

LEGAL COMMENTARIES

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“Einstein’s Dentist” (Hans Sachs) and Restitution Claims Concerning a Nazi-Looted Poster Collection

Abstract: This article delves into the ongoing issues surrounding the restitution of artwork stolen by the Nazi regime during the Second World War. It highlights the less-explored case of German dentist Hans Sachs and his extensive poster collection, shedding light on the challenges faced by heirs of Nazi-looted art and revealing the stance of German cultural institutions and courts. It traces the history of Sachs’ collection, its significance in cultural heritage, and the subsequent attempts to recover it. The focus then shifts to Peter Sachs, the collector’s son, and his pursuit of justice through legal means, detailing the various court decisions that marked the progress of the case. Through this comprehensive analysis the article provides insights into the broader issues of art restitution, the complexities of legal battles involving Nazi-looted art, and the implications for cultural heritage preservation. It concludes with a summary of the key findings and the implications of the *Hans Sachs* case.

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Introduction

Despite the passage of time, matters related to the restitution of property stolen by the Nazi state apparatus during the Second World War still arouse many strong emotions. To confirm this observation, it is enough to look at the cases with the largest media coverage, such as: the case of *Maria Altmann v. Austria* over the ownership of Gustav Klimt's *Golden Lady*,¹ the story of the son's recovery of Jakob Goldschmidt's collection and its spectacular sale at Sotheby's auction house in 1956,² or the mysterious case of Gurlitt and the legal consequences of his inheritance being taken over by the Museum in Bern.³ Most of these cases concern either single works of art or whole collections⁴ of high value – often works by well-known and respected artists. Therefore, large sums are also at stake.

One of the cases that has not been fully described⁵ in legal studies so far is the case of the German dentist Hans Sachs and the broad collection of posters he gathered. This case seems to shed some more light on the problems faced by the rightful heirs of the former owners of works of art looted by the Nazis. It also clearly shows the attitude of German cultural institutions towards similar cases and the jurisprudence of German courts.

This article aims to present the history of Hans Sachs and his poster collection in the light of its plunder by the Nazis, its recovery attempts, and the lawsuit

¹ Supreme Court (United States), *Republic of Austria v. Altmann*, Judgment of 7 June 2004, 541 U.S. 677, 124 S. Ct. 2240; 159 L. Ed. 2d 1; 2004 U.S. LEXIS 4030.

² *Catalogue of Important Old Master and Modern Paintings. Comprising the Property of Lady Keppel and Other Owners Also. The Property of the Estate of Jakob Goldschmidt*, Sotheby & Co., auction catalogue, sale date: 28 November 1956.

³ D. Chappell, S. Hufnagel, *The Gurlitt Case: German and International Responses to Ownership Rights in Looting Cases*, in: J.D. Kila, M. Balcells (eds.), *Cultural Property Crime. An Overview and Analysis of Contemporary Perspectives and Trends*, Brill, Boston–Leiden 2014, p. 225.

⁴ See, among others, the case of the Goudstikker collection: Restitutions Committee, *Recommendation regarding the Application by Amsterdamse Negotiatie Compagnie NV in Liquidation for the Restitution of 267 Works of Art from the Dutch National Art Collection*, <https://www.restitutiecommissie.nl/en/recommendation/goudstikker/> [accessed: 20.04.2024]; see also P. Kennedy Grimsted, *A Goudstikker van Goyen in Gdańsk: A Case Study of Nazi-Looted Art in Poland*, "International Journal of Cultural Property" 2020, Vol. 27(1), pp. 53-96.

⁵ This case was mentioned, among others, in E. Campfens, *Restitution of Looted Art: What About Access to Justice?* "Santander Art and Culture Law Review" 2018, Vol. 2(4), p. 195, fn. 52, as well as eadem, *Nazi Looted Art: A Note in Favour of Clear Standards and Neutral Procedures*, "Art Antiquity and Law" 2017, Vol. 22(4), p. 335, fn. 108. Broader description is to be found in Z. Wonfor, *How to Weigh a Poster: The Restitution of the Hans Sachs Poster Collection*, "Cujah" 2017, Vol. 11, pp. 56-71.

brought by the collector’s son against the state of Berlin.⁶ The first part outlines the history of the Hans Sachs collection, its formation, historical value, and importance from the point of view of cultural heritage. The second part presents the history of the pursuit of claims by the collector’s son, Peter Sachs, and describes its milestones in the form of court decisions at all stages of the case. The entire analysis ends with a summary.⁷

Historical Background

In the interwar period, Hans Sachs (1881-1974) and the community of German graphic designers and collectors gathered around the magazine *Das Plakat*. Sachs played an important role in popularizing posters and research into them. The magazine contained extensive articles analyzing the style of individual artists and general trends in design. In a separate column, one could also read about plagiarism in poster and illustration designs. The figure of Sachs is therefore an example of combining a passion for collecting with social aspirations.⁸

Hans Sachs, known later as “Einstein’s Dentist”, was born in Wrocław, which was then part of the German Reich.⁹ He became interested in posters very early, as a result of – as he himself recalled – a gift received from his father on his 16th birthday: three full-size posters by Alfons Mucha, commissioned by Sarah Bernhardt, which bore the author’s original signatures. He initially developed his passion as a hobby. He carefully inventoried each poster, giving it a number and carefully describing the context of its creation. His collection was constantly growing and in 1915 its inventory numbered 3,500 objects. Before that point, in 1905 Sachs became one of the founding members of the German-wide Poster Friends Association (Verein der Plakatfreunde), which soon had many regional branches. The association included, among others, collector Hans Meyer, Lucian Bernhard (who acted as its chairman), and Rudi Lichstein. In 1910, Sachs began his publishing career as editor-in-chief and sponsor of the magazine *Das Plakat*. The periodical was published for the next 10 years. It not only described the latest achievements of poster artists, but also provided a platform for the development of theoretical reflec-

⁶ *Peter Sachs v. Stiftung Deutsches Historisches Museum*: Landgericht Berlin, Judgment of 10 February 2009, 19 O 116/08; Kammergericht, Judgment of 28 January 2010, 8 U 56/09; Bundesgerichtshof, Judgment of 16 March 2012, V ZR 279/10.

⁷ This article presents the outcomes of the research project “The Polish School of Posters – genesis, evolution, development, tradition”; research project no. 2018/31/B/HS2/03805 financed by the National Science Centre (Narodowe Centrum Nauki, NCN).

⁸ More detailed characteristics of the Hans Sachs story can be found in: K. Chapman, *The Most Dedicated Collector of Posters in Germany*, in: R.E. Iskin, B. Salisbury (eds.), *Collecting Prints, Posters and Ephemera*, Bloomsbury, New York 2021, pp. 164-178.

⁹ S. Glass, *Einstein’s Dentist, Goebbels and Me*, “The Times”, 28 January 2010, <https://www.lootedart.com/news.php?r=O2PP47251221> [accessed: 20.04.2024].

tions – scientific and critical – regarding this medium. Its popularity is evidenced by the number of subscribers, which increased from the initial 200 to 10,000.

The historical importance of the *Das Plakat* magazine lay primarily in the fact that it independently promoted *Gebrauchsgraphik* – German applied graphics respected internationally. An important role in gaining recognition for German design was played by the Berlin designer Lucian Bernhard (1883-1972), who debuted in 1905. He proposed a new imaging strategy, which involved removing all ornamentation from the depiction. This new approach went down in history under the name *Sachplakat* (“poster of things”).

The Poster Friends Association was dissolved in 1921, probably as a result of an internal conflict between its members, which caused Sachs to abandon pursuing his passion for some time. However, a fire that broke out in his house in 1923 forced him to take action to protect the collection, which again aroused his interest in it. By 1938 he had collected 12,500 posters.¹⁰ The Sachs collection includes works by pioneers of the genre, such as Henri Toulouse-Lautrec, Lucian Bernhard, Jules Chéret, Max Pechstein, Théophile Alexandre Steinlen, and Félix Vallotton; as well as works by representatives of *art nouveau* and *Jugendstil* (Aubrey Beardsley, Thomas Theodor Heine, Alfons Mucha, Henry van de Velde); members of the Vienna Secession (Gustav Klimt, Koloman Moser, Joseph Maria Olbrich) and the Munich Secession (Franz von Stuck); and representatives of the German poster school from the early 20th century, called *Plakatstil* (Edmund Edel, Hans Rudi Erdt, Julius Gipkens, Ludwig Hohlwein, Julius Klinger, Hans Lindenstadt, Paul Scheurich, Karl Schulpig, Lucian Zabel). Also noteworthy are posters created by famous artists such as Pierre Bonnard, Wassily Kandinsky, Käthe Kollwitz, and Edvard Munch. The collection also includes works by American artists: James Montgomery Flagg, Charles Dana Gibson, Maxfield Parrish, and Edward Penfield.¹¹

Sachs was arrested because of his Jewish descent during the so-called *Kristallnacht* on 9/10 November 1938, and together with his family he was sent to the Sachsenhausen-Oranienburg concentration camp.¹² His poster collection was confiscated by Joseph Goebbels, who wanted to include it in the collection of the planned Kunstgewerbemuseum Berlin. Sachs was released from the camp after 17 days and went to London, from where he then went to New York. He was allowed to do this because he had ceded his collection to the Reich. However, he was allowed to take with him 31 posters of Lautrec, whom the Germans considered one of the so-called degenerate artists.¹³ Thanks to their sale overseas, Sachs financed

¹⁰ J. Aynsley, *Graphic Design in Germany, 1890-1945*, University of California Press, Los Angeles 2000, p. 36.

¹¹ See *Artist Index*, in: *The Hans Sachs Poster Collection*, parts I and II, New York 2013.

¹² For Hans Sachs' own testimonies, see H. Sachs, *The World's Largest Poster Collection, 1896-1938: How It Came about and... Disappeared from the Face of the Earth*, self-published, New York 1957.

¹³ *Ibidem*, pp. 7-29.

his dental studies at Harvard University, thanks to which his situation in emigration was not as bad as that of many other people.

After the war, in 1950, Sachs tried to find information about the fate of the confiscated posters. The West German authorities informed him that the collection had been burned by Soviet troops during the siege of Berlin. In 1961, the collector received compensation in the amount of 225,000 German marks (approximately US\$25,000) as compensation for the loss.¹⁴ In 1966, part of his collection was found in East Berlin in the basement of the German Historical Museum (Deutsches Historisches Museum). The posters were identified thanks to characteristic inventory markings.¹⁵ However, despite numerous attempts the collector was unable to reclaim them. Hans died on 21 March 1974.

Claims of Sachs’ Son

His son Peter became interested in the case of Hans Sachs’ missing collection 30 years later. In 2002, he managed to establish that the German Historical Museum held 4,200 of the 8,000 looted posters, with an estimated value of €4.5 million. The rest mysteriously disappeared. However, Peter Sachs failed to communicate with the Berlin Museum.

In response to numerous similar claims, the Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property (Beratende Kommission im Zusammenhang mit der Rückgabe NS-verfolgungsbedingt entzogenen Kulturguts, insbesondere aus jüdischem Besitz) – temporarily called the “Limbach Commission”, or the “Advisory Commission” for short, was established on 14 July 2003. The commission received its colloquial name after its first chairwoman, Jutta Limbach. It intended to follow the Principles of the Washington Conference on works of art seized and looted by the Nazis.¹⁶ Its competences included primarily Jewish property. The commission was established based on an agreement between the federal government, states, and municipal umbrella organizations in 2003, and revised in 2016¹⁷ and 2018.¹⁸

¹⁴ Z. Wonfor, *op. cit.*, pp. 56-71.

¹⁵ K. Kohlenberg, *In the Name of My Father*, “Die Zeit”, 15 January 2015, p. 12.

¹⁶ German Lost Art Foundation, *Nazi-Looted Cultural Property: Basics & Overview*, <https://kulturgutverluste.de/en/contexts/nazi-looted-cultural-property#commission> [accessed: 20.04.2024]. As of April 2019, the Advisory Commission had issued 16 recommendations.

¹⁷ Beratende Kommission, *Accord between the Federation, the Federal States and the National Associations of Local Authorities on the Establishment of an Advisory Commission of 2003, New edition 2016*, <https://www.beratende-kommission.de/en/commission> [accessed: 20.04.2024].

¹⁸ See the 26 November 2018 German/US Joint Declaration Concerning the Implementation of the Washington Principles, p. 2: “[...] museums and other institutions possessing cultural property, which are supported by the Federal Government, have to consent to mediation by the Commission upon claimant’s requests”.

Peter Sachs, with the legal help from Osen LLC, an American law firm which specialized in art restitutions, submitted a request to the Advisory Commission in his case. The Advisory Commission considered it and issued a decision in January 2007.¹⁹ According to the decision, the Sachs collection should remain in the Museum. The justification stated that Hans Sachs had already received appropriate monetary compensation, and the German public institution presented his old collections with respect for their origin and with care for the collector's achievements. The decision noted that:

Peter Sachs has lodged a claim for the restitution of the collection, stating that it contains Nazi-looted art that has to be returned in accordance with the Washington Principles of 1998 and the Joint Declaration of 1999. The German Historical Museum rejects this claim, arguing that it does not involve cultural property that remained hidden because Hans Sachs himself was aware of the location of the collection from 1966 onwards, but lodged no claim for restitution.²⁰

Furthermore, the Advisory Commission found that:

Dr Hans Sachs, an art collector from Berlin, had always considered his activities as a collector to be a public service. At the beginning of the 1970s he referred to the remaining part of his unique poster collection in a German publication, stating that: "I am sure that West and East Germany will know the importance of protecting and guarding their treasure".²¹

The Advisory Commission's decision was not legally binding – it was only a kind of formal but legally nonbinding recommendation. This was confirmed by a later judgment from March 2015, in which the Verwaltungsgericht Magdeburg clearly stated that "The Advisory Commission is a purely advisory body of voluntary, high-ranking people from science and public life who make non-binding recommendations to institutions and people".²²

Peter Sachs decided to initiate a restitution process against the Museum before the District Court in Berlin. The subject of his lawsuit was, owing to the high legal costs, only one poster from his father's collection – *Dogge*. A possible positive resolution of the case would open the way for the plaintiff to recover the remaining works by analogy.

¹⁹ Beratende Kommission, *Recommendation of the Advisory Commission in the Case of the Heirs of Hans Sachs v. Deutsches Historisches Museum*, 25 January 2007, <https://www.beratende-kommission.de/en/recommendations> [accessed: 23.12.2023].

²⁰ Ibidem.

²¹ Ibidem.

²² Verwaltungsgericht Magdeburg, Judgment of 31 March 2015, 6 A 81/15, Rn. 6

The verdict in the case was handed down in February 2009 in favour of Sachs.²³ It constituted a precedent, which opened the way for the collector’s son to file claims to other posters in possession of the German Museum.²⁴ The Federal Government Commissioner for Culture and Media, Bernd Neuman, announced an appeal. According to the lawyers, this ruling – if it were to become final – might have far-reaching consequences for many similar cases involving restitution applications.²⁵ Past practice in dealing with Nazi-looted art would be questioned, as would the Advisory Commission established by the federal government to resolve such disputes. Peter Sachs, fearing a negative decision from the court of second instance, was willing to pay back the amount paid to his father as reparation if he received the poster collection back.

The Court of Appeal started its consideration of the case with the question of the relationship between the right of restitution and general civil law. Examination and clarification was required especially with regard to the question of how to approach the situation when claims for restitution could not be asserted at the time for factual reasons – as was the case here (the collection was lost for some time).

The Court of Appeal shared the opinion that Dr. Sachs did not lose his ownership of the collection in 1938 or during the reparation process. The posters also did not become public property of the German Democratic Republic. This opened up the question as to how restitution could be claimed in practice. Here we thus face the core problem of this case, which was characterized precisely by Klitzing and Thielecke as “the question whether the post-War and post-Reunification restitution laws constitute a bar to accessing civil law remedies such as the *rei vindicatio*”.²⁶ In other words, this dilemma raised the question of whether the treatment of German Civil Law as *lex generalis* excluded the application of *lex specialis* in the form of restitution laws. In relation to this dilemma in the discussed matter, one should ask whether the plaintiff, as the legal successor and current owner, can demand his property back in accordance with Section 985 of the German Civil Code (BGB), which states that a person who holds title to an item of property may demand the surrender of the item from the possessor of the item if the possessor cannot prove that he/she or it has a right of possession.

Accordingly, the priority of the relevant order of the Allied Command Berlin (refund order for the state of Berlin) should be taken into account here, according

²³ Landgericht Berlin, Judgment of 10 February 2009, 19 O 116/08. See also *Zum Verhältnis von Bundesrückerstattungsgesetz, Vermögensgesetz und zivilrechtlichen Ansprüchen*, “Kunst und Recht” 2009, Vol. 2, pp. 57-64.

²⁴ Compare with M. Weller, *Kein Ausschluss des allgemein-zivilrechtlichen Anspruchs auf Herausgabe nach § 985 BGB durch das Rückerstattungsrecht*, “Kunstrechtssprechung” 2009, Vol. 1, pp. 41-45.

²⁵ D. Chappell, S. Hufnagel, op. cit., pp. 225-226.

²⁶ I. von Klitzing, C. Thielecke, *National Perspectives: Germany*, in: R. Redmond-Cooper (ed.), *Museums and the Holocaust*, Institute of Art and Law, Buihth Wells 2021, p. 79.

to which a return could only have been requested within certain – in this case long-exceeded – deadlines.²⁷ Peter Sachs appealed against this judgment to the Federal Court of Justice. The case was accepted, and the Court’s final decision was rendered on 16 March 2012.²⁸

In its ruling the German Court, together with granting Sachs ownership of the poster stolen by the Nazis, resolved the previously described legal dilemma in a precedent-setting manner, stating that restitution regulations “do not take precedence over a claim for restitution under § 985 of the German Civil Code (BGB) when the asset seized due to persecution – as in this case and unlike in the cases previously decided by the Federal Court of Justice – was lost after the war and the rightful owner only became aware of its whereabouts after the expiration of the period designated for filing a restitution claim”.²⁹ Thus, the Federal Court of Justice ruled that the Sachs family was still the legal owner of the entire collection, despite the compensation paid in the meantime.³⁰

It thus became clear by analogy with the *Dogge* poster (which was the subject of the dispute) that Sachs was also entitled to the return of the remaining items from the collection. This took place in October 2012.

Recent Changes in the Restitution Law in Germany

The *Sachs* case – which was the only civil case that was brought during the existence of the Advisory Commission from its establishment in 2003 until the present – seemingly didn’t have an impact on fundamental changes in the way claims were pursued. However, in the longer term, especially considering the ongoing changes in this regard, its significance is hard to overstate.

On 13 March 2024, the German Federal Government, the Governments of the Laender, and the Representatives of the German Municipalities announced that they agreed on replacing the Advisory Commission with a new procedure based on an arbitration model.³¹ This long-awaited change was a consequence of the German Coalition Agreement of 2022 between three recently governing political par-

²⁷ *Kammergericht - 8 U 56/09 - Urteil vom 28. Januar 2010*, “Bundesgerichtshof. Mitteilung der Pressestelle” 22/2012, <https://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&Datum=Aktuell&Sort=12288&anz=639&pos=3&nr=59151&linked=pm&Blank=1> [accessed: 21.12.2023].

²⁸ Bundesgerichtshof, Judgment of 16 March 2012, V ZR 279/10. Section II.22.3, “Neue Juristische Wochenschrift” 2012, Vol. 25, pp. 1796-1800.

²⁹ *Ibidem*.

³⁰ C. Roodt, *Private International Law, Art and Cultural Heritage*, Edward Elgar Publishing, Cheltenham-Northampton 2015, p. 271.

³¹ See *Beratende Kommission im Zusammenhang mit der Rückgabe NS-verfolgungsbedingt entzogenen Kulturguts, insbesondere aus jüdischem Besitz für das 20. Kulturpolitische Spitzengespräch am 13. März 2024*, https://www.kmk.org/fileadmin/pdf/PresseUndAktuelles/2024/2024_03_13_20_KuPoSpG_BeratendeKommission_Beschlussvorschlag.pdf [accessed: 23.04.2024].

ties. According to its provisions, parties obliged themselves to “improve the restitution of Nazi-looted art by establishing a claim for information (*Auskunftsanspruch*), by excluding time limits for restitution claims (*Verjährung des Herausgabeanspruchs ausschließen*), by striving for a central jurisdiction (*einen zentralen Gerichtsstand anstreben*), and by strengthening the ‘Advisory Commission’ (*die Beratende Kommission stärken*)”.³²

It’s hard not to see the connection between these changes and the criticism that befell the Advisory Commission following the overturn of its recommendation regarding the poster collection of Hans Sachs, the return of which was sought by his son. The changes being now introduced appear, at least on paper, to be a concrete response to the numerous weaknesses of the existing restitution system in Germany – weaknesses which were exposed in the case brought by Peter Sachs.

As Weller aptly pointed out, “Overall, it seems that the arbitration framework brings a lot of potential for improving the current set-up. As always, success will depend on the details of implementation. This is what the Governments have declared they will be working on promptly from now on, with the hope of presenting the results by the end of 2024”.³³ Only time will tell if the mentioned changes will fulfill the expectations for a more balanced approach to a very sensitive topic.

Final Remarks

The story of the restitution of the Sachs collection seems important for several reasons. First of all, it marks perhaps the first time that the German Federal Court has so decisively “demonstrated its willingness to take full account of the moral dimension of art disputes”³⁴ with respect to art stolen by the Nazis. Secondly, this marks an important precedent, in which the Court boldly opposed the recommendations of the Limbach Commission and instead ruled in favour of the Jewish heirs. Thirdly, it challenged the jurisdiction of restitution bodies and established a rule to follow (*res judicata*). This case has highlighted the significant challenges faced by individuals who have, in changing circumstances, attempted to assert their rights. It can be said that the omissions of the International Court of Justice in The Hague, which has never dealt with cases of illegally displaced cultural property, are now making themselves felt.

³² *Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit. Koalitionsvertrag 2021-2025 zwischen der SPD, BÜNDNIS 90/DIE GRÜNEN und FDP*, https://cms.gruene.de/uploads/assets/Koalitionsvertrag_2021_barrierearm.pdf [accessed: 22.04.2024].

³³ M. Weller, *German ‘Advisory Commission’ to be Replaced by an Arbitration Framework*, 20 March 2024, <https://ial.uk.com/german-advisory-commission/> [accessed: 22.04.2024].

³⁴ C. Roodt, *op. cit.*, p. 286.

A very important context of the described case was the time element in the restitution action brought by Sachs' son. After receiving the compensation in 1961, Hans Sachs did not claim return of the posters. In addition, there were various statements from Hans Sachs about the fact that he considered his material demands to be balanced. His wife and heiress Felicia Sachs also made no claims from 1974 until her death in 1998, and his son Peter Sachs made no claims until 2006. As Weller has pointed out, "such a long 'incubation period' before a restitution claim is common and may not be due to the fact that the works of art in question have regularly experienced a significant increases in value over time".³⁵ This circumstance made the case in question even more controversial. The Federal Court of Justice ruled against forfeiture in this case. The grounds for this decision were not obvious, particularly as it constitutes an exception to the regular application of the German law in cases where the whereabouts of the collection were unknown to the family. This was a clear signal from the German Court about the special nature of cases involving the return of property stolen as a result of actions of the Nazi state. Despite numerous formal and legal reservations, this judgment has ultimately become considered groundbreaking. As Weller concluded, "the major restitution law event of 2012 in Germany is, after all, a positive one because – for what is currently still a small area – it creates fair and just solutions within the applicable law, contrary to previous legal convictions".³⁶

The content of this article would not be complete without a historical conclusion about the fate of the Sachs collection. It ended in the halls of auction houses. After recovering his father's collection, Peter Sachs announced that he intended to auction the approximately 4,300 remaining works in three lots. In January 2013 the first part of the collection – 1,200 posters – was sold at an auction in New York for a total amount of approximately US\$2.5 million. What is worth noting is that the representative of the Deutsches Historisches Museum purchased 31 pieces at the auction for €50,000. A further 100 posters were sold at Christie's in London in 2016.³⁷ The case of Sachs and the restitution process of his collection is also of significant importance for the history of graphic design. It shows that printed works also have great value and should be treated as an important element of the cultural heritage.

The *Sachs* case seems extremely significant, especially since it appears we can expect many more similar cases. As Andreas Bergman has noted, "It can be

³⁵ M. Weller, *Die Plakatsammlung Hans Sachs – Zur Ausschlusswirkung des alliierten Rückerstattungsrechts heute*, in: *Diebstahl – Raub – Beute: Von der antiken Statue zur digitalen Kopie*, VI. Heidelberger Kunstrechtstag am 28. und 29. September 2012, "Schriften zum Kunst- und Kulturrecht", Nomos-Verlag, Baden-Baden 2013, p. 96.

³⁶ *Ibidem*, p. 112.

³⁷ List of works from the Sachs collection offered for sale in May 2016 at Christie's London: https://www.christies.com/presscenter/pdf/2016/Release_EARLY_20TH_CENTURY_POSTERS_FROM_THE_DR_HANS_SACHS_COLLECTION.pdf [accessed: 30.12.2023].

assumed that numerous works of art that are now lying dormant in the family’s possession will be brought to the light of the art market in the next few years by the heir generation”³⁸ – both in terms of their sale, as well as possible restitutory lawsuits by the heirs, whose awareness of their rights has increased thanks to the decision in the *Sachs* case.

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³⁸ A. Bergmann, *Der Verfall des Eigentums Ersitzung und Verjährung der Vindikation am Beispiel von Raubkunst und Entarteter Kunst (Der Fall Gurlitt)*, Mohr Siebeck, Tübingen 2015, p. 3.

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