

Nazi-Confiscated Art; Racially motivated transfers of artworks and their post-war restitution

This dissertation focuses on a comprehensive analysis of the restitution of Nazi-Confiscated Art in the Czech Republic. It does so with an emphasis on the historical, legal and practical challenges faced not only by the applicants for restitution, but also by the institutions obliged to retribute under Act No. 212/2000 Coll. The study is based on an in-depth analysis of the archival documents, the national and international legal norms, the case law and the secondary literature.

The text begins by establishing the crucial historical context, examining the confiscation laws, institutions and individuals involved in the looting of art, which provides the basis for understanding the provenance of artworks and the restitution process. The study traces the development of post-war restitution efforts, including Presidential Decree No. 5/1945 Coll. and Act No. 128/1946 Coll. These early laws aimed to reverse illegal property transfers during the Nazi occupation, but political, legal and social challenges often undermined their effectiveness. The case study of the Richard Morawetz collection shows how the former owners of works of art had to face bureaucratic delays and interpretations of legal norms that aimed to prevent them from taking possession of their pre-war property. And also how their private art collections became the property of all the people, which could be admired only in state museums and galleries.

The dissertation also focuses on the legal reforms after 1989, with an emphasis on the Czech reception of the Washington Principles by Act No. 212/2000 Coll. Although the adoption of this Act was a milestone in the Czech approach to the restitution of Nazi-Confiscated Art, the very strictly defined restitution conditions represent a significant obstacle to the return of artworks. The case law is also thoroughly analysed, both decisions interpreting the provisions of Section 3 of Act No. 212/2000 Coll. and decisions such as Kinský or Hoffmann, which show the tension between the formal legal framework and the desire to find a “just and fair solution”.

Although the Czech Republic has long been ranked among the countries that have made the major progress in dealing with Nazi-Confiscated Art, its shortcomings are clearly visible after a comparison with Austrian legislation. These shortcomings should be addressed *de lege ferenda* by amending Act No. 212/2000 Coll. or by (at least) greater involvement and transparency of state institutions in this area.

Klíčová slova:

Restitution, Nazi-Confiscated Art, Washington Principles