each individual institution to determine whether they are going to actively try to research and return their collection objects.

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<sup>30</sup> Cohen and Heimann-Jelinek, 364.

<sup>31</sup> Ibid, 18.

## Conclusions

Jewish Cultural Reconstruction is at the heart of the current issue of looted Judaica. Under the direction of the United States military, the organization was given the authority to redistribute Jewish ceremonial objects looted by the Nazi party. The organization made efforts to do provenance research and make objects available to their rightful owners before distribution. Even after they were distributed, time was allotted where items could be reclaimed by original owners. Despite later claims, following the Hague Protocol of 1954, that the organization was not adhering to the concept of national ownership when returning these objects, it is well documented that the organization operated based on the Jewish ideal that these heirless objects would be under the ownership of the Jewish people. This legislation was also not retroactive. Therefore, it seems that the actions of JCR were justified given the time in which they operated.

While later conventions have placed a greater emphasis on restitution of these objects, there is no legally binding legislation that directs museums to give up their Judaica. These serve only as ethical guidelines. In the case of JCR objects, early provenance research was done and efforts made to return these pieces to individual owners before they were redistributed to museums and synagogues around the world. In recent years, especially following the Terezin Declaration, museums have been encouraged to look more closely at these objects, especially as new Jewish communities have formed in areas where these objects originated. While a number of museums have worked towards these goals, it is unclear whether institutions have actively set up procedures for provenance research and restitution if claims were to be made. This is a question that this paper will seek to answer in a later chapter following a series of case studies.

## **Chapter 2: Caring for Judaica in Museum Collections**

Once in the ownership of a museum, whether destined for repatriation or not, collections of Judaica are subject to certain standards of treatment. The museum is often described as a caretaker of history and art, preserving and maintaining objects considered part of the public trust for future generations. Museums operate based on a series of best practices for maintaining certain types of objects. For instance, any well-equipped museum has a strong HVAC system that allows strict temperature and humidity control in order to extend the life of their collection objects and to deter pests or the growth of molds. Best practices also dictate that fragile works on paper and textiles be kept in much dimmer conditions as strong light has a deteriorating effect on these materials. These are fundamental principles that have become second nature to any well-trained registrar or collection manager.

Despite these best practices, some objects are subject to an extra set of restrictions for care and handling, dictated not by museum professionals, but by the communities from which they came. For instance, some cultures restrict access to ritual objects to a specific gender or require that a piece be used as part of ongoing ceremonies due to its holy status within that particular community. For example, many Native American museums have made arrangements with tribal communities to allow for the proper use and care of particular sacred objects in these museums' collections. Some have even set aside particular spaces in their storage areas where rituals can be carried out with these collection pieces. Given that Judaica comprises religious texts and ceremonial objects from the Jewish community, what restrictions, if any, should museums be observing when caring for these objects? Do objects connected to Jewish Cultural Reconstruction or the Holocaust have any additional considerations beyond those already outlined in Jewish law? This chapter will explore the different categories of Judaica, the



guidelines for their care according to Jewish tradition, and the obligations that these guidelines places on museums caring for these objects.

### Defining Judaica

As established in the introduction to this paper, Judaica can be defined broadly as texts, historical materials, and sacred items used in Jewish religious ceremonies or practices.<sup>32</sup> However, this can be broken down into more specific categories, each of which hold different levels of importance to the Jewish people. For instance, the Israel Museum in Jerusalem breaks their Judaica collection down into five categories: 1) holy texts, prayer books, and manuscripts 2) holy banners 3) holy objects associated with the Torah scroll 4) ceremonial objects and 5) personal holy objects.<sup>33</sup> While these objects can be broken down into a number of different categories based on object type as seen above, they can also be subdivided based on their level of holiness within Judaism. These levels of sacredness are outlined based *Halakha*, or Jewish laws and rules guiding daily life and religious practices that were derived from the Torah and its Rabbinical interpretations over the last two thousand years.<sup>34</sup> It is these laws that provide Jews with their dietary restrictions and guidelines for religious observances and life cycles events (births, weddings, death, etc.). For the purposes of museum collections, this paper will break Judaica down into the two accepted categories defined by Jewish law: *tashmishey kedusha* and *tashmishey mitzvah*.

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<sup>32</sup> Cohen and Heimann-Jelinek, 13.

<sup>33</sup> Michael Maggen, "The conservation of sacred materials in the Israel museum," *Conservation of living religious heritage* (2005), 102.

<sup>34</sup> Ibid, 103.

## Tashmishey Kedusha

The first category of Jewish religious objects is known as *tashmishey kedusha*, Hebrew for “accessories of holiness”.<sup>35</sup> According to Jewish law these are objects that are the most sacred and carry a level of divine importance. This category includes the Torah scroll, the handwritten Jewish bible on which the entire Jewish faith is based, and its accessories.<sup>36</sup> In Judaism, the Torah is treated like royalty and is approached with the utmost care and respect. As such, it is tradition to adorn the scrolls with decorations including fabric mantles, crowns, finials, and shields that protect and beautify the Torah when it is stored in its ark, the cabinet in which it is housed. According to a Jewish mitzvah, or commandment, known as *hiddur mitzvah*, Jews are to beautify the objects used in their rituals as a way to enhance and beautify the ceremonies themselves.<sup>37</sup> As such, these accessories, as well as other pieces of Judaica, are often ornate and made of fine materials like silver. Due to their proximity to the holy book, these accessories take on a similar sacred status in Judaism. This category also includes *tefillin*, which are small leather boxes containing handwritten verses from the Torah that are strapped onto the arm and head of a Jewish man during prayer, and *mezuzahs*, which are small cases containing a handwritten Torah portion that are attached to the doorframes of a Jewish home.<sup>38</sup>

The commonality between these objects is the text that they contain. Torah scrolls, *tefillin*, and *mezuzah* parchments all must be handwritten by a trained Jewish scribe to be considered Kosher, or in accordance with Jewish law. In Jewish tradition, the word of the Torah

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<sup>35</sup> Virginia Greene, "Accessories of Holiness": Defining Jewish Sacred Objects." *Journal of the American Institute for Conservation* 31, no. 1 (1992), 31.

<sup>36</sup> *Ibid.*

<sup>37</sup> Emily Carambelas, *From Sacred to Secular: Collecting and Caring for Judaica* (Baltimore, MD: Johns Hopkins University, 2011), 5. Exhibition catalogue.

<sup>38</sup> Greene, 32.

is sacred as it was given to the people of Israel by God. These texts not only contain the sacred name of God, but are considered his divine word, making them the most holy objects in Jewish tradition.<sup>39</sup> While this category traditionally covers only handwritten texts, it has become more common to treat printed copies of bibles and prayer books in a similar way, regardless of the language in which they are written.<sup>40</sup>

### *Care Guidelines*

When caring for Judaica, *tashmishey kedusha* objects have the strictest guidelines under Jewish law. For the purposes of museum collections, this category can be divided into two further groups of objects. Pieces of Judaica considered holy based on their proximity to sacred texts, including Torah ornaments, *tefillin* boxes, bags, and straps, and *mezuzah* cases, generally do not require special treatment beyond other cultural objects housed in museum collections. Like other anthropological objects, these pieces should be treated with respect and an expert such as a rabbi from the Jewish community should be contacted regarding their conservation and care if questions arise. Otherwise, these pieces can be displayed to and conserved by anyone.<sup>41</sup> However, some exceptions exist to this rule. For instance, if a set of *tefillin* has no damage and still contains their parchment, they should not be opened by the museum or separated. The complete set should receive special care. If there is damage to the piece, the two may be separated with only the writings receiving more intense care.<sup>42</sup> Also, any objects falling into this category should receive special consideration during conservation. While repairs can be done

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<sup>39</sup> Greene, 34.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid, 35.

with synthetic materials, any organic or animal based products should follow Kosher guidelines out of respect to *Halakha*. This includes any glues or products coming from forbidden animals, especially pigs.<sup>43</sup> When in doubt, it is best to contact a rabbi to assure that the appropriate practices are being carried out.

The other set of objects, primarily written texts from *tefillin*, *mezuzahs*, and especially Torah scrolls, is subject to more restrictions under *Halakha*, impacting their treatment in museums. If an object, especially the Torah, is considered kosher and fit for use, repairs may only be done by trained Jewish scribes. A regular conservator must not work on these objects, regardless of whether they are Jewish or not.<sup>44</sup> If a scroll or parchment is no longer considered kosher, Jewish law traditionally dictates that it be put away or buried as it no longer serves a daily purpose. In some communities, this is accomplished by placing old texts in a special room or cabinet known as a *geniza* where they could be preserved with dignity.<sup>45</sup> In others, these documents are collected and buried in a Jewish cemetery as a sign of respect.<sup>46</sup> As such, a rabbi should be contacted to determine the appropriate course of action when deaccessioning and disposing of any objects in this category, especially if they are not entering the care of another museum.

In general, these objects can be put out of use by placing them in a museum, but they are subject to restrictions on their care and conservation. Any of these scrolls taken out of use should remain in their current state and not be repaired or restored under Jewish law. Conservation may

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<sup>43</sup> Maggen, 103.

<sup>44</sup> Ibid.

<sup>45</sup> Greene, 34.

<sup>46</sup> Ibid.

be done to sustain the object in a museum setting, but it should not be altered in any way.<sup>47</sup> The only exception to this rule is if the rollers on which a Torah scroll are mounted are damaged and pose a threat to the parchment. In this case, a scribe is required to do any repair work.<sup>48</sup> In the case of prayer books and printed texts, restoration and repair is permitted because it returns these books to a state in which they can be studied, an act which is at the heart of Jewish tradition.<sup>49</sup> As noted above, these conservation efforts must be carried out respectfully and in a kosher manner.

In terms of daily care and handling, Torah scrolls, *tefillin*, and *mezuzahs* should be stored in appropriate museum storage cabinets or drawers and covered in acid-free cloth or tissue. Beyond these standard museum practices, there are guidelines specific to Jewish law. In the case of Torah scrolls, they should still be covered by a mantle out of respect. If the original is damaged or considered to be harmful to the scroll, they may be separated, but a new plain covering should be made out of an acid free fabric.<sup>50</sup> *Tefillin* should also be stored in acid-free bags if the originals are unfit for storage, again out of respect.<sup>51</sup> *Mezuzah* scrolls, if separated from their cases, should be stored in tissue.<sup>52</sup> When being handled for examination, these objects should be treated similarly to ritual objects in a synagogue. They should be placed on a clean cloth-covered surface and covered with a mantle or fabric if left out for extended periods of time without being read.<sup>53</sup> Some denominations may require head coverings, like the yarmulke, to be

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<sup>47</sup> Green, 34.

<sup>48</sup> Ibid, 35.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid, 37.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

worn when examining or handling these objects out of tradition as well.<sup>54</sup> If their parchment is in good condition, Torah scrolls should also be rolled from one end to the other and back on a yearly basis in order to preserve the parchment as part of standard conservation practices. These scrolls should be stored with half of the parchment on either roller.<sup>55</sup>

Finally, there are a few restrictions on exhibiting objects of *tashmishey kedusha*. Aside from the standard precautions taken towards works on paper, including low lighting and UV filtering to protect the parchments, Jewish law dictates that Torah scrolls and other sacred parchments should only be on display if a museum's audience is likely to include Jewish individuals.<sup>56</sup> When on display, the scrolls may be open or closed. This, however, varies depending on the guidance of different Jewish communities. While some traditions say that scrolls that are no longer kosher do not need to be unrolled for display<sup>57</sup>, more orthodox communities dictate that Torah scrolls should be open when displayed. According to the Israel Museum, since the purpose of the Torah is to educate the Jewish people, the scrolls must be open so Jewish visitors can read from it while on display.<sup>58</sup> Since this varies between communities and traditions, its best to consult a rabbi in order to determine the most appropriate course of action for the community making up the visitor base of that institution.

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<sup>54</sup> Maggen, 104.

<sup>55</sup> Greene, 37.

<sup>56</sup> Maggen, 103.

<sup>57</sup> Greene, 37.

<sup>58</sup> Maggen, 103.

## **Tashmishey Mitzvah**

The second category of Jewish religious objects is known as *tashmishey mitzvah*, Hebrew for “accessories of religious observance.”<sup>59</sup> This category includes objects which are used in order to carry out Jewish ceremonies and events. Many of these are ritual objects connected to Shabbat, or the Jewish Sabbath, life events, and various other Jewish holidays throughout the year. These objects include, but are not limited to, Kiddush cups, Shabbat candlesticks, Havdalah sets (used to mark the end of Shabbat), Hanukkah menorahs, *shofars* (the ram horn blown during the Rosh Hashanah), Passover seder plates, *tallit* (prayer shawls), *tzitzit* (knotted fringes attached to the *tallit*), challah bread and matzah covers, etc.<sup>60</sup> While these objects are essential to carrying out Jewish traditions and rituals, they can take many different forms. As mentioned in regard to Torah accessories, Jews are to beautify the objects used in their rituals to the best of their means as a way to enhance and beautify the ceremonies themselves under *hiddur mitzvah*.<sup>61</sup> For example, on Shabbat it is required that a household light a pair of candles to usher in the Sabbath. These candlesticks may range anywhere from simple wooden blocks to ceramic to crystal to sterling silver. Today, it is even common to see tea lights used in place of traditional candles. While it is a mitzvah to have the most beautiful set of candlesticks one can afford in order to beautify the ritual, it is less important than actually carrying out the candle lighting itself.

As such, these items are not considered sacred or holy in the same way as *tashmishey kedusha*. While those objects are essential to the practice of Judaism, these merely enhance the

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<sup>59</sup> Greene, 35.

<sup>60</sup> Ibid.

<sup>61</sup> Carambelas, 5.

experience. Given this fact, *Halakha* doesn't place many restrictions on their use and care. Objects that are damaged or no longer suitable for daily use may either be repaired or replaced. Since many of these pieces may be considered family heirlooms or passed down through many generations, these objects may be retained for sentimental value, but there is no restriction against discarding these pieces if necessary.<sup>62</sup> There are two exceptions to this rule. This first is the *shofar* used for Rosh Hashanah services. If a horn is broken or damaged, it should not be repaired but replaced. The original is often buried or set aside with other holy objects, though there is no law requiring this.<sup>63</sup> The second involves *tallit* and *tzitzit*. Though these objects are not considered holy, they have taken on similar importance over the years. Like the *shofar*, these shawls and fringes are often set aside or buried by synagogues when they are no longer fit for daily use.<sup>64</sup>

### *Care Guidelines*

When it comes to handling and conserving *tashmishey mitzvah* in a museum, there are very few extra considerations that need to be taken. Since they are not considered holy objects, they may be treated by any conservator, regardless of Jewish background.<sup>65</sup> As with the *tashmishey kedusha*, these objects should not be conserved with any products that are not considered kosher out of respect to Jewish tradition. There are no restrictions on their exhibition or storage, but museum best practices should be followed in order to ensure their ongoing

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<sup>62</sup> Greene, 36.

<sup>63</sup> Ibid, 36-37.

<sup>64</sup> Ibid, 37.

<sup>65</sup> Ibid.



preservation.<sup>66</sup> As with any museum object, these pieces of Judaica should be treated with respect and consideration for their cultural connections. If an object is to be considered for deaccession, there are few restrictions on the disposal of these pieces. However, given the cultural nature of these objects and the differing practices within the Jewish community, it is best to contact a rabbi to ensure that proper actions are being taken so as to respect tradition. *Tallit*, *tzitzit*, and *shofars* should be given to the Jewish community for appropriate burial or storage as has become common practice. Though there are few restrictions on the care, conservation, and exhibition of this category of objects, any doubts or questions should be directed at a rabbi to ensure that the museum is respecting Jewish tradition.

#### Holocaust Objects and Museum Care

Though there seems to be a strong set of guidelines in place for caring for Judaica in a museum setting, it seems that there has been less discussion surrounding objects specifically connected to the Holocaust. In the case of objects distributed by JCR, special restrictions were made on the objects given to museums. Pieces of Judaica were labeled with a small metal tag that was not to be removed. These objects were not to be sold or removed from the institutions that added them to their collections.<sup>67</sup> As such pieces were considered a memorial to those who died during the Holocaust, the organization intended these objects to remain preserved for future generations as a reminder of those who were lost. As a result, these items should not be subject to deaccession or disposal. JCR provided little restriction on repair and restoration of looted

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<sup>66</sup> Greene, 37.

<sup>67</sup> United States, Presidential Advisory Commission on Holocaust Assets in the United States, 3.

Judaica other than that individual institutions were responsible for any repairs done to damaged objects in their possession.<sup>68</sup>

Later, conservator Virginia Greene provided a general guideline for the care of Holocaust objects. Greene served as the senior conservator at the University Museum of Archaeology and Anthropology in Philadelphia, and holds degrees in anthropology, conservation, and Jewish Studies. As an active member of the Jewish community, she developed a series of guidelines based on her education and participation in Jewish life.<sup>69</sup> She writes, “Alterations of any kind to an object that survived the Holocaust, unless absolutely necessary to ensure its physical survival, are inappropriate.”<sup>70</sup> Given this statement, museums should generally approach Holocaust-era pieces with a similar level of respect given to *tashmishey kedusha*, the most sacred Jewish objects. As memorial objects, they have an extra layer of sacred value to the Jewish community. Only preventative conservation should be done to ensure the ongoing preservation of these pieces as a memorial for future generations. Again, no real discussion surrounds the exhibition of these objects, so it would be best to approach the Jewish community for guidance whenever any question arises regarding the matter to ensure the utmost respect is upheld for these pieces.

Given these guidelines, it seems that there should be resources available to museums to utilize when caring for and displaying Judaica and Holocaust objects in their institutions. However, are these practices being implemented in the museum community? How are Jewish museums actually handling objects connected to Jewish Cultural Reconstruction and the Holocaust in their collections and displays? Are they adhering to these practices or are they

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<sup>68</sup> United States, Presidential Advisory Commission on Holocaust Assets in the United States, 3.

<sup>69</sup> Greene, 39.

<sup>70</sup> Greene, 35.

following different procedures that they have devised on their own? Is there more that must be done in museums for these objects? The next sections of this paper shall examine three Jewish institutions with Holocaust-era objects and Judaica collections in order to determine the answer to these questions.

### **Chapter 3: The Jewish Museum (New York): A Case Study**

The first of three case studies will focus on The Jewish Museum. Initially founded as a branch of the Jewish Theological Seminary, the institution is currently located at 92<sup>nd</sup> Street and 5<sup>th</sup> Avenue on New York's Upper East Side, just blocks from the Metropolitan Museum of Art on the Museum Mile. The museum is known today for its major interdisciplinary exhibitions highlighting Jewish culture and identity through both historical objects and artwork. With over thirty thousand objects in their collection, The Jewish Museum possesses one of the largest collections of Judaica in the world outside of Israel.<sup>71</sup> Visitors have the opportunity to experience the collection through the museum's permanent exhibition, *Culture and Continuity*, an exploration of Jewish life from ancient times through the Holocaust and to the modern day, or one of a number of rotating temporary exhibitions that are switched out every few months. Based on the museum's mission, the institution has dedicated itself to the preservation and proliferation of Jewish culture, heritage, and identity for current and future generations.<sup>72</sup>

The Jewish Museum's creation predates the Holocaust by more than four decades. As mentioned above, The Jewish Museum was founded as a branch of the Jewish Theological Seminary, particularly its library. The impetus for the museum came from the donation of twenty-six ceremonial objects to the library by Judge Mayer Sulzberger, a prominent Jewish figure in New York in 1904.<sup>73</sup> The donation was included along with a collection of manuscripts given to the library and came with the suggestion of establishing a museum of Jewish culture

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<sup>71</sup> "About," The Jewish Museum, accessed July 10, 2017, <http://thejewishmuseum.org/about#jewish-museum-history>.

<sup>72</sup> "Press Room," The Jewish Museum, accessed April 18, 2017, <http://thejewishmuseum.org/press>.

<sup>73</sup> Maurice Berger and Joan Rosenbaum, *Masterworks of The Jewish Museum*, (New York: Yale University Press, 2004), 11.

using them as the beginning of the collection. As an institution dedicated to preserving Jewish heritage, the seminary moved forward with the suggestion, establishing the first Jewish museum in the United States. The institution's original mission was to collect, preserve, and facilitate the research of Jewish material culture while displaying it to the public for educational purposes, ideas still represented at the heart of the museum's current mission.<sup>74</sup> This collection was eventually opened in the Jewish Theological Seminary as the Museum of Jewish Ceremonial Objects in 1931 and eventually moved to its current location on 5<sup>th</sup> Avenue in 1947.<sup>75</sup> Additional expansions of both the institution and its collections over the years have helped shape the museum into one of the most respected Jewish institutions in the United States.

### Collections

Since its founding, The Jewish Museum's collection has grown to include over thirty thousand objects, some of which date back to the Holocaust. While the museum does not have an exact count of the number of objects connected to the Holocaust, three major collections owned by the museum have their origins in World War Two.<sup>76</sup> The first collection is comprised of the pieces that entered the museum through Jewish Cultural Reconstruction. As discussed in the first chapter, The Jewish Museum was chosen as the site at which looted and heirless Judaica was processed and redistributed to Jewish institutions beginning in 1947. JCR sorted through over five thousand ritual objects at the museum, as well as countless scrolls, books, and archival materials, in an effort to identify and return objects to their owners. One of the major individuals

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<sup>74</sup> Vivian Beth Mann, Emily D. Bilski, and Joan Rosenbaum, *The Jewish Museum New York*, (London: Scala Publishing, 1993), 9.

<sup>75</sup> *Ibid*, 12.

<sup>76</sup> Susan Braunstein and Katherine Danalakis. (Curator and Collections Manager, The Jewish Museum), in survey from author. July 10, 2017.

involved with this effort was Dr. Guido Schoenberger, former curator of the Frankfurt Jewish Museum before the war. Under his guidance, homeless objects were distributed to Jewish institutions throughout the United States, Europe, and Israel. Over two hundred of these objects were selected by Schoenberger to join the museum's own collection in New York. These objects remain in the care of The Jewish Museum today, serving as a lasting memorial to the Jewish communities lost to the Nazi regime. JCR pieces of Judaica are considered sacred and are marked with metal tags to identify their connection to Jewish Cultural Reconstruction.<sup>77</sup> As outlined by JCR guidelines, it is the museum's policy that these objects never be deaccessioned or leave the museum's collection.<sup>78</sup>

The second of the museum's collections connected to World War Two is known as the Danzig Collection. At the start of World War II, the Free City of Danzig, a city state in Germany, was a thriving center of Jewish culture and life. At the outset of the war and with the growing presence of the Nazi party, its leaders realized that its Judaica collection and ritual objects from the city's synagogues were at risk. It was decided that for the preservation of the city's Jewish heritage, the collection would need to be sent to America until after the war. With the help the American Jewish Joint Distribution Committee, the objects were sent to the Jewish Theological Seminary for safekeeping. As part of this agreement, it was decided that the seminary would keep possession of the collection for up to fifteen years, until the Jewish community was reestablished and able to take their collection back. If fifteen years passed and a community was

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<sup>77</sup> Mann, Bilski, and Rosenbaum, 13.

<sup>78</sup> Susan Braunstein and Katherine Danalakis. (Curator and Collections Manager, The Jewish Museum), in survey from author. July 10, 2017.

not reestablished in Danzig, ownership would officially transfer to the seminary where the collection would continue to fulfill the institution's educational mission.

The collection, including a wide range of ceremonial objects, was delivered in ten large crates to the Jewish Theological Seminary in July of 1939 for safekeeping. Following the invasion of Poland and the official start of the war just over a month later, the objects had arrived in New York just in time to be saved. Following the war, the city of Danzig's entire Jewish community had been decimated. Today, the city, now Gdansk, Poland, has no Jewish community despite its rich Jewish heritage. As such, the pieces sent to the seminary for safekeeping entered the museum's collection. Over the years the pieces were researched, catalogued, and conserved. In 1980, The Jewish Museum utilized the collection and mounted its first exhibition about the community, honoring its rich history as a memorial to its destruction during the war.<sup>79</sup> Today, the Danzig community lives on, only through the objects entrusted to The Jewish Museum. While the museum considers these objects important pieces of Jewish history, they have no specific restrictions regarding their permanence in the collection.<sup>80</sup>

The third collection with World War Two origins is known as the Mintz Collection. These objects originally belonged to Benjamin Mintz, a Polish antiquities collector and dealer from Warsaw who possessed a large collection of Jewish ceremonial objects. Mintz and his wife, Rose, transported their massive collection to New York in 1939 with the intention of displaying them at the World's Fair. At the outset of the war, the pair stayed in the United States and managed to save these rare objects from the Nazi terror that displaced many of the other

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<sup>79</sup> Gunter Grass, Vivian B. Mann, Joseph Gutmann, and Sheila Schwartz, *Danzig 1939, Treasures of a Destroyed Community: The Jewish Museum, New York*, (Detroit: Wayne State University Press for the Jewish Museum, New York, 1980), 9.

<sup>80</sup> Susan Braunstein and Katherine Danalakis. (Curator and Collections Manager, The Jewish Museum), in survey from author. July 10, 2017.

significant collections in Europe. After the war, Mintz's wife sold the collection to The Jewish Museum in 1947.<sup>81</sup> Like the Danzig Collection, the museum has no restrictions on deaccessioning objects in Mintz Collection.<sup>82</sup>

As with any institution dealing with World War Two-era artifacts and artwork, The Jewish Museum attempts to carry out provenance research on any object being considered for inclusion in the museum's collection if it might have a connection to the Holocaust. While this research is often challenging to navigate, especially for pieces of Judaica, curators ensure that due diligence is taken for each object in the amount of time they have been given to complete research before deciding on an object. While new objects coming into the museum receive this treatment, the museum has not completed any extensive provenance research into existing Judaica in their collection. Since the majority of their Holocaust-era Judaica belongs to one of these three collections, provenance is already established. As for restitution claims, the museum has never received any up to this point in time. They do not have a formal procedure in place at the institution if such a claim is made.<sup>83</sup>

### Care and Exhibition Practices

In terms of care and exhibition practices, The Jewish Museum has few special considerations in place for Judaica, including pieces from World War Two. The institution does not differentiate between objects that would be classified as *tashmishey kedusha* and *tashmishey mitzvah* in their collection. In fact, the only objects that receive special care under their policies

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<sup>81</sup> Berger and Rosenbaum, 13.

<sup>82</sup> Susan Braunstein and Katherine Danalakis. (Curator and Collections Manager, The Jewish Museum), in survey from author. July 10, 2017.

<sup>83</sup> Ibid.



are Torah scrolls. All other objects are treated with the standard respect given to museum collection objects, including proper storage, handling, and conservation best practices. For Torah scrolls, The Jewish Museum's collection management department attempts to adhere to Jewish traditions regarding Torah care, outlined in chapter two. They acknowledge that Torah scrolls are always kept covered by mantles or fabric covers when in museum storage or when not being examined. In some situations, the museum does reach out to Rabbis and the Jewish community for guidance if questions arise regarding care or display of the Torah or other Judaica. They do not acknowledge any specific practices for other sacred objects including *tefillin* and *mezuzahs*.<sup>84</sup>

In terms of Holocaust artifacts, the museum also acknowledges that there are no special procedures in place for their care and display. The museum provides them with standard respect and care, but unless the object is a Torah scroll, no other special practices are carried out. Objects from JCR must retain their identification tags and never be removed from the collection, but the other collections have no specific procedures. In terms of exhibition, the museum does not adhere to any special restrictions for Judaica on display. They do ensure that objects are displayed respectfully, with the assistance of experts from the Jewish community if necessary, but no other precautions are taken.<sup>85</sup>

Overall, The Jewish Museum seems to acknowledge the existence of *Halakha* restrictions in their institutional approach to object care. While the majority of objects receive care based on museum best practices, Torah scrolls do receive extra attention as outlined in Jewish law. Respect is given to all objects, regardless of their classification, including those artifacts directly connected to the Holocaust. In addition, objects acquired from JCR are maintained as originally

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<sup>84</sup> Susan Braunstein and Katherine Danalakis. (Curator and Collections Manager, The Jewish Museum), in survey from author. July 10, 2017.

<sup>85</sup> Ibid.

outlined. The institution actively completes provenance research on objects from the era as part of their accessioning process as well. However, given the lack of extra care considerations in place for other pieces of *tashmishey kedusha* and the lack of an official policy regarding restitution claims, I believe the museum could reevaluate and implement new procedures to better serve their Holocaust-era collections.

#### **Chapter 4: Yeshiva University Museum: A Case Study**

The second case study in this paper will focus on the Yeshiva University Museum. Like The Jewish Museum described in the previous chapter, Yeshiva University Museum is located in New York City, the heart of American Jewish culture. Founded as a branch of Yeshiva University in 1973, the museum is one of five organizations included in the Center for Jewish History, one of the world's foremost Jewish research institutions. Due to the institution's connection to the university, the museum considers itself a teaching institution and works with faculty to engage visitors in programming meant to encourage Jewish education and research. Yeshiva University Museum's mission is dedicated to educating visitors about Jewish history, culture, and art from around the world through its interdisciplinary exhibitions and programming, establishing itself as a prominent entity in the field of Jewish museums.<sup>86</sup>

Like The Jewish Museum, Yeshiva University Museum was founded as a branch of an educational institution. Originally established in 1886 as Yeshiva Eitz Chaim, the university began as a small Jewish school located on the Lower East Side of Manhattan.<sup>87</sup> Ten years later, the institution was renamed the Rabbi Isaac Elchanan Theological Seminary following the death of its founder and was officially chartered by the state of New York as the first rabbinical seminary in the United States.<sup>88</sup> Despite not having a formal museum, the institution maintained a collection of objects as part of its library. While these objects were sometimes exhibited in the library building on the university's Washington Heights campus, the museum's establishment

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<sup>86</sup> "About YUM." Yeshiva University Museum. Accessed July 10, 2017. <http://www.yumuseum.org/about>.

<sup>87</sup> "History Timeline of YU." Yeshiva University. Accessed July 10, 2017. <https://www.yu.edu/about/history>.

<sup>88</sup> Ibid.

moved its exhibition space downtown. All objects in the university's care were officially transferred to the museum in 1973.<sup>89</sup>

### Collections

Since its founding, Yeshiva University Museum has amassed and maintains a collection of over ten thousand objects representing thousands of years of Jewish history. The collection includes a number of different categories including artwork, textiles, manuscripts, photographs, and ceremonial objects.<sup>90</sup> According to the museum, one hundred seventy-four of these objects represent Holocaust-era Judaica. The majority of these pieces came as a gift from JCR to Yeshiva University in 1950. Upon the establishment of the museum in 1973, this collection of objects was transferred into the museum's care.<sup>91</sup> As mentioned in chapter two, Yeshiva University was the recipient of one of the largest donation of objects from JCR, receiving over two hundred pieces of Judaica from the committee at The Jewish Museum. This would indicate that objects have either been lost or removed from the museum over time. Though JCR established guidelines requiring institutions to retain these objects in their collections, it is possible that these were discarded over the years, especially since JCR ceased to exist in 1952 after their redistribution efforts were complete. According to the museum, there are no special restrictions in place regarding deaccessioning of these objects.<sup>92</sup>

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<sup>89</sup> Grace Cohen Grossman, *Jewish Museums of the World*, (New York: Universe, 2008), 259.

<sup>90</sup> "Collections." Yeshiva University Museum. Accessed July 10, 2017. <http://www.yumuseum.org/collections>.

<sup>91</sup> Bonni-Dara Michaels. (Collections Curator, Yeshiva University Museum), in survey from author. July 7, 2017.

<sup>92</sup> Bonni-Dara Michaels. (Collections Curator, Yeshiva University Museum), in survey from author. July 7, 2017.

Since the entirety of the museum's collection of World War Two-era Judaica is comprised of JCR objects, provenance was already researched and established at the time of their donation to the university. Therefore, the museum does not actively conduct provenance research to objects, other than those actively being added to their collection. In terms of restitution claims, the museum doesn't have their own policy in place to deal with requests that may arise. In the event that this situation would arise in the future, the museum would consult organizations like the Council of American Museums for guidance on how to handle the claim. At this point in time no restitution claims have ever been made to the museum and given the nature of their collection, they do not anticipate claims to come up in the future.<sup>93</sup>

#### Care and Exhibition Practices

In terms of object care, Yeshiva University Museum classifies Judaica in two separate categories. Rather than divide objects into *tashmishey kedusha* and *tashmishey mitzvah*, the museum categorizes their objects as ceremonial objects and ceremonial textiles. The majority of JCR objects would fall into both of these categories. When caring for these objects, the museum follows standard guidelines regarding best care practices in care, handling, and storage. According to Bonni-Dara Michaels, the museum's Collections Curator, there are no extra practices that they routinely follow when caring for these objects under *Halakha*. The only objects that receive extra care in their collection are Torah scrolls, which are stored and cared for under the advisement of Rabbis at the university. While the museum does not carry out special care procedures for their collections, the museum works to ensure that borrowing institutions or intended publications are appropriate venues to display pieces of Holocaust-era Judaica when

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<sup>93</sup> Bonni-Dara Michaels. (Collections Curator, Yeshiva University Museum), in survey from author. July 7, 2017.

objects are requested on loan or photographed for publication. In terms of loaned pieces, they also ensure that the institutions are equipped to appropriately care for these objects based on museum best practices.<sup>94</sup> This demonstrates a respect for their collection objects, similar to The Jewish Museum, where Torah scrolls are also the only pieces to receive special handling, storage, and care procedures.

When it comes to the exhibition of Holocaust-era Judaica, the museum also has few restrictions that they follow. The majority of their objects are displayed respectfully and in accordance with museum best practices. Again, the only objects to receive additional consideration are Torah scrolls. Having consulted experts at the university, the museum rarely displays Torah scrolls and only displays scrolls unfit for ritual use when they do.<sup>95</sup> This follows the guidelines explained in chapter two regarding the display of Torah scrolls in a museum setting. Holocaust-era objects are given respect when exhibited and loaned as well, but nothing is done with specific attention given to Jewish law.

Overall, Yeshiva University seems to acknowledge the existence of *Halakha* restrictions in their institutional approach, but these are largely limited to Torah scrolls. While the majority of objects receive care based on museum best practices, Torah scrolls receive extra attention as outlined in Jewish law. Respect is given to all objects, regardless of their classification, especially when exhibited or requested for loan. Unfortunately, objects acquired from JCR are not maintained as originally outlined, although these practices could have been abandoned many years ago. The institution completes provenance research on objects from the era as part of their accessioning process as well, but this is limited to incoming objects. When in doubt about certain

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<sup>94</sup>Bonni-Dara Michaels. (Collections Curator, Yeshiva University Museum), in survey from author. July 7, 2017.

<sup>95</sup> Ibid.

objects, the museum utilizes the religious experts at Yeshiva University to provide guidance about best practices. However, given the lack of extra care considerations in place for other pieces of *tashmishey kedusha*, the departure from JCR restrictions on collection objects, and the lack of an official policy regarding restitution claims, I believe the museum could reevaluate and implement new procedures to better serve their Holocaust-era collections.

## **Chapter 5: United States Holocaust Memorial Museum: A Case Study**

Unlike The Jewish Museum and Yeshiva University Museum in the previous chapters, the United States Holocaust Memorial Museum (USHMM) has a much different story and relationship with its Jewish collections. The USHMM, located on the National Mall in Washington, D.C., serves as the nation's official institution dedicated to Holocaust research and awareness. Dedicated to the memory of the victims of Nazi rule, the museum labels itself a living memorial to the Holocaust, hosting exhibitions and events that tell the stories of those who suffered through the Holocaust, while providing resources for scholarly research and Holocaust education. By exposing the visitors to the story of the Holocaust through historical objects, photographs, films, and testimonies, the institution seeks to provide evidence of the atrocities that were committed while educating visitors to ensure that such an event never occurs again.<sup>96</sup>

While the other two institutions had their roots before the Holocaust, the story of the USHMM begins in 1978 with the creation of the President's Commission on the Holocaust by Jimmy Carter, responsible for proposing and establishing an appropriate national memorial to the Holocaust in the United States. Headed by its chairman, prominent Holocaust survivor and author, Elie Wiesel, the Commission submitted their proposal to create a national museum, an educational foundation and a committee devoted to Holocaust consciousness in 1979. President Carter created the United States Holocaust Memorial Council in 1980, officially signing the museum's creation into law. This council still serves as the body responsible for governing the museum and its actions.<sup>97</sup> Ground was broken on the museum's site in 1985 and was marked by

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<sup>96</sup> "About the Museum," United States Holocaust Memorial Museum. Accessed July 05, 2017, <https://www.ushmm.org/information/about-the-museum>.

<sup>97</sup> Jeshajahu Weinberg and Rina Elieli, *The Holocaust Museum in Washington*, (New York: Rizzoli, 2010), 20.



the burial of two milk cans containing soil collected from concentration camps in order to carry out the museum's intended role as a memorial site to Holocaust victims. Actual construction of the museum began in 1989 and lasted until 1993 when the museum was officially opened to the public.<sup>98</sup> Since then, the museum has hosted over forty million visitors and has become one of the world's foremost institutions dedicated to Holocaust education and research.<sup>99</sup>

### Collections

Unlike the other two institutions discussed in this paper, the USHMM was established with the explicit purpose of being a museum dedicated to the narrative of the Holocaust, not a museum of Jewish culture. As such, the museum's purpose was heavily debated at the time of its creation. Members of the survivor community involved in the museum's creation were in favor of steering the museum's focus primarily towards the Jewish victims while others were concerned that a national museum needed to take a more universal approach in order to appeal to the American audience it served. As such, the museum ultimately struck a balance between respecting and honoring Jewish tradition and legacy without officially labeling itself a Jewish institution.<sup>100</sup> As a result, the museum's collections include objects connected back to Jewish victims and survivors, but include objects from other ethnic groups targeted by the Nazis, Nazi paraphernalia, camp artifacts, pieces connected to rescuers and the liberation, etc. Due to this broad scope, the museum's collections now include millions of objects ranging from documents,

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<sup>98</sup> "History of the United States Holocaust Memorial Museum," United States Holocaust Memorial Museum, Accessed July 07, 2017, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005782>.

<sup>99</sup> "About the Museum," United States Holocaust Memorial Museum. Accessed July 05, 2017, <https://www.ushmm.org/information/about-the-museum>.

<sup>100</sup> Weinberg and Elieli, 168-9.

photographs, films, historical artifacts, testimonials, and artwork. While many of their objects would fall under the category of direct Holocaust relics, only a small portion of this collection falls under the realm of Judaica.<sup>101</sup>

Besides the different focus of these institutions, the origin of their collections is much different as well. Since the USHMM was created with the intention of memorializing the Holocaust, the institution actively collected and borrowed objects from around the world to fit their exhibitions. During its creation, the museum decided to display only verified, authentic artifacts from the Holocaust, including reproductions only of large objects such as the gate from Auschwitz or the remains of the wall that separated the Warsaw Ghetto from the rest of the city. During this period, there was an increase in public Holocaust denial, so the museum took it upon themselves to preserve and present evidence of the atrocities committed during World War Two.<sup>102</sup> In order to obtain these objects, the Chairman of the institution's Committee on International Relations, Miles Lerman, worked with the governments of many countries across Europe, signing agreements that would grant them access and permission to borrow objects from Holocaust museums and sites across Europe as a federal agency of the United States. As a result, many of the objects within the museum's collection and exhibitions are not actually owned by the USHMM, but are on long term, indefinite loans to the United States.<sup>103</sup> This means that the institution has no power to rid themselves of any of these objects unless they are to return to their lender.

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<sup>101</sup> "Scope and Nature of the Collections," United States Holocaust Memorial Museum. Accessed July 07, 2017, <https://www.ushmm.org/collections/the-museums-collections/about/scope-and-nature-of-the-collections>.

<sup>102</sup> Weinberg and Elieli, 57.

<sup>103</sup> Ibid, 59.

The other major effort undertaken by the USHMM was the solicitation of donations from the survivor community. With the establishment of a national Holocaust memorial museum in the United States, many survivors saw the institution as a place where they could donate their objects from the period so they would be preserved in perpetuity so that their stories would not be lost. The result of these donations was a wide variety of materials that helped shape the museum's internal collection including everything ranging from small personal objects to pieces saved from the camps to Jewish religious objects, primarily Torah scrolls, from Europe.<sup>104</sup> Due to the museum's commitment to authenticity, every object's story was recorded by the Collections Department and full provenance research was completed through Holocaust scholars. Without complete certainty of an object's authenticity, pieces were not accepted into the collection or included in the exhibitions for fear of reducing the museum's credibility.<sup>105</sup> Since these items are only brought into the museum's collection via direct donation by survivors and their families, the artifacts are not subject to restitution claims as may be the case for many other museums. These objects are given to the museum with the intention of contributing to the story of the Holocaust and preserving individual stories for future generations once the survivors no longer live to tell their own story.

### Care and Exhibition Practices

As mentioned above, the majority of the USHMM's collection is not Judaica, but Holocaust related objects that don't necessarily fall under specific guidelines based on *Halakha*. As detailed in Chapter Two, most objects, unless considered *tashmishey kedusha*, should

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<sup>104</sup> Weinberg and Elieli, 59-60.

<sup>105</sup> Ibid, 53.

generally be treated and conserved based on museum best practices as with any other museum object. This involves appropriate climate controlled storage, appropriate housings, regular cleaning, etc. However, pieces with a Holocaust connection generally warrant extra respect as they are considered a memorial to the memory of its victims. As such, these pieces should generally receive additional preventative conservation work in order to stabilize the object and preserve it without altering its appearance or authenticity through restoration.

An examination of the authenticity practices carried out by the USHMM shows a strong adherence to these principles. Objects that were brought into the museum on loan or donated to the permanent collection were regarded as “silent witnesses” to the actual events of the Holocaust and were treated by a conservator and a team of museum professionals to slow deterioration and preserve their current state without altering the objects. The Collections Department worked with the conservator to determine best practices for storing and maintaining the collections in two separate warehouses in Maryland and consulted with the conservator about the appropriate conditions for objects on display. As a result, the museum maintains proper display and storage conditions for these objects in line with professional standards. The Collections Department oversees the monitoring of these collections and continues to consult with conservators in order to maintain the state of their objects as outlined in Chapter Two.<sup>106</sup>

In terms of the museum’s collection of objects that fall under *tashmishey kedusha*, particularly Torah scrolls, additional care and procedures are taken in order to ensure that appropriate care is given in line with Jewish law. As discussed in Chapter Two, any religious scroll that is retired from use is to be maintained as is and only conserved by a Jewish conservator. A Torah destined for burial is not meant to be restored, unlike a scroll in an active

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<sup>106</sup> Weinberg and Elieli, 67.

synagogue which may only be repaired by a trained scribe. These objects should be stored in the same conditions as other museum objects with special consideration given to their coverings and treatment when out in the open for inspection. According to some Jewish communities, these objects should only be displayed when there is a possibility of Jews being part of the patronage of the institution and Torah scrolls should open so that they may be read by visitors as part of the Jewish mission. The best practice when dealing with the conservation and display of *tashmishey kedusha* is to contact a rabbi or confer with the Jewish community in order to ensure best practices are followed.

The USHMM has ensured that their Holocaust-era Judaica is cared for and displayed with great attention given to *Halakha*. Though their collection of *tashmishey kedusha* makes up a small portion of their overall collection, they are known for their ownership of a number of Torah scrolls, particularly scrolls that were desecrated in 1938 during Kristallnacht, a mass pogrom during which synagogues and Jewish businesses were attacked, looted, and even burned.<sup>107</sup> This example of their collection best displays their adherence to *Halakha*. The museum's display of these objects has caused controversy over the years because desecrated Torah portions are displayed both under glass and draped in a pile on the floor in order to convey the events that took place during Kristallnacht. While these forms of display seemingly defy Jewish law in regards to respecting a Torah, extra care was given to ensure that these materials were displayed in a way to honor the objects without desecrating them again. The museum consulted with several orthodox rabbis including Rabbi Teitz, a prominent leader in the ultra-Orthodox sect of Judaism, on their display methods to assure that their exhibition would be

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<sup>107</sup> Oren Baruch Stier, "Torah and Taboo: Containing Jewish Relics and Jewish Identity at the United States Holocaust Memorial Museum," *Numen: International Review for The History of Religions* 57, no. 3/4 (2010): 513.

appropriate to even the most religious communities. While questions were raised by other members of the Jewish community, the assurance of Rabbi Teitz puts most concerns to rest.<sup>108</sup> The portion kept in a sealed glass case was considered to be an above-ground, transparent *geniza*, allowing the Torah to be retired, but also visible as a memorial to victims of the Holocaust. This practice is allowed based on a rabbinical precedent following the war in which a Torah scroll's fragments were saved and displayed in a private home as a memorial.<sup>109</sup> In the case of the Torah scrolls displayed draped on the floor, a platform was built to raise them off the ground while the parchment was placed on velvet, a material often used to create Torah mantles. This created a level of separation that allowed the display to remain respectful to the Torah. This, too, was approved by a wide variety of Orthodox rabbis, as an appropriate memorial to the Holocaust.<sup>110</sup>

The USHMM's consistent consultation with the Jewish community was not limited to rabbis, but also included members of the survivor community as well. During the exhibition planning process, the museum acquired authentic hair from Auschwitz that would have been shaved off incoming prisoners before they were sent to die in the camp. The original intention of the curators was to include this hair in their permanent display. Under *Halakha*, human remains may not be handled or displayed out of respect to the dead. The museum ultimately consulted with rabbis and concluded that the hair did not constitute human remains and was acceptable to display under Jewish law. However, based on the input of the survivors on the committee, two of whom had been prisoners of the camp, the idea was ultimately swapped out for a large photo of

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<sup>108</sup> Stier, 521.

<sup>109</sup> Ibid, 518.

<sup>110</sup> Ibid, 519.

the hair instead. They found the proposed display offensive, noting that the hair could be all that remains of their family members, and as such felt the exhibition was inappropriate. This sort of input and approval was necessary of all objects on display in the museum, demonstrating a high level of respect given to the wishes of the Jewish community and their traditions.<sup>111</sup>

Overall, the USHMM represents a very different type of museum. While it is not officially a Jewish museum, the entirety of its collection is centered around Holocaust-era objects, including pieces of Judaica. Through their adherence to museum best practices in storage and object care, along with the consultation of conservators to stabilize their artifacts, this institution is in accordance with the guidelines outlined in Chapter Two for Holocaust objects and *tashmishet mitzvah*. In terms of sacred Judaica, the institution has dedicated extensive efforts to align their practices with Jewish law, consulting orthodox rabbis to ensure their Torah scrolls are displayed with respect and safe from desecration, while actively getting the feedback and approval of the survivor community for all of the exhibited materials throughout the museum. As a result, one can conclude that the United States Holocaust Memorial Museum is an institution that demonstrates the extra level of attention and care outlined by *Halakha* as described in this paper.

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<sup>111</sup> Weinberg and Elieli, 65.

## Conclusion

From the beginning, this paper has attempted to address a number of questions in order to determine the current state of care for Holocaust-era Judaica in the museum world. Are Jewish museums actively planning for the restitution of sacred Jewish objects in accordance with the conventions that have been held on the subject if a claim were to arise? Are museums acting in accordance with *Halakha* when caring for and displaying this Holocaust-era Judaica in their institutions? Looking at news coming out of the museum world, stories about looted Judaica are rare, but do exist. For example, the Derfner Judaica Museum in Riverdale, New York returned a seder plate to a Holocaust survivor after extensive provenance research in 2011.<sup>112</sup> In addition, the Israel Museum is actively involved in a claim, working with a family requesting the return of a fourteenth century haggadah stolen from their grandfather during the war.<sup>113</sup> However, these few cases provide little insight into actions of the larger museum world. Through the preceding three case studies, I have examined three museums' histories with these Holocaust era objects, their current approaches to restitution, and any special procedures undertaken by the institutions when handling sacred objects in accordance with Jewish law. Based on my findings, what conclusions can be drawn about the overarching state of Holocaust-era Judaica in museums today?

In Chapter One, I examined the history of looted Judaica following World War Two and the conventions that followed regarding the restitution of these objects. Under Jewish Cultural

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<sup>112</sup> Tanyanika Samuels, "Genealogist Karen Franklin returns loot stolen by Nazis to rightful owners," *New York Daily News*, March 10, 2011. Accessed July 18, 2017. <http://www.nydailynews.com/new-york/bronx/genealogist-karen-franklin-returns-loot-stolen-nazis-rightful-owners-article-1.118008>.

<sup>113</sup> Associated Press. "Jewish Family Renews Fight With Israel Museum Over 'Holocaust-looted' 14th-century Haggadah." *Haaretz*, April 11, 2017. Accessed July 18, 2017. <http://www.haaretz.com/israel-news/1.782762>.



Reconstruction, over five thousand objects received provenance research and were redistributed to Jewish institutions around the world after the war. Attempts were already made by JCR to locate and return objects to their original owners if possible. Later conventions on looted Jewish property have placed a greater emphasis on the restitution of these objects to former Jewish communities, but there is no legally binding legislation that directs museums to give up their Judaica. These conventions serve as ethical guidelines to museums. The Terezin Declaration of 2009 has specifically encouraged museums to look more closely at these objects, since new Jewish communities have formed in the years after the war. Since the United States has signed onto this declaration, museums should ethically be implementing provenance research for Holocaust-era Judaica.

Both The Jewish Museum and Yeshiva University Museum were recipients of JCR Judaica following the war and possess many Holocaust-era objects in their collections. While both institutions actively complete provenance research on incoming objects, neither has actively implemented provenance research on their existing collections. Neither has their own procedures in place regarding restitution claims either. Since the United States Holocaust Memorial Museum is a much newer institution that has filled its galleries with long-term loans and donations made directly from Holocaust survivors, there is less concern about restitution claims, and provenance research is done on all objects entering the museum in order to ensure their authenticity. While these museums have a standard of provenance research in place, it seems that more needs to be done. Based on these findings, I believe that Jewish museums need to devote more time to developing restitution procedures and conducting provenance research in order to fulfill their ethical responsibilities.

In Chapter Two, I examined the world of Judaica, establishing the differences between *tashmishey kedusha* and *tashmishey mitzvah* under *Halakha*. The majority of Jewish ritual objects fall under *tashmishey mitzvah* and do not require extra care beyond museum best practices. These are objects used to perform rituals and are not considered sacred. Objects falling under *tashmishey kedusha*, on the other hand, are considered holy because of their importance in Judaism. This primarily includes Torah scrolls, *tefillin*, and *mezuzahs*. Under Jewish law, there are restrictions on the care, storage, conservation, and exhibition of these objects that museums should consider implementing, going beyond the standard best practices in museum object care. In terms of Holocaust artifacts, there are no specific requirements other than maintaining them as they are and treating them as a memorial out of respect to victims of the Nazi regime. It also is established that rabbis within the Jewish community should be consulted as experts when in doubt about the care or exhibition of Jewish objects.

My study of The Jewish Museum, Yeshiva University Museum, and the United States Holocaust Memorial Museum revealed a wide range of practices in regard to the care of Holocaust-era Judaica. The Jewish Museum maintains three collections of World War Two-era pieces. Their collection of JCR objects is maintained as outlined by the original restrictions put on these donations. They all bear their original tags and will not be removed from the museum collection. The other objects have no restrictions like this. Also, the only objects to receive special care under *Halakha* are Torah scrolls, which must be covered appropriately in storage. There are no specific restrictions for exhibition either, although rabbinical authorities are contacted in some situations to ensure pieces are being respected appropriately. The Yeshiva University Museum maintains a collection that was also donated by JCR, but they have no restrictions regarding its maintained ownership. The museum consults with expert rabbis at

Yeshiva University when displaying and caring for Torah scrolls, but like The Jewish Museum, maintains no other *Halakha*-based procedures for Holocaust-era Judaica. They ensure that proper care and respect is given to objects and assure that borrowing institutions are appropriate venues for the objects, but this is based on museum best practices.

The United States Holocaust Memorial Museum displays the strongest adherence to Jewish tradition out of the three institutions examined. The institution is careful to follow museum best practices in storage, object care, and consultation of conservators to stabilize their artifacts as outlined in the second chapter. In terms of sacred Judaica, the institution has dedicated extensive effort to align their practices with Jewish law, consulting orthodox rabbis to ensure their Torah scrolls are displayed with respect and are safe from desecration, while actively getting the feedback and approval of the survivor community for all of the exhibited materials throughout the museum. All objects are meant to be maintained in the USHMM's collection as repository for the stories and memories of the survivor community. Overall, this institution displays the clearest adherence to Jewish law when caring for and exhibiting their collections. They represent a good example of the procedures that most institutions should be following when dealing with these collections.

Overall, these case studies represent a wide gap in the practices being carried out between different institutions caring for Holocaust-era Judaica. While the USHMM represents a set of good practices that follow Jewish law, the other two institutions have procedures that only favor Torah scrolls. While each institution seeks consultation from the Jewish community, there should be a greater effort made to standardize care of sacred Holocaust-era Judaica in the museum world. I believe that institutions need to devise their own policies for restitution claims and devote more time to collection provenance research as part of their ethical responsibility under

recent conventions on Holocaust-era Judaica. I also believe that museums need to take a closer look at the pieces they maintain in their collections and develop collection care and exhibition policies that reflect the guidelines of *Halakha* more thoroughly than they already do. Continued consultation with rabbinic experts is a step in the right direction to make these policies a reality. With some additional effort on behalf of Jewish museums, we as professionals can help establish guidelines that not only help preserve relics of the Holocaust, but also show better commitment and respect to the Jewish community as a whole.

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