

Two Dutch 17th century paintings restituted to the heir of holocaust victim Sam Bernhard Levie

On March 10th 2014, the Dutch Ministry of Education, Culture and Science, approved a restitution claim, submitted by Mondex Corporation, of two artworks from the Dutch state collection to Max Amichai Heppner the heir of Sam Bernhard Levie, a Jewish textile salesman, who died in extermination camp Sobibor, Poland, in 1943. The paintings were sold by Levie in September 1940, during the first months of the war in the Netherlands, when anti-Semitic measures were starting to oppress the Dutch Jewish community. One of the paintings, *Amsterdam Town Hall*, by Gerrit Adriaensz. Berckheyde (1638-1698), was sold to a Dutch art dealer, who sold it on his turn to the Landesmuseum in Bonn, Germany. The other painting, *Fantasy River Landscape with Figures and the Buurkerk in Utrecht* by Adam Willaerts (1577-1664), was sold via an other Dutch art dealer to Walter Andreas Hofer, who obtained this for Reichsmarschall Herman Göring's art collection. Both paintings were recuperated in Germany by the Monuments Men after the war and sent back to the Netherlands in October 1945.

The decision to restitute the paintings was based upon the fact that the Advisory Committee on the Assessment of Restitution Applications for Items of Cultural Value and the Second World War deemed the sales by Levy as involuntary. The committee also stated that "the measures taken against Jews by the occupying forces and the situation in which Levie found himself at the time of the sales are sufficient reason for assuming there was no free control of the purchase sums."

The question arises why these paintings were not restituted to the heirs of Levie on an earlier occasion. The painting by Berckheyde was until last week's events located at the Amsterdam Museum and the other, by Willaerts, at the Centraal Museum in Utrecht, both on loan by the Dutch government. The first reason is because none of the heirs or family members had declared the paintings as stolen or sold under duress to the Dutch authorities after the war. This was because Levie was murdered together with his wife and had no children. Therefore, it is possible that none of his heirs or relatives actually knew about the sales of these two paintings.

The Dutch art dealers who had sold Levie's artworks had actually reported to the Netherlands Art Property Foundation, a Dutch organization erected to handle restitution of looted artworks, that they had sold the paintings to the Germans and that the paintings were formerly owned by Levie. However, these art dealers had indicated in the concerning claim forms that these sales were voluntary. The latter fact is plausible, but this only shows that the art dealers sold the artworks willingly, without revealing anything about the circumstances of the original sales by Levie to the art dealers. As a consequence, the artworks were absorbed by the Dutch state collection.

In 1998 the Office Origins Unknown was erected to conduct provenance research on the Dutch state collection, tracing the original owners of the over 4,000 objects in this collection. Several years later, this organization concluded that the paintings by Berckheyde and Willaerts were originally owned by Levie, but this office also concluded that Levie had been an art dealer, which means that the sales of the artworks can not be considered involuntary, unless hard evidence of sales under duress can prove the opposite. Mondex Corporation of Toronto, Canada was contracted to conduct provenance, historic and legal research about the paintings and determined that Levie had never been registered as an art dealer at the chamber of commerce and that the Office Origins Unknown had categorized him as an art dealer only on basis of an ambiguous post-war source in which he is referred to as having dealt in art around the year 1925.

When Mondex submitted the restitution claim for Max Amichai Heppner, the position was taken that Levie was not an art dealer and had sold the Berckheyde and Willaerts paintings, as a private citizen. under duress. Levie signed his last will on 22 July 1940 and immediately afterwards started selling off his possessions, or turning these over to friends or relatives for safekeeping. At that time, Jewish citizens in the Netherlands were well aware of how the systematic persecution of their race by the Nazi's would unfold, because Dutch newspapers had already reported about the oppression of Jewish citizens in Germany and Poland before the beginning of the war in The Netherlands. The systematic approach was to first take away the civil rights of Jewish citizens, followed by confiscating their possessions and ending with executing them. In the summer of 1940, possessions of Jewish citizens in the Netherlands were not confiscated yet, but an intelligent person would know that this was just a matter of time. It is clear that Levie, by the drafting of his will and selling or safeguarding of his possessions, was preparing himself for the worst.

Fortunately, the position that the sales by Levie of the paintings by Berckheyde and Willaerts had taken place under duress, was accepted by the Dutch Advisory Committee, which leaves us with the story of the heir. In Levie's last will, he appointed his wife Sara de Zwarte as his sole heir, unless he were to die at the same time as or after his wife, which is exactly what happened: Sam Bernhard and Sara were both executed in Sobibor on 28 May 1943. Consequently, as requested in Levie's will, a certain Dr. Albert Heppner became his heir. The following will explain why; Albert Heppner was a collector of 17th Century Dutch Masters and gave art history lectures in Amsterdam with respect to the theme of bringing art to life for non-professionals. At one particular lecture Sam Levie and his wife Sara were sitting directly in front of Albert when Sara found herself struggling to remove her coat. At that point Albert stepped forward and helped her remove her coat, folded it neatly and placed it on the back of her chair. Sam was naturally moved by Albert's gesture of kindness and goodwill and suggested in turn that he and Sara would attend Albert's future lectures. At the end of each lecture Sam would slap Albert on the back in a joyful and supportive way and

they would chat about the lecture and the various ideas discussed. At some point along the line Sam expressed his gratitude to Albert and told Albert that one day Albert would be appointed as Sam's sole heir to which Albert smiled and shrugged off as merely a passing remark. Time passed and it was quite some time since Albert and Sam communicated. Albert passed away around 1945 and at some point after this Albert's wife Irene had to have something notarized so she searched around for a notary, found one and made an appointment to have her document notarized when the notary advised her that he'd like to speak to her about another matter. Albert's wife explained that she did not have time to spend on other matters to which the notary explained that he did - by chance the same notary had handled the last Will and testament of Sam Levie and thus the notary explained to Albert's wife of the entitlement of her Albert's estate to Sam's assets. Naturally this was quite a surprise.

Irene passed away in 1951 and left one son behind, Max Amichai, who has just become the owner of the two beautiful paintings by Berkheyde and Willaerts. Without doubt, Sam Bernhard Levie, would have fully agreed with Albert's son receiving this inheritance.

James Palmer, an art detective and the founder of Mondex was pleased with the results; "It is wonderful to see the return of these important paintings to the rightful heir of Mr Sam B Levie. To see justice being served, even at this later period, gives closure to Mr Levie's heir. We are thankful to the Dutch Restitution Committee for their favourable decision in this matter."

Gerrit Adriaensz. Berckheyde (1638-1698), *Amsterdam Town Hall*
dated 1668
oil on canvas, 75.5 x. 91.0 cm

**Adam Willaerts (1577-1664), *Fantasy River Landscape with Figures and the
Buurkerk in Utrecht***

ca. 1630

oil on panel, 69.8 x 99.2 cm