

Cultivating Best Practices in Judaica Provenance

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A project of the International Forum on Judaica Provenance
convened by the National Library of Israel
and the Association of Jewish Libraries

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On the front cover: A reproduction of the inside front board of *Hidushe Agadot* (Israel ben Benjamin, of Przemysl), Wilhelmsdorf, 1730 (Columbia BM516 I8 1730) showing many owners' marks indicating a complicated provenance, including inscriptions, a book plate, and a bookseller's stamp.

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Preface

The enduring mission of libraries and archives to collect and preserve cultural heritage and ensure public access is a complex task that touches and reveals the core of our identities as individuals, communities, and nations. The books and manuscripts constituting our literary heritage are both anchors in the past and bridges to the future. When acquiring books and manuscripts for their collections, professional librarians and archivists frequently encounter perplexing ethical dilemmas when the provenance of a particular item is unknown or unknowable.

The White Paper on Provenance in Judaic Books and Manuscripts is a first effort to provide a guide for the perplexed in the realm of provenance policy. In contrast to provenance in the art world, which has been the focus of much public concern and policy discussion since the landmark Washington Conference Principles on Nazi-confiscated Art in 1998, the present White Paper articulates best practices relating specifically to the management of Jewish books and manuscripts in cases of uncertain provenance. Authored by professionals primarily for professionals, the practical recommendations outlined in the White Paper reflect a broad historical perspective that acknowledges the unique complexities of provenance research with regard to Judaic books, manuscripts, and archives including, but not restricted to, Holocaust-era materials.

The guiding premise of this White Paper is that the various stakeholders and institutions operating in the field of provenance constitute a dynamic eco-system that includes booksellers, private collectors, auction houses, dealers, archives, and libraries. Too often these parties have operated as separate and disjointed "silos," to the detriment of public interest. This White Paper charts a new course that acknowledges our interdependence and offers pragmatic policies and fair norms as a framework for wise decisions.

This White Paper on Provenance policy is a joint project of the National Library of Israel and the Association of Jewish Libraries. Special thanks are due to the Gesher L'Europa Fund, Mr. Isaac Pollak, and Mr. David Nathan-Maister for their support of the International Forum on Provenance in Judaica Books and Manuscripts, whose members studied, discussed, argued about, and ultimately authored these recommendations.

Just as there is no "last word" in provenance—new facts may always surprise us—so too can there be no "last word" in provenance policy. The authors welcome comments and suggestions pertaining to any aspect of the White Paper, including the theoretical notes, best practices, case studies, and bibliography.

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Part One

Cultivating Best Practices in Judaica Provenance

Preamble and purposes

Whereas:

- Judaic books, manuscripts, and archives are central to and foundational pillars of the cultural heritage of the Jewish people today and into the future; and
- Libraries, archives and other public collections are entrusted with the stewardship, protection, preservation, and accessibility of these materials for the benefit of all peoples; and
- The management and expansion of these public collections requires research into a complicated and sometime incomplete trail of provenance and ownership; and
- The chain of title of Judaic books, manuscripts, and archives can be extraordinarily difficult to trace; and
- Library directors, curators, librarians, archivists, private collectors, and other professional decision-makers frequently lack practical guidance in cases of unknown or unknowable provenance; and
- The ethical dilemmas pertaining to the provenance of printed books, manuscripts, and archival materials have not received the level of attention needed to guide and support cultural heritage professionals working to expand Judaica collections in public institutions.

Therefore:

The National Library of Israel and the Association of Jewish Libraries have jointly convened an International Forum on Judaica Provenance for the following purposes:

- To define a high standard of best practices for public collections of books and manuscripts by outlining the issues and providing expert guidance and specific recommendations for performing due diligence, with a particular focus on decision points relating to acquisition and deaccession;
- To promote norms of trust and integrity in the community of practice of cultural heritage professionals by articulating and disseminating the highest standards of legal and ethical behavior;
- To endorse models of responsible stewardship by both public and private parties ensuring that Judaic books, manuscripts, and archives remain accessible;
- To promote transparent communication in the provenance ecosystem, including libraries, archives, booksellers, auction houses, museums, and private collectors;
- To protect the market for books, manuscripts, and archives through guidelines that encourage public accessibility and transparency while also respecting private property rights and appreciating the crucial role of booksellers, dealers, and auction houses in the development and expansion of publicly accessible collections

1 | THEORY: INTRODUCTION TO ISSUES IN PROVENANCE POLICY

Provenance information is often incomplete and sometimes simply unknowable. Since the principles of restitution regarding art and antiquities looted during World War II have been debated and set forth in the Washington Principles and Terezín Declaration, the present document relates exclusively to textual materials. To both effectively and ethically expand public Judaic collections, three core dilemmas must be addressed. We present each dilemma as a continuum of contrasting values in order to reflect the complexity of these issues and encourage ongoing discussion:

- A.** Expanding collections vs. maintaining ethical standards;
- B.** Country of origin vs. contemporary centers of Jewish life;
- C.** Stewardship vs. ownership.

A. Expanding collections vs. maintaining ethical standards

The Forum's paramount objective is to guide libraries and archives with Jewish collections to optimally fulfill their roles as guardians and preservers of Jewish textual heritage, expand their collections, and help make those documents available to the public, all while maintaining the highest ethical standards. Because the market is less than transparent, information can be hard to gather, individuals may act less than honorably, and some states and public institutions do not act in good faith. There is no "safe" solution to the ethical quandaries posed by unknown provenance: err on the side of caution by refusing donations or purchases of questionable material and we risk the loss of valuable documents and knowledge; err on the side of carelessness and we risk adding to our collection items that were acquired in problematic ways and even encouraging future looting. Institutions must often make decisions in a finite time frame based on incomplete information in situations dictated by the limitations of the market.

B. Country of origin vs. contemporary centers of Jewish life

The history of Jews and Judaism during the last 150 years makes provenance research and ethical guidelines extremely difficult. Whether due to persecution, voluntary migration, expulsion, or mass murder, many Jewish communities in Europe and the Islamic world have been destroyed together with their institutions. A great deal of textual culture has been lost, looted, stolen, abandoned, sold, or given away. Many historic communities now maintain only a fraction of their historical Jewish residents and cultural life, while new centers of Jewish life and learning have emerged throughout the world.

Historically, two distinct models have been employed with respect to the proper role of libraries and archives vis-à-vis textual materials that may become available for acquisition and for expanding collections. The first model prioritizes the item's country of origin; the second model prioritizes preserving Jewish cultural heritage in current centers of Jewish life. While in some cases these priorities may overlap, in others there may be tension or conflict between them.

According to the first model which emphasizes country of origin, the item in question is best if returned to its place of origin: a physical location within a sovereign state, be it a communal body, public library, or governmental agency. Holding items in the geographic location where they were created, last owned, or used has important advantages. Jewish tradition is part of the local culture and informs the history of the location in which it was used or created. Jewish books may have been printed by non-Jewish printers, and manuscripts may have been illustrated by non-Jewish artists. Moreover, the

global network of librarians, archivists, and museum professionals charged with safeguarding Jewish cultural heritage includes both Jews and non-Jews who share a common mission. Irrespective of the community's current demographic reality, the presence of cultural artifacts, books, and manuscripts in their original environment can help strengthen local culture in general and Jewish culture in particular by serving as an infrastructure for education and cultural creativity for both Jewish and non-Jewish populations.

Yet, this model of geographic restitution, especially to places that persecuted or expelled their Jews, may raise as many ethical questions as it solves. The return of items to the location or institution where they were created or last legally owned has significant limitations regarding Jewish textual materials. In some cases, locations of origin may have even changed national affiliation, thus complicating the narrative yet further. For these and other reasons, in the aftermath of World War II, certain Jewish entities, such as the Jewish Cultural Reconstruction Project, the Claims Conference, and the State of Israel after its establishment, were recognized as collective entities entrusted with responsibility for heirless Jewish property. (For full citations regarding this history, see the bibliography.) In any case, a result should be avoided in which Jewish cultural heritage finds its way to bodies or states that oppress or actively discriminate against Jews and Judaism or where those items will face risk.

In contrast, according to the second model which prioritizes current centers of flourishing Jewish life, an item may be entrusted to a Jewish institution, body, or agency with significant Judaica collections even if they are not located in the item's country of origin. This is particularly true of national institutions in the State

of Israel – the national home of the Jewish people, the location of the world’s largest Jewish population, and a vibrant center of Jewish learning – but is not limited to them. These thriving institutions can often provide optimal stewardship for these items as part of a larger mission to preserve and promote the cultural heritage of the Jewish people.

This model embodies the principle that Jewish textual material should be held by institutions where they can be used and studied by active Jewish communities and make direct contributions to contemporary Jewish life. This may of course be in Israel. It could also be in the country of origin (especially if it can be returned to its previous owner, the previous owner’s successor organization or heir, or a continually functioning Jewish community or institution) or in locations where groups identifying as descendants of Jews from a now-destroyed communities have rebuilt significant collective life. When vital centers of contemporary Jewish life hold or have access to documents of Jewish cultural heritage, the Jewish people gain agency over their past and traditions.

Of course, both models under discussion require entrusting these items to institutions which have a proven capacity to make these materials widely accessible while preserving and maintaining them.

In short: cultural heritage professionals operate in an environment of competing voices and answer to multiple constituencies of both local and global stakeholders. In situations where the historical and cultural context of a collection is still intact and responsible preservation is guaranteed, restitution to the country of origin may be the preferred option. In situations where these ideal conditions do not exist, decisions regarding specific acquisitions will require clear-minded, far-sighted balancing between

competing concerns that will safeguard and steward the cultural heritage of the Jewish people.

C. Stewardship vs. ownership

The term “ownership” generally indicates legal title to cultural property. Ownership has traditionally been the model for expanding library and archive collections, and public institutions may prefer this model which gives them maximal control and agency over items in their collections.

In addition to exclusive ownership by a single institution, there are strategies that can serve the public good by employing creative alternatives, often referred to as the practice of “stewardship.” Strictly speaking, “stewardship” is not a defined legal concept or category that confers concrete, clearly-defined rights or privileges on the “steward.” While stewardship usually signifies concrete possession of a particular item, this may or may not overlap with full or partial ownership.

Examples of responsible stewardship by public institutions include: joint ownership with private or other public bodies; long-term loans; contractual agreements to serve as custodian over items owned by others; temporary holding until ethical questions are clarified or more provenance information becomes available; creative compromises between parties with competing claims; and other scenarios. Private owners who endorse the concept of stewardship will enable access to their materials and willingly cooperate with public institutions. These creative solutions can help maintain public access to Jewish cultural heritage when complicated or unresolved problems of provenance pose ethical challenges.

2 | PRAXIS: BEST PRACTICES FOR CULTURAL HERITAGE PROFESSIONALS

This section spells out eleven best practices that we believe provide practical guidelines for cultural heritage professionals faced with dilemmas of unknown provenance. Parties that adopt these best practices will form a cutting-edge community of practice comprising all members of the provenance ecosystem: sellers, buyers, and collectors (institutional and private). Together, we can move beyond the current environment of suspicion and distrust.

BEST PRACTICE #1 | OBEY RELEVANT LAWS

The marketplace for Jewish books and manuscripts operates in a vast global space regulated by international agreements and national entities (including some rogue states), each with its own distinct legal system. (Selected agreements are included in the bibliography.) The first and most important best practice, on which all others depend, is obeying the relevant laws. Acquisitions policy constantly engages with the export and import of cultural artifacts, with all of the attendant legal implications and diverse jurisdictions. Institutions need ready access to expert legal advice to determine the legal implications of their actions in their own jurisdiction, especially when dealing with states that oppress or actively discriminate against Jews or Israel. Archives and libraries should author their own clear and transparent policies tailored to their particular circumstances that provide guidance as to which cases and situations require legal consultation. Above and beyond the letter of the law, institutions should demonstrate their

commitment to high ethical standards by voluntarily adhering to a code of best professional practices and provenance protocols, such as those outlined in this document and in the works cited in the bibliography.

BEST PRACTICE #2 | USE STANDARDIZED PROVENANCE PROTOCOLS

When evaluating a potential acquisition, institutions should exercise due diligence and conduct provenance research by following standardized protocols, an example of which is provided below. Potential purchasers should gather and document provenance information from available sources and insist that the seller or donor respond to these key questions. Their answers should be incorporated into catalog descriptions:

- Who were the previous owner(s) (and/or possessors) of the item? How did they come to be the owner(s) (and/or possessors)? This should, ideally, include the names of previous owner(s) (and/or possessors), where and when the item was offered for sale, and the price paid.
- What else is known about the item's recent or extended history? What are the sources of this information?
- Are there markings on the item of a previous owner(s) or institution? Are there traces of markings that have been removed? Are there signs that an item has been tampered with or broken up to be sold in parts?

- Which documents belonging to the item's paper trail are available?
- Have there been previous attempts to research the provenance of the item, and if so, what did they reveal?
- Have there been claims for repatriation and/or restitution?
- Has ownership ever been contested in any way, either formally or informally?

Provenance research is important for every acquisition and should be an ongoing part of any institution's routine work. Generally speaking, if the item in question has no visible marks of previous ownership and there is no specific indicator of theft, then acquisition is possible. However, even a good faith effort to document provenance may not answer every question. Moreover, there is always the possibility that additional provenance information will become available in the future and will retroactively affect the correctness of a past decision. For most institutions, limitations on staff and budget mean that the time and money invested in provenance research will be proportionate to the historic value or cultural meaning of the item, a careful assessment of the risks involved in acquiring the item, and the probability of successfully clarifying the history of the item.

Those responsible for ensuring the ethical transparency of an acquisition process must frequently reach decisions based on incomplete information. It may prove difficult or impossible to ascertain and document an unbroken chain of title. In such cases, decision-makers must judiciously assign the proper weight to each piece of evidence and

then consider potential "trade-offs" between conflicting values in order to reach an optimal operative decision. In cases of incomplete provenance information overlaid with ethical uncertainty or ambiguity, institutions should make transparent decisions based on the good of the field as a whole. The risk of decisions based on incomplete data can be minimized by cooperating with other bodies, seeking their input, and of course, returning items if information later emerges demonstrating that the item was, in fact, stolen or lost as a result of persecution.

BEST PRACTICE #3 | PUBLICIZE AVAILABLE PROVENANCE INFORMATION

Institutions should publicize the available provenance information (such as names of previous owners and dates of sale) regarding new acquisitions and existing collections in clear language and in easily accessible locations. After acquiring a new item, they should include what is known about its provenance in the metadata and, when possible, add copy-specific provenance metadata regarding items that are part of an existing collection. If, in the course of investigations or general operations, evidence of problematic transactions is revealed, stakeholders should be notified where appropriate in a responsible and sensitive manner.

BEST PRACTICE #4 | **RETURN ITEMS TO LEGAL OWNER(S) OR SUCCESSORS**

If demonstrative evidence arises indicating that an item was looted or stolen, responsible institutions should adhere to a policy of returning or repatriating materials to their legal owner(s), or legally-defined successor organizations. In the case of competing claims, every effort should be made to avoid prolonged litigation by referring the parties to alternative dispute resolution, which may include mediation or some other form of creative compromise and cooperation. An outcome in which Jewish cultural materials are held by bodies or states that oppress or actively discriminate against Jews and Judaism and the items are at risk should be avoided. To cite the Washington Principles (#9), which can be applied to all cases of stolen goods, "steps should be taken expeditiously to achieve a just and fair solution." (See also Best Practices 6-7).

BEST PRACTICE #5 | **EXPAND YOUR COLLECTION RESPONSIBLY**

Adherence to a high standard of professional ethics will enable libraries and archives to prudently add items to their collections even under conditions of ambiguous provenance, for example, when a complete chain of title cannot be reconstructed and documented. Since many Judaic cultural heritage items will never have their provenance fully identified, a policy that permits adding items to a collection only if the provenance is conclusive is likely to lead to the disappearance and unfortunate loss of publicly available documents. Hence, under conditions where full provenance information is lacking but there is a reasonable likelihood that the acquisitions are legitimate, we believe that responsible professional bodies should acquire these items in order to help steward and preserve them on the public's behalf. By responsible professional bodies, we are referring to institutions or collectors that:

- Diligently follow provenance protocols;
- Steward, preserve, and store their collections using best practices;
- Publicize provenance information in a clear and accessible manner;
- Fully cooperate with outside researchers and other institutions;
- Undertake provenance research of their own;
- Consult with legal counsel when required;
- Use alternative dispute resolution when possible;
- Return items if and when rightful owner(s) can be identified.

BEST PRACTICE #6 | **MANAGE CONFLICT BY ENGAGING PROACTIVELY WITH ALL STAKEHOLDERS**

Even after the performance of due diligence, libraries and public archives are often forced to make decisions about books, archives, and manuscripts without complete provenance information. They should avoid treating items with incomplete provenance or contested claims as a matter for litigation in which there are “winners” and “losers.” In situations where the legal title is unclear or ownership is disputed, the wisest course of action may be to consult and work toward mutually agreeable outcomes with other stakeholders and potential legal claimants, be they individuals, families, Jewish communities, cultural institutions, or governments. By demonstrating sensitivity to the concerns of all stakeholders, large institutions can maintain long-term relationships based on mutual trust and transparent communication. Such an approach is far more likely to lead to creative solutions that satisfy as many stakeholders as possible, including joint ownership, shared custodianship, stewardship, permanent or long-term loans, collaborative preservation, open access digitization, or other mutually agreeable arrangements. Additionally, the advice and counsel of unbiased experts and colleagues can provide in-depth perspective and help clarify any emerging ethical concerns.

BEST PRACTICE #7 | **REFER UNRESOLVED DISPUTES TO MEDIATION**

In some cases, both individuals and broader bodies (communal, governmental, institutional) may have outstanding, unresolved claims regarding the ownership of a particular item. In cases of unavoidable conflict, alternative models of conflict resolution are more likely to serve the public good than protracted legal battles. Unfortunately, rules of evidence make it difficult to reach satisfying outcomes, since even one step missing in the chain of title can undermine a legal claim. As an alternative to lengthy, expensive, and often inconclusive court proceedings, interested parties may choose to resolve their conflicts in a non-adversarial manner via mediation, settlement conferences, or negotiation. These approaches facilitate compromise and promote creative, win-win solutions based on stewardship. In some circumstances, parties in a dispute may elect to consult a competent authority in Jewish law.

BEST PRACTICE #8 | **MINIMIZE DEACCESSIONING**

Beyond those cases where an item is being returned or repatriated to its rightful owner(s), public collections may also occasionally be required to deaccession valuable materials for other reasons. In these situations, we recommend the following:

Document and publicize the act of deaccession. The citation should not be removed from the database after deaccessioning. The item's record should be preserved with an indication that the item has been deaccessioned and details about the new location. This practice alerts all of the stakeholders in the ecosystem of Judaic books and manuscripts that the item in question has not been stolen and also provides previous owner(s) with an appropriate citation regarding its existence.

Ensure that the item remains accessible. Ideally, the item should be transferred to a collection that is committed to providing public access. If that proves impossible, we recommend that the item be digitized or made available in high quality facsimile so that it does not “disappear.” In cases of restitution where an item is returned to its rightful owner(s), the library should encourage the owner(s) to keep the item available to the public.

Identify the new location. This will, if possible, allow future users to continue accessing the item and citing it properly. For example, with codex manuscripts, the new location should be updated in: KTIV: The International Database of Hebrew Manuscripts.

BEST PRACTICE #9 | **PUBLICIZE THEFTS**

Institutions and other collectors are often hesitant to divulge cases of theft for fear of exposing security weaknesses or other problems. When possible and prudent, we strongly recommend reporting thefts to the authorities and the professional community as soon as possible after the occurrence. This will deter thieves from stealing for resale and will encourage the larger community to assist in identifying stolen items. We suggest adding information about stolen materials to the ABAA Stolen Books database and publicizing the theft on Hasafran, the listserv of the Association of Jewish Libraries, and in other relevant locations. To avoid defamation suits, extreme care must be taken when reporting theft not to publicly speculate about the identity of the thief.

BEST PRACTICE #10 | **BUILD A META-DATABASE OF PROVENANCE INDICATORS**

To allow easier identification of provenance indicators, we recommend the establishment of a task force to raise funds and create an aggregated database of provenance indicators that will provide potential purchasers with enhanced access to this detailed information. Some existing databases already document provenance information. For example, Footprints: Jewish Books Through Time and Place focuses on provenance data related to Jewish books printed prior to 1800. Databases related to Holocaust-era provenance resources include the Unloot app (forthcoming), “Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg,” the JDCRP (Jewish Digital Cultural Recovery Project), and the Lost Art Database.

We recommend that the images and metadata from both existing and new projects (including research on non-Holocaust related materials) be combined in a single, easily searchable platform which is accessible to lay people and professionals. (In the art world, the Getty Research Institute provides a Provenance Index and makes datasets available on Github, providing open access to other projects.) The Looted Cultural Assets Project also contains valuable data. Together with the expanded use of cutting-edge technology in provenance research, we also call for increased support for high-level academic research of provenance issues in the broader contexts of Jewish history, culture, and society.

We recognize that the marketplace for books and manuscripts has, in the past, sometimes been abused and manipulated by unscrupulous parties. Heightened awareness and real-time sharing of up-to-date provenance data on public platforms will empower us to reimagine and ultimately reshape the norms of the marketplace, leading to more transparent and mutually beneficial cooperation between public institutions and their partners and agents in the private sector.

BEST PRACTICE #11 | **INTEGRATE SEPARATE “SILOS” INTO A COMMUNITY OF PRACTICE**

In the past, the various activities dealing with Judaica have operated in (sometimes opposing) silos. Booksellers, auction houses, librarians, private collectors, provenance researchers, and others have each operated in their own spheres, interacting only at the point of transaction. Heightened awareness of our common interests and shared goals, together with the transformative impact of new technologies, now make it possible to take concrete steps toward the creation of a vibrant community of practice. We envision an evolving provenance ecosystem based on multiple, dynamic networks of formal and informal relationships that find expression in online forums, in-person meetings, symposia, and virtual meetings. To provide a balance of continuity and organizational structure, we also recommend the creation of an association of stakeholders in the world of Judaica, Jewish books and archives. A true community of practice based on transparency and trust will optimize knowledge sharing and collegial cooperation in the service of protecting and preserving our cultural heritage. We call on both public institutions and private parties to publicly endorse the best practices outlined in this White Paper and help us lay the foundations for this new community of practice.

Part Two

Resources for provenance research

A. Work flow for provenance research

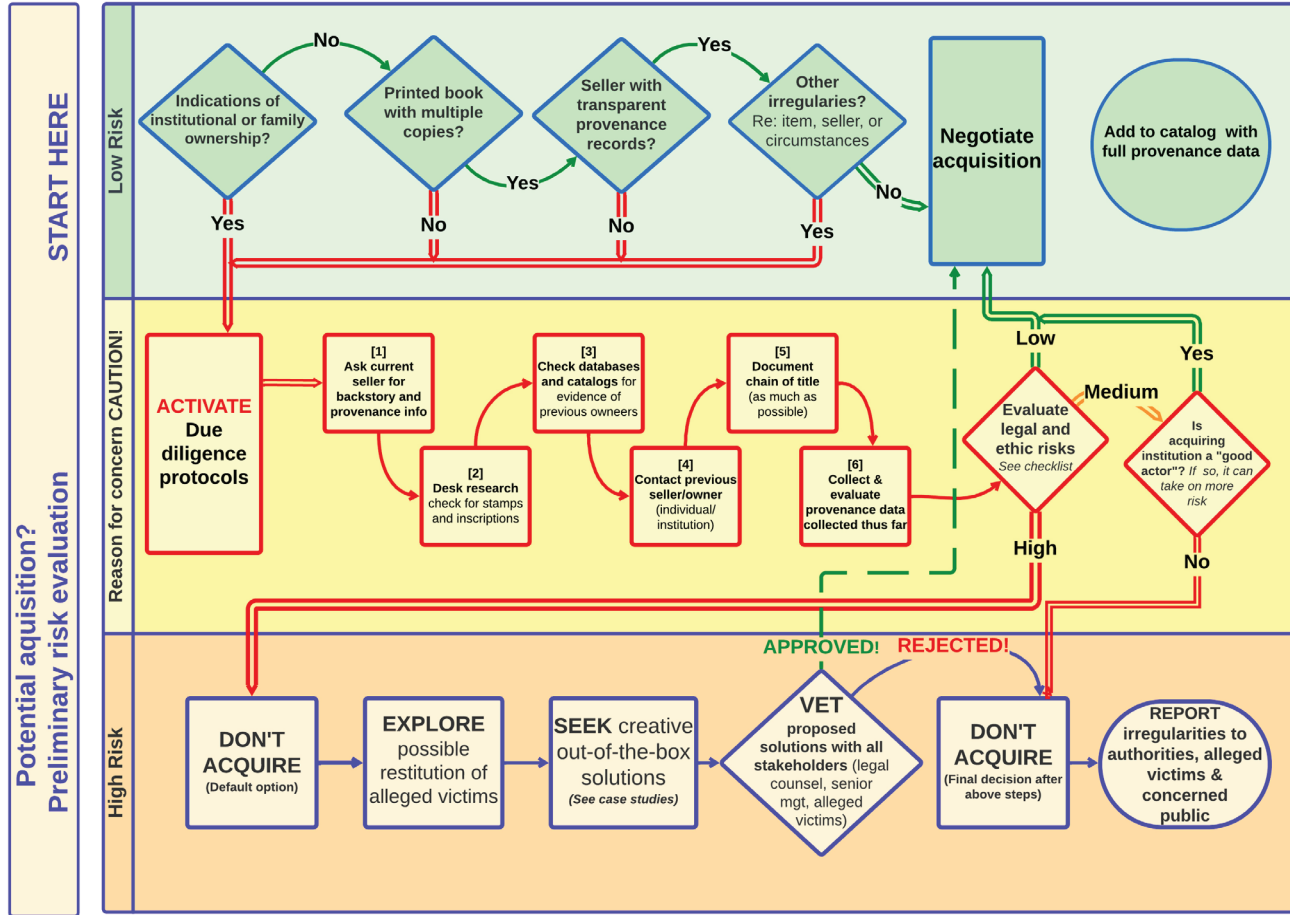
B. Case studies

[1] *Khevera Gemilus Hasadim* – record books from Eastern Europe

[2] Rabbinic letters from Morocco

[3] The “Lost Book” for sale

A. Work flow for provenance research



Notes to chart

What makes a “good actor”?

- Diligently follows provenance protocols;
- Stewards, preserves, and stores collections using best practices;
- Publicizes provenance information;
- Fully cooperates with outside researchers and other institutions;
- Undertakes provenance research on its own;
- Consults with legal counsel when indicated;
- Uses alternative dispute resolution when possible;
- Returns items if and when rightful owners can be identified.

Checklist of risk factors:

Increased risk:

- Institutional stamp?
- Well-known individual?
- Communal property?
- From locale with known looting?

Decreased risk:

- Solid catalog description?
- Seller who answers questions?
- Reasonable story from seller (even without documentation)
- Auction house with provenance?
- Evidence of deaccessioning?

B. Case studies in provenance in Judaic books

Note to the reader:

The following three cases are fictional representations of situations that involve uncertain provenance. Each case includes:

- a brief narrative;
- the curator's dilemma and relevant issues;
- underlying assumptions; and
- possible scenarios or outcomes.

Case 1: *Khevre Gemilus Hasadim* – Record books from Eastern Europe

Case narrative

A collection of communal record books (pinkasim) from an Eastern European town appears at a public auction. The collection was originally owned by the town's khevre gemilus hasadim (a semi-public mutual aid association), and the documents record the finances, membership, and activities of the organization from the mid-19th century until 1914. Inquiries revealed that the seller is a private collector in Israel who claims to have acquired them from a dealer in the 1990s. No other information is available about the whereabouts of the collection since 1914. It is therefore impossible to know whether it left Eastern Europe before the end of the mass immigration of Jews to the West in the late 19th and early 20th century, whether it was taken by

refugees or survivors of the Holocaust, whether it was sold or stolen from the location during the communist era, or whether it was sold or stolen after the fall of the Iron Curtain. Today, there is a small, mostly elderly Jewish community in a city not far from the town, with a synagogue building serving local Jews and including a small museum about the local Jewish community. The community does not have the resources to preserve, digitize, or maintain this collection.

Before submitting a bid on these record books, the Judaica curator seeks to clarify the following issues:

- Will it be possible to demonstrate conclusively that the record books were stolen? In the absence of a complete chain of title, what is the acquisition policy of the library or archive?
- Given the competing claims of different stakeholders, where is the best home for these items? Is it the original country of origin, irrespective of the community's present size? Or, perhaps, a large Judaica collection with preservation and digitization expertise? Is there a creative way to reconcile these competing claims about who retains and owns tangible forms of cultural heritage?
- If the record books are purchased by a private collector rather than a public institution, what are the potential consequences for the public? Would that evaluation change if the collector provided physical or digital access to their collection?
- What legal regulations and export restrictions apply to the record books, now located in Israel?

Underlying assumptions:

- It is almost impossible to demonstrate theft in any precise sense or to identify a specific thief;
- The Jewish community that created these documents no longer exists in anything like its original form, having been dislocated by the immigration of the late 19th to early 20th centuries and its remaining members murdered during the Holocaust;
- The local Jewish community is not in a position to preserve the documents but sees these documents as part of its cultural heritage.
- The global Jewish community outside of the country of origin has a reasonable cultural claim to these documents as part of its cultural heritage;
- Public archives and libraries in the country of origin have a reasonable claim to these documents as part of their cultural heritage, at least if those countries are not actively persecuting Jews and Judaism today;
- Any public institution willing to preserve and offer public access, particularly if they have a track record of responsibly preserving Jewish materials, has a role to play in preserving these documents.
- Legal counsel is especially important in this case since the law in Israel (where the items are now physically located) may differ from countries outside of Israel.

Possible scenarios or outcomes:

- No acquisition. A responsible public institution might choose not to acquire these documents due to the lack of provenance information and/or legal concerns. This is legally safe but will likely result in Jewish communal documentation being left unavailable to the public;
- Acquisition outside the country of origin. A public institution outside the item's country of origin, ideally a Jewish institution or a public institution with a significant Judaica collection and capacity to care for the item, might acquire these documents, including the provenance information discovered in its metadata. Ideally, the documents will be digitized. If information about illegal theft surfaces later, further provenance information may emerge, and the institution might be open to considering repatriation;
- Acquisition in the country of origin. A public institution in the country of origin, such as a university, museum, or national library, might acquire these documents, digitize them, preserve them, and make them accessible. Provenance information will be included in the catalogue.
- Joint acquisition by the local community and external institution. A public institution outside the country of origin, ideally with strong Jewish connections, might team up with the local Jewish community or an institution in the country of origin to jointly purchase the documents. The documents will be held by the public institution with resources to preserve them, while digital copies could be made available on the website of the local community. The documents could also be made available for temporary display in the local Jewish museum.

Case #2: Rabbinic Letters from Morocco

Case narrative

A reputable dealer offers for sale dozens of letters from the 19th century between members of a prominent Moroccan rabbinic family, including signatures of the family members. A university with a large collection of Judaica manuscripts looks into the collection and discovers that an Israeli newspaper article from the 1980s profiling the family mentions that the family took documents, books, and manuscripts with them when they immigrated from Morocco to Israel in the 1950s. The family claimed that when Israeli authorities gave them their belongings upon arrival in Israel, these documents were missing and have not been found since. The dealer claims that the documents were found in a genizah outside a Moroccan synagogue in southern Israel.

Before making an offer on these letters, the Judaica curator seeks to clarify the following issues:

- How strong is the family's legal claim to the documents? Is their claim strong enough to enable seizure of the documents without payment?
- Does the family have the resources to preserve and publicize the documents? If they retake possession, are they obligated to take steps to properly preserve these letters? How can the public interest and the family's private property rights be reconciled?
- Will the now large and diverse family be able to reach a consensus regarding disposition of the letters? What might a public institution contribute to helping the family reach a consensus or at least agree on how to make decisions?

Underlying assumptions:

- It is highly likely that these documents were removed, accidentally or deliberately, from the family's ownership;
- There is still an active Jewish community in Morocco, albeit much smaller and less influential than it was in the early 20th century. However, the fact that the owners themselves removed the letters from their country of origin weakens the concern that they ought to return to Morocco.

- There are several organizations in Israel and abroad dedicated to the preservation of Moroccan Jewish culture. In the possession of these organizations, the letters will enrich understanding of Moroccan Jewish culture;
- The extended family has grown since the 1950s, and reaching consensus might be difficult;
- The current seller may or may not be acting in good faith and, in any event, expects payment for the letters.
- Joint purchase by the family and public organizations. A public collection, particularly with sizable holdings related to Moroccan Jewry, might team up with the family and/or one or more of the organizations dedicated to preserving Moroccan Jewish heritage in order to jointly purchase these letters;
- Digitization. Digitization is beneficial in any case; whatever body hosts the digitization should include provenance information in the catalogue.

Possible scenarios or outcomes:

- Legal restitution to the original owners. It might be possible to demonstrate legally that the family rightfully owns these documents which were stolen from them. However, this will likely take much time and money with unclear prospects for success;
- Repurchase of the letters by the family. The family might be able to purchase the documents, perhaps at a discount, and keep them in private hands, at its discretion. Alternatively, the family might deposit them on long-term or permanent loan at a public institution of its choice as a way of memorializing the family's legacy. This could include public lectures or exhibitions highlighting the family and its influence;

Case #3: The “Lost Book” for sale

Case narrative

A curator of a Jewish library becomes aware that a book, previously removed from the collection, is soon to be sold at an auction. This volume, a very rare 17th-century Yiddish book, was acquired for the library at the beginning of the 20th century. It was looted in World War II but returned after the war. In the late 1970s it was shipped to another geographic location, where it was meant to be exhibited briefly, but it subsequently disappeared: either it never arrived at that location or was removed before being documented there.

The curator learns of the impending sale through the good offices of a professional consultant who was engaged by the auction house. Given the delicate circumstances, the curator suggests that an intermediary speak to the dealer. This intermediary will represent the library’s interest in taking (re)possession of the book and will make it known that the library wishes to open a channel of direct communication with the dealer. The library is not interested in legal action but needs to know the dealer’s financial expectations.

In his response, the dealer claims that the library cannot prove that the book was not sold in the past. However, the dealer is willing to sell it back to the library at what the dealer considers market value but the library considers excessive.

In a final effort to initiate a direct negotiation, the curator writes a personal letter to the dealer, requesting to meet and find a solution which is acceptable to both parties. No response has been received.

The Judaica curator seeks to clarify the following issues:

- Has the book been reported as lost or stolen to the police or in any relevant international databases?
- Is the copy up for sale the same copy that was lost or stolen from the library? (Since the dealer refuses to cooperate with the library, it is impossible to determine conclusively if this is indeed the missing copy.)
- What were the exact circumstances under which the book went missing? Can this information help determine if this is the library’s copy?

Underlying assumptions:

- The dealer's asking price is more than fair market value and too high for the library's existing budget. If the library offers to purchase it, it will be spending money on an item that was likely stolen from its own shelves;
- Unfavorable publicity surrounding this matter might negatively affect the library's fundraising campaign;
- If the library pressures the dealer through contacts in the book world or law enforcement agencies, the item might go "underground" and be sold to a private collector who would neither publicize the document nor make it available for research.

Possible scenarios or outcomes:

- Purchase by a private party. The sale of the book goes through as planned. The book is likely to be sold to unknown persons and disappear from public view;
- Purchase by a private party for or in partnership with the library. A private donor acquires the book and donates it back to or deposits it with the library;
- Negotiation with the dealer via an intermediary. The institution reaches out to someone with a good relationship with the dealer, hoping to broker an arrangement. The dealer agrees to return the book or sell it at a lower price.
- Legal action. The library is forced to pursue legal action to regain possession of the book.

Part Three:

Bibliography and Digital Resources

A. Declarations and conference proceedings

Washington Declaration of Principles, Vilnius Forum, Terezín Declaration, Jerusalem Declaration

B. Digital resources and ethical codes

Selected websites

C. Books and articles

D. Style manual for book provenance



*For a digital version of this
provenance bibliography that
includes clickable links,
please scan here:*

Declarations

- **Washington Conference Principles, 1998, 2 pages**

The Washington Conference Principles on Nazi-Confiscated Art is a pioneering statement concerning the restitution of art confiscated by the Nazi regime in Germany before and during World War II.

See [Washington Principles](#) and extensive conference proceedings below.

- **Vilnius Forum, 2000, 2 pages.**

The Vilnius Forum follows up on the Washington Principles and asks all governments to undertake every reasonable effort to achieve the restitution of cultural assets looted during the Holocaust era to the original owner(s) or their heirs.

See [Vilnius Forum Declaration](#).

- **Declarations of the Association of Jewish Libraries (AJL), the Association of European Jewish Museums (AEJM), and the Council of American Jewish Museums (CAJM), 2006–2007**

See AJL, AEJM, CAJM [Declarations](#).

- **Terezín Declaration, 2009, 8 pages.**

The Terezín Declaration builds on the Washington Principles and subsequent research and urges all parties to ensure that their legal systems facilitate just and fair solutions with regard to Nazi-confiscated and looted art.

See [Terezín Declaration](#).

- **Jerusalem Declaration, 2018, 2 pages.**

The Jerusalem Declaration on the Future of Looted Art builds on previous declarations and calls on museums holding heirless, looted art to establish educational exhibits with relevant historical explanations.

See [Jerusalem Declaration](#).

Conference proceedings

- Washington Conference (each section includes numerous articles):
 - Washington-I: On the Offenbach Archival Depot
 - Washington-II: On Archives, Books, and Historical Commissions
 - Washington-III: On Nazi-Confiscated Libraries
- Prague Conference (the host conference for the Terezín Declaration):
 - Prague-1: Terezín Declaration and Joint Czech–EU Declaration
 - Prague-2: Judaica and Jewish Cultural Property
 - Prague-3: Holocaust-Era Looted Judaica – Global Overview
 - Terezín Declaration – Ten Years Later

Digital resources

Sites featuring ethical codes bearing on provenance

- United Kingdom Trust Cultural Property – UK Trust website
Premium site with world class information about provenance
- Smithsonian Institution Values Statement – Smithsonian Code of Ethics
Very general document advocating “responsible stewardship”
- UNESCO – UNESCO site
Thoughtful introduction to cultural heritage viewed as both product and process
- Antiquarian Booksellers Association of America – ABAA site
General definition of due diligence including registry of stolen items (see below)
- American Library Association – ALA – ethics webpage
Guide to the various ethical codes and the difficulties of enforcement
- RBMS: Rare Books and Manuscript Section, Association of College and Reference Libraries, A Division of the ALA – Rare Books Ethical Code
Stresses the need for ongoing training and guidance in best practices

- Society of American Archivists – Archivists website
Highlights aspirational values and ethical principles and includes case studies
- International Council of Museums – ICOM website
Multitiered model includes core document (translated into 38 languages), training and guidance workshops, and case studies and offers mediation services
- International League of Antiquarian Booksellers (ILAB) – ILAB website;
Exemplary network of 1600 rare booksellers in 36 countries which argues that the scope of due diligence and provenance research should reflect the item’s value

Sites dealing with claims arising from Nazi crimes

- Claims Conference and the World Jewish Restitution Organization.
The Claims Conference was founded in 1951 by 23 major international Jewish organizations and negotiates for and disburses funds to individuals and organizations and seeks the return of Jewish property stolen during the Holocaust. The WJRO represents world Jewry in pursuing claims for the recovery of Jewish properties in Europe (outside of Germany and Austria). The joint initiative of the Claims Conference and the WJRO has some very important resources related to provenance: Looted Art and Cultural Property Initiative, including national resources like the Cultural Plunder by the Einsatzstab Reichsleiter Rosenberg.

- Jewish Digital Cultural Recovery Project (JDCRP)
Working to compile a comprehensive listing of sources with information about Jewish-owned cultural objects plundered by the Nazis and their allies from the time of their spoliation to the present.
- Lootedart.com – website index
Includes documentation from 49 countries, including laws and policies and an “Object Database” of over 25,000 looted or missing objects of all kinds (paintings, drawings, antiquities, Judaica, etc.)

Sites dealing with stolen goods

- Art Loss Register
Leading due diligence provider for the art market which maintains the world’s largest private database of stolen art and collectibles
- Antiquarian Booksellers Security and Theft Page
To report a stolen or missing book, please email a complete description with your contact info to hq@abaa.org

Books and articles

- Barker, Ian R. “Thoughts of an Alternative Dispute Resolution Practitioner on an International ADR Regime for Repatriation of Cultural Property and Works of Art,” in Barbara T. Hoffman (ed.), *Art and Cultural Heritage: Law, Policy and Practice*. Cambridge: Cambridge University Press, 2006

- Bilsky, Leora. “Cultural Genocide and Restitution: The Early Wave of Jewish Cultural Restitution in the Aftermath of WWII,” *International Journal of Cultural Property* (2020) 27:349-374.

Discusses an innovative approach developed by Jewish jurists and scholars in the late 1940s and 1950s according to which heirless cultural property was returned to Jewish organizations as trustees for the Jewish people.

- Bilsky, Leora. “The Virtues of Comparing: Between Early Jewish Restitution Campaign and Post-Colonial Restitution Debate,” *Art Antiquity and Law* (2020) XXV (4): 337-347.

Suggests that the contemporary post-colonial campaign should be compared to the Jewish restitution campaign in the 1940s to reclaim Jewish books and archives as both embody a “collectivist” rather than “private property” paradigm.

- Bleich, J. David, “The Controversy Concerning the Sotheby Sale,” *Cardozo Law Review* (1986) 8: 91-133.

In-depth scholarly overview of the controversy from the perspective of Jewish law.

*Brilliant, Richard, Hector Feliciano, Michael Janeway, and András Szántó, eds. *Who Owns Culture? Cultural Property and Patrimony Disputes in an Age without Borders*. New York: National Arts Journalism Program, 2001.*

- Busek, Michal. “Identifying Owners of Books Held by the Jewish Museum Prague,” in *Vitalizing Memory, International Perspectives on Provenance Research*. Washington: American Association of Museums, 2005.

- Cameron, Fiona, and Sarah Kenderdine, eds. *Theorizing Digital Cultural Heritage: A Critical Discourse*. Cambridge: MIT Press, 2007.
- Campfens, Evelien, ed. *Fair and Just Solutions? Alternatives to Litigation in Nazi-Looted Art Disputes: Status Quo and New Developments*. The Hague: Eleven International Publishing, 2015.
- Claims Conference. *Descriptive catalogue of Looted Judaica*. Accessed from <https://art.claimscon.org/wp-content/uploads/2013/09/Descriptive-catalogue-of-Looted-Judaica-3-February-2016.pdf>.
- Cohen, Julie-Marthe, Felicitas Heimann-Jelinek, and Ruth Jolanda Weinberger. *Handbook on Judaica Provenance Research: Ceremonial Objects*. Conference on Jewish Material Claims Against Germany, 2019. *Handbook on Judaica Provenance Research*. Assists museum and synagogue curators, dealers, researchers, survivors, and their heirs in determining the history of the ritual items in their collections or learning more about the fate of objects that may have been lost in the Holocaust.
- Cohen, Julie-Marthe, and Felicitas Heimann-Jelinek, eds. *Neglected Witnesses: The Fate of Jewish Ceremonial Objects During the Second World War*. Builth Wells, UK: Institute of Art and Law, 2011. *Collection of scholarly articles examining the fate of Jewish objects in Vienna, Frankfurt, Poland, the Netherlands, Italy, and Hungary*.
- Dugot, Monica. "Impact of the Washington Conference Principles on Art Market Practices: Moving the Discussion Forward." *Holocaust Era Assets Conference Proceedings*, 2009.
- Francioni, Francesco. "A Dynamic Evolution of Concept and Scope: From Cultural Property to Cultural Heritage," in Abdulqawi A. Yusuf (ed.) *Standard Setting in UNESCO Volume 1: Normative action in education, science and culture, Essays in Commemoration of the Sixtieth Anniversary Of Unesco*. Paris: UNESCO, 2007.
- Francioni, Francesco. "The Human Dimension of International Cultural Heritage Law: An Introduction" *The European Journal of International Law* (2011) 22 (1): 9-16.
- Francioni, Francesco, and Federico Lenzerini. "The Obligation to Prevent and Avoid Destruction of Cultural Heritage: From Bamiyan to Iraq," in Barbara T. Hoffman (ed.) *Art and Cultural Heritage: Law, Policy and Practice*. Cambridge: Cambridge University Press, 2006, pp. 28-40.
- Gallas, Elisabeth. "Locating the Jewish Future: The Restoration of Looted Cultural Property in Early Postwar Europe," *Naharaim* (2015) 9 (1-2): 25-47. *Locating the Jewish Future*. *Explores the conflicting perceptions of the future of Jewish existence post-1945 that informed the work of Jewish Cultural Reconstruction (JCR), in particular, Zionist-centered versus Diaspora-centered views regarding the rightful ownership and appropriate relocation of European Jewish cultural heritage*.

- Gallas, Elisabeth. *Mortuary of Books: The Rescue of Jewish Culture after the Holocaust*. New York: NYU Press, 2019.

In 1946, the American Military Government established the Offenbach Archival Depot near Frankfurt to store the huge quantities of Nazi-looted books, archival material, and ritual objects. After the war, Jews sought to recover this cultural property, leading to the creation of Jewish Cultural Reconstruction Inc. which transferred hundreds of thousands of objects to the new centers of Jewish life.

- Gallas, Elisabeth, Anna Holzer-Kawalko, Caroline Jessen, and Yfaat Weiss, eds. *Contested Heritage Jewish Cultural Property After 1945*. Göttingen: Vandenhoeck & Ruprecht, 2020.

Explores the political and cultural implications of robbery and displacement of Jewish cultural property during World War II, including the shifting meaning and character of the objects themselves, restitution processes after 1945, and conflicting ideas about their appropriate location.

- Gaudenzi, Bianca, and Astrid Swenson. "Looted Art and Restitution in the Twentieth Century – Towards a Global Perspective," *Journal of Contemporary History* (2017) 52(3):491-518

Compares instances of looting and restitution in different geographical and temporal contexts and puts World War II into a longer perspective from 19th-century to present day restitution practices.

- Gillman, Derek. *The Idea of Cultural Heritage* (rev. ed.) New York: Cambridge University Press, 2010.
- Grimsted, Patricia Kennedy.

Reconstructing the Record of Nazi Cultural Plunder: A Guide to the Dispersed Archives of the Einsatzstab Reichsleiter Rosenberg (ERR). IISH Research Paper 47. Amsterdam: International Institute of Social History (IISH), in association with the NIOD Institute for War, Holocaust and Genocide Studies, Amsterdam and the support of the Conference on Jewish Material Claims Against Germany, March 2011.

After World War II, original ERR documents were widely dispersed in over 40 repositories in 10 countries. This guide documents the current locations of ERR files, details their contents, and provides links to the many documents now available online.

- Hansen, Tone. *Looters, Smugglers, and Collectors: Provenance Research and the Market: Provenance Research and the Market*. Köln: Walther König, 2015.
- Kinsberg, Ari. "The Modern Trial and Tribulations of a Medieval Hebrew Manuscript," *Catalan Mahazor*, 2016. *This chapter describes the complicated provenance history of the manuscript and the decisions made around ownership.*
- Krauss, Simcha. "The Sotheby's Case: A Halachic Perspective," *Journal of Halacha and Contemporary Society* (1985) 9: 5-18.

- Leff, Lisa Moses. "Rescue or Theft? Zosa Szajkowski and the Salvaging of French Jewish History after World War II," *Jewish Social Studies: History, Culture, Society* (2012) 18(2): 1-39.
- Lipman, Rena. "Jewish Cultural Reconstruction (JCR) Reconsidered: Should the Jewish Religious Objects Distributed Around the World After WWII be Returned to Europe?" *KUR: Kunst und Recht* (2006) 8(4): 89. <https://kur.quotus.org/article/KUR/2006/4/3>
- Lustig, Jason. *A Time to Gather: Archives and the Control of Jewish Culture*. Oxford: Oxford University Press, 2021.
The author argues that collecting and preserving archives was not only about the past but also about competing claims to control the narrative of the future.
- Merryman, John Henry. "Two Ways of Thinking about Cultural Property," *American Journal of International Law* (1986) 80(4): 831-853.
- Merryman, John Henry. "The Public Interest in Cultural Property," *California Law Review* (1989) 77(2): 339-364.
- Novic, Elisa. *The Concept of Cultural Genocide: An International Law Perspective*. Oxford: Oxford University Press, 2016.
- O'Keefe, Patrick J., and Lyndel V. Prott. *Cultural Heritage Conventions and Other Instruments: A Compendium with Commentaries*, Buihth Wells, UK: Institute of Art and Law, 2011.
- Oost, Tabitha. *In an Effort to do Justice? Restitution Policies and the Washington Principles*. Research report, Centre of Art, Law and Policy at the University of Amsterdam, 2012.

Examines the procedures of eleven European countries regarding the restitution of stolen World War II cultural goods.

- Pearson, David. *Provenance Research in Book History: A Handbook*. Oxford: The Bodleian Library, 2019.
Covers the history of inscriptions, bookplates, ink and binding stamps, mottoes and heraldry and describes how to identify owners and track down books from particular collections via library and sale catalogs. Includes examples of the many kinds of ownership evidence that can be found in books.
- Prott, Lyndel V. *Witnesses to History: A Compendium of Documents and Writings on the Return of Cultural Objects*. Paris: UNESCO, 2009.
- Rauschenberger, Katharina. "The Restitution of Jewish Cultural Objects and the Activities of the Jewish Cultural Reconstruction Inc," *Leo Baeck Institute Yearbook* (2008) 53:193-215.
- Resnicoff, Steven H. "Theft of Art During World War II: Its Legal and Ethical Consequences – The Jewish Perspective." *Jewish Law Articles*. Accessed 11 Nov 2022 from <http://www.jlaw.com/Articles/art-theft.html>.
- Richler, Benjamin. *Guide to Hebrew Manuscript Collections*. Jerusalem: Israel Academy of Sciences and Humanities, 2014.
Over the past two centuries, large, important collections of Hebrew manuscripts have been dispersed. This guide pinpoints the present locations of thousands of manuscripts and collections.

- Rose, Jonathan, ed. *Holocaust and the Book: Destruction and Preservation*. Amherst: University of Massachusetts Press, 2001.
Series of scholarly articles that shed light on the "literary Holocaust" of over 100 million Jewish books by the Nazis.
- Schidorsky, Dov. "The Salvaging of Jewish Books in Europe after the Holocaust," in Regine Dehnel (ed.), *Jüdischer Buchbesitz als Raubgut: Zweites Hannoversches Symposium*. Frankfurt a/M: Vittorio Klostermann, 2005, pp. 197–212.
Describes in detail the role of the Jewish National Library in salvaging Jewish books after World War II.
- Schrijver, Emile. "Modern Auction Catalogues of Jewish Books: Commerce Meeting Scholarship. Some Methodological Reflections," *Zutot* (2003) 3(1): 180–188.
- Scovazzi, Tullio. "The Return of the Benev. VI 29 Missal to the Chapter Library of Benevento from the British Library," *Art, Antiquity and Law* (2011) 16(4): 285–294.
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- Tompkins, Arthur. *Provenance Research Today: Principles, Practice, Problems*. London: Lund Humphries, 2020.
- Webber, George. "The Principles of the Jewish Law of Property," *Journal of Comparative Legislation and International Law* (1928) 10(1): 82–93.
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- Wilf, Steven. "What Is Property's Fourth Estate Cultural Property and the Fiduciary Ideal," *Connecticut Journal of International Law* (2001) 16(2): 177–182.

Style manual for book provenance

This guide has been adapted from a style manual for art provenance written by Adv. Agnes Peresztegi and Dr. Sophie Lillie. We are grateful to them for allowing us to use this as the basis for this guide.

Provenance pages should include the following basic sections:

- Cataloguing
- Provenance
- Bibliographical references
- Note

Cataloguing

(Wherever possible, inscriptions that include provenance information should be written in their original scripts; Hebrew will be very common here.)

- Scribe or publisher; author
- Title (might consider Title English, plus Title original or vice versa)
- Year
- Place of production
- Material description: parchment/paper, binding, illustrations, annotations
- Dimensions (cm)
- Inscriptions, bookplates, stamps, etc. to be listed in chronological sequence including page/leaf or location

Provenance

- Provenances that are published online should be based on sources (a printed work can include a Footprint ID if there is documented evidence at Footprints; a manuscript should include a KTIV number). Avoid all speculation.
- List in ascending chronological order.
- Each line should, ideally, relate to the one immediately preceding. To make entries readable, it will sometimes be necessary to be descriptive.
- Date of transaction should be noted whenever possible. Dates should be listed as originally written (i.e., Jewish vs. Gregorian dates). If using standard US date citation, always write out the name of month.
- Significant gaps should be clearly noted with ellipses (...).
- Try to use standard all-encompassing phrases such as “acquired by.”
- Never use the term “inherited by”; instead use “by descent to” or “by descent within the family.”
- Avoid any terms that might have legal implication beyond their colloquial use (e.g., “heir” or “estate”) unless you have seen the paperwork.
- Owners should be noted by name, place, and, if possible, with dates.
- Auctions should be listed fully (title, auctioneer, city, date, lot no., ill.) (as applicable).
- Dealers rarely own works so those entries should read “with Galerie X, location” or “consigned by the above.”

- Give sources of critical information in parentheses, especially if the source is not evident.
- Export license, where relevant.

Example #1:

Provenance:

Paul Smith, London, by 1901

Mary Jane, Glasgow, acquired from the above, 1922 (...)

Important Hebrew Manuscripts, Sotheby's, London, December 9, 1987, lot 52, ill.

Peter Brook, Georgetown, acquired at the above sale Library, call number BM650, acquired as a gift of the above, January 5, 2016

Example #2

Provenance:

Sam Smith, New York

Thence by descent within the family

Sotheby's, New York, January 15, 2008, lot 53, ill.

Exhibitions

- List in ascending chronological order
- nclude title in italics, exhibition venue, city, dates, and catalog number

Bibliographical references

Kate Turabian is a go-to manual for citing published materials. A couple of decisions need to be made:

- List order: chronological in ascending order rather than alphabetical

- Notes or bibliographical citations. There are a couple of differences: e.g., author's name in first name/last name order or the reverse, publication details separated by commas or periods, publisher in parentheses, plus page numbers, illustrations if applicable
- Page numbers with or without the addition of p. or pp.
- Where applicable, preferable to replace ill. with the actual plate (pl.) or figure (Fig.).
- For catalogues (private collections or auctions), it is sufficient to put the cat. no. (Page nos. are redundant, as are illustrations).
- Website citations should include retrieval date.
- Do not re-list any exhibition or auction catalogs already cited in the above sections.

Note

Everyone likes a good note. This is the place to put additional information that will help the reader, such as biographical dates, information about individual collectors and dealers, and general context, which cannot and should not go in the provenance summary. You might also want to add a sentence or two about the work itself.

For further information:

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