

## **BACH IS BACK IN BERLIN:**

### **The Return of the Sing-Akademie Archive from Ukraine in the Context of Displaced Cultural Treasures and Restitution Politics**

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## Executive Summary<sup>1</sup>

The Berlin Philharmonic provided an impressive venue on 15 May 2002 for the official celebration (“Festakt”) of the return from Kyiv of the over 5,100 predominantly manuscript music scores (*Notenarchiv*) from the Sing-Akademie in Berlin.<sup>2</sup> The collection, which includes approximately 500 scores of the Bach family archive, was deposited in the Music Department of the Staatsbibliothek in Berlin on the first of December 2001, although the Sing-Akademie remains the legal owner.<sup>3</sup> That was the most important act of restitution from Ukraine and the most significant restitution from anywhere in the former Soviet Union since German reunification.

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<sup>1</sup> An earlier version of this report was posted on the website of the Harvard Ukrainian Research Institute (HURI) in August 2002, but the current version is now available there with additional images: <http://www.huri.harvard.edu/work7.html>. Prepared while I was holding a grant from the National Council for East European and Eurasian Research, an earlier version was issued as a NCEEER Working Paper. It updates, but does not repeat all of the details in my initial account, “Bach Scores in Kyiv: The Long-Lost Sing-Akademie Collection Surfaces in Ukraine,” *Spoils of War: International Newsletter*, no. 7 (August 2000): 23–35; available at: <http://www.lostart.de/forum/publikationen.php3?lang=english>, also published by HURI: <http://www.huri.harvard.edu/work2.html>; Russian edition: “Partitury Bakha v Kieve: na Ukraine obnaruzheny davno propavshie noty Berlinskoi Zing-Akademii,” *Voennye trofei: Mezhdunarodnyi biulleten’*, no. 7 (August 2000): 16–24; electronically <http://spoils.libfl.ru/spoils/rus>. See also my later Ukrainian report—“Odisseia ‘Berlin–Ullersdorf–?–Kyiv’: Do istorii peremishchennia arkhivu Akademii spivu v Berlini pid chas i plisia Druhoi svitovoï viiny,” *Arkhivy Ukraïny*, 2001, no. 3, pp. 25–39: <http://www.archives.gov.ua/Publicat/Archives/2001/au2001-3.ua.html#Patricia>. Developments while the archive was in Kyiv with extensive bibliography of press coverage are at <http://www.archives.gov.ua/Eng/Bach/Bach-Archive.php>. See additional data available at <http://www.sing-akademie.de>. See also Christoph Wolff, “Recovered in Kiev: Bach et al. A Preliminary Report on the Music Collection of the Berlin Sing-Akademie,” *Notes* 58:2 (December 2001): 259–71.

<sup>2</sup> Colleagues at the Bundesarchiv and the Staatsbibliothek kindly invited me to attend the Berlin ceremony and consulted with me on various issues. HURI generously supported my trip to Berlin from Moscow and earlier trips to Kyiv in connection with this project. I am particularly grateful for further consultations and editorial advice to Michael Rautenberg of the Sing-Akademie in Berlin; Ulrich Leisinger of the Bach Archive in Leipzig; Hennadii Boriak, now Chief of the State Committee on Archives of Ukraine (Derzhkomarkhiv); and Lubomyr Hajda, Associate Director of HURI. I also appreciate the input of many others with whom I have consulted in the writing and editorial process.

<sup>3</sup> See the well-illustrated historical account of the Sing-Akademie, *Die Sing-Akademie zu Berlin und ihre Direktoren*, ed. Gottfried Eberle and Michael Rautenberg (Berlin: Staatliches Institut für Musikforschung Preussischer Kulturbesitz, 1998), and the earlier anniversary volume, *Sing-Akademie zu Berlin: Festschrift zum 175-jährigen Bestehen*, ed. Werner Bollert (Berlin: Rembrandt Verlag, 1966), which includes an article about the library and *Notenarchiv* (note 9) and the coverage at <http://www.sing-akademie.de>.

## Introduction

The Berlin Philharmonic provided an impressive venue on 15 May 2002 for the official celebration (“Festakt”) of the return from Kyiv of the over 5,100 predominantly manuscript music scores (*Notenarchiv*) from the Sing-Akademie in Berlin.<sup>4</sup> The collection, which includes approximately 500 scores of the Bach family archive, was deposited in the Music Department of the Staatsbibliothek in Berlin on the first of December 2001, although the Sing-Akademie remains the legal owner.<sup>5</sup> That was the most important act of restitution from Ukraine and the most significant restitution from anywhere in the former Soviet Union since German reunification. That may explain the principal addresses by German Foreign Minister Joschka Fischer and the State Minister Julian Nida-Rümelin, who then headed the Federal Chancellor’s Office for Culture and the Media. Symbolically more important than the political speeches were the two long-lost concerti for flute and strings (both in D-Major)—one by Wilhelm Friedemann Bach and the second by Carl Philipp Emanuel Bach—that had been specially arranged for performance from original scores in that collection.<sup>6</sup>

A major segment of the German musical heritage has at last come home from the war. The Sing-Akademie, founded as a choral society in 1791 by Carl Friedrich Christian Fasch (1736–1800), was one of the prestigious performing institutions in the Prussian capital, closely associated with the court. Carl Friedrich Zelter (1758–1832), who directed the Sing-Akademie from 1800 to 1832, established the basis and significantly enlarged the *Notenarchiv*. Zelter also developed a related training program for

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<sup>5</sup> See the well-illustrated historical account of the Sing-Akademie, *Die Sing-Akademie zu Berlin und ihre Direktoren*, ed. Gottfried Eberle and Michael Rautenberg (Berlin: Staatliches Institut für Musikforschung Preussischer Kulturbesitz, 1998), and the earlier anniversary volume, *Sing-Akademie zu Berlin: Festschrift zum 175-jährigen Bestehen*, ed. Werner Bollert (Berlin: Rembrandt Verlag, 1966), which includes an article about the library and *Notenarchiv* (note 9) and the coverage at <http://www.sing-akademie.de>.

<sup>6</sup> See, for example, the press accounts, Martina Helmig, “Schatztruhe auf wackligen Füßen: Festliche Rückgabe des Singakademie-Archivs,” *Berliner Morgenpost*, 16 May 2002, p. 19; and “Namenlose Freude: Bundesausserminister Joschka Fischer nimmt in der Berliner Philharmonie das zurückgekehrte Singakademie-Archiv entgegen,” *Das Tagesspiegel*, 16 May 2002, p. 32 (photo, p. 14), among others. Fischer’s speech is available at [http://www.auswaertiges-amt.de/www/de/ausserpolitik/ausgabe\\_archiv?archiv\\_id=3145&type\\_id=3&bereich\\_id=9](http://www.auswaertiges-amt.de/www/de/ausserpolitik/ausgabe_archiv?archiv_id=3145&type_id=3&bereich_id=9).

instrumentalists, which accounts for the wide range of instrumental as well as choral works, most of them manuscript or authorized performing part scores.

Although most of the original scores of Johann Sebastian Bach were sold in 1854 to the Prussian Royal Library (predecessor of the present Staatsbibliothek), the Sing-Akademie archive retained many scores of Bach's sons and earlier musical relatives, including some copies in the hand of J. S. Bach.<sup>7</sup>

Of special interest is part of the musical estate of C.P.E. Bach, comprising many of his own unpublished compositions, which is identified with the "Old Bach Archive," including music Johann Sebastian Bach collected of his ancestors. Concluding a brief survey of the collection still "lost" to the world of music in 1988, with emphasis on the C.P.E. Bach legacy, Elias Kulukundis lamented, "With the possible exception of his brother Wilhelm Friedemann, the evaluation of the work of no other composer appears to have been so seriously affected by the disappearance of the Singakademie collection."<sup>8</sup> The C.P.E. Bach musical legacy is now being prepared for a comprehensive, scholarly edition under the direction of Harvard Professor Christoph Wolff in conjunction with the Bach Archive in Leipzig and the Packard Humanities Institute in Cambridge, Massachusetts, on the basis of microfilms prepared in Kyiv.

Besides the approximately 500 autograph scores of the Bach family, comprising only about ten percent of the collection, original scores (or authorized performance copies) are found for a vast array of European music from the sixteenth through the early nineteenth centuries, notably works performed at the Prussian court during the eighteenth and early nineteenth centuries. These include vocal and instrumental works—from Passions, oratorios, cantatas, and other choral works to operas, individual arias, and folk songs; from symphonies and concertos to chamber music and solo keyboard pieces. Among compositions of the German and Italian repertoires from the seventeenth century are those by Heinrich Ignaz Franz von Biber, Dietrich Buxtehude, Johann Jakob Froberger, and Johann Rosenmüller, with Italians represented

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<sup>7</sup> A separate manuscript catalogue prepared by S. W. Dehn covered the vocal and instrumental music of Johann Sebastian Bach that was sold to the Royal Library in 1854.

<sup>8</sup> Elias N. Kulukundis, "C.P.E. Bach in the Library of the Singakademie zu Berlin," in *C.P.E. Bach Studies*, ed. Stephen L. Clark (Oxford: Clarendon Press, 1988), p. 168. Dexter Edge, now an editor with the Packard Humanities Institute kindly referred me to Kulukundis' article (pp. 160–75), which provides a brief survey of the collection and a provisional list of "Sources of C.P.E. Bach's Music formerly in the library of the Singakademie zu Berlin," pp. 169–76.

by Antonio Caldara, Antonio Lotti, and Giovanni Battista Pergolesi among many other lesser-known composers. For the eighteenth century, music historians and musicologists will have extensive work ahead to sort out as well the newly available music legacy of Georg Philipp Telemann (over 220 cantatas and 17 instrumental works), the brothers Carl Heinrich and Johann Gottlieb Graun (more than 90 operas, 75 sacred works, and over 420 instrumental scores), Johann Adolf Hasse (ca. 130 vocal and 80 instrumental scores), and the brothers Franz and Georg Anton Benda (ca. 120 compositions), as well as many other important composers of the period, such as Johann Joachim Quantz and King Frederick the Great himself. There are also scores by Franz Josef Haydn and Georg Friedrich Händel, Amadeus Mozart, and even an important score (with performance notations) of Ludwig van Beethoven.

Unfortunately, as of March 2003 none of the restituted Sing-Akademie Notenarchiv is open to the public in Berlin—neither the originals now on deposit in the Staatsbibliothek nor copies of the microfilm prepared in Kyiv, nor even unpublished finding aids. Those close to the Sing-Akademie in Berlin give assurances that this is only a temporary situation, and that access will be possible later in 2003.

Copies of the preservation microfilms of the entire collection, prepared with the support of a generous Packard Foundation grant, were initially intended to be available at Harvard University, in the Bach Archive in Leipzig, as well as at the Sing-Akademie in Berlin. Such was the initial understanding at the Ukrainian Research Institute at Harvard University (the receiving agency for the grant and microfilming project in Kyiv), but those terms and provisions for access were not spelled out in the grant contracts. As things were worked out, only parts of the Kyiv master films were sent to Germany for duplication (priority was on the Bach family materials). As a result, only part of the microfilms was received at Harvard, and currently those copies are available only to the editors of the C.P.E. Bach edition in preparation by the Packard Humanities Institute. Recently, even those editors were unable to get the additional C.P.E. Bach scores they needed (but had not received) on microfilm from Berlin. Librarians in

Harvard's Music Library can give no assurances as to when they will be received and open for consultation.<sup>9</sup>

Ironically, as this article goes to press in March 2003, as a sad outcome of the generous Ukrainian act of restitution, musicians and researchers who want to acquaint themselves with more of the manuscripts and printed part scores from the Sing-Akademie collection will still have to journey to Kyiv, where the Ukrainian archival copies of the microfilms and the inventories of the collection prepared after the war at the Kyiv Conservatory are openly available for research in the Central State Archive-Museum of Literature and Art (TsDAMLM—Tsentral'nyi derzhavnyi arkhiv-muzei literatury i mystetstva), where the collection had been housed since 1973. Regrettably, public availability and preliminary cataloguing were not specified components in the generous grants and restitution agreements that made possible preservation microfilming in Kyiv, and the return of the priceless collection to Berlin. The fact that the Sing-Akademie music archive was a private collection may have assured its return, but that same fact at least thus far has been limiting public availability.

The situation is aggravated by the fact that no serious cataloguing had been completed for the last one hundred years that the Sing-Akademie Notenarchiv had been in Berlin. The collection and information about it remained virtually closed to scholars and performers (outside the Sing-Akademie) before World War II. A catalogue prepared after the death of Zelter (1832) in connection with estate evaluation in legal proceedings of his heirs against the Sing-Akademie listed the holdings alphabetically (unusually by composer) in categories by genre with the initial numeration of the materials he had collected. Sequential numbers (through 1949) were added (in a different hand) to the manuscript catalogue later, but it was never prepared for publication.<sup>10</sup> Apparently materials added later or from

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<sup>9</sup> See the recent review of the new Hamburg edition of C.P.E. Bach's rendition of the German Sanctus, *Heilig*, by Virginia Danielson of the Loeb Music Library, in *Harvard Library Bulletin* 13:2 (Summer 2002), pp. 4–5. A concluding paragraph about the C.P.E. Bach musical legacy as part of the Sing-Akademie collection explains, "The Nachlass includes many autograph manuscripts not seen by scholars since the 1930s that should spur a near-total revision of assessments of the compositional processes and intentions of the composer. Microfilm copies of these manuscripts will reside in the Isham Library at Harvard."

<sup>10</sup> A manuscript copy of the Zelter catalogue, "Catalog musikalisch-literarischer und praktischer Werke aus dem Nachlasse der Königl. Professors Dr Zelter," survives in the Staatsbibliothek in Berlin. Another copy reportedly had been evacuated with the collection during the war. The organization and details in the Kyiv inventories suggest Fainshtein may have

other sources were assigned numbers continuing the sequential numbers of the Zelter catalogue, since in the Kyiv inventories we find references to many higher numbers (above 1949). During the years 1928 to 1932, under the direction of Professor Georg Schumann (1866–1952), the Sing-Akademie commissioned Friedrich Welter to prepare a preliminary catalogue of the vocal music. However, funding deficiencies led to abandonment of the project before publication. Welter’s survey of the archival and printed holdings from his memory of the prewar collection—and based largely on what is known as the “Zelter Catalogue”—was published in 1966, as part of a commemorative volume honoring the 175th anniversary of the Sing-Akademie in Berlin. Today, that is the most detailed description of the collection in print.<sup>11</sup>

Currently, the most complete finding aid is the five-volume inventory prepared by Liubov Fainshtein, who headed the library of the Kyiv State Conservatory in the late 1940s. Her handwritten inventories, which served as an official acquisition register for the Conservatory, provide highly abbreviated titles, mostly in the Latin alphabet in the original language of the scores (where available), with additional notations in Ukrainian. Her short titles and sequence of entries follow the Zelter catalogue for the most part, with a separate column repeating the sequential numbers added to the Zelter catalogue (but not the original Zelter catalogue numbers). Those sequential numbers also appear inscribed on the scores. However, in assigning registration numbers the Conservatory divided the scores into many more folders for individual compositions or parts (many of which the Zelter catalogue recorded under a single number), and hence many of the Fainshtein entries have added primed letters (a, b, v, etc.) to the Zelter numbers cited. The Fainshtein entries also indicate multiple part scores, foliation, and publication data. Individual scores bear the stamp of the Kyiv Conservatory and the registration number assigned (written in by hand) corresponding to the Fainshtein inventory.<sup>12</sup>

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had that copy, but one has not been located in Kyiv. Christoph Wolff showed me the photocopy he had obtained in Belgium; the Packard Institute in Cambridge has a photocopy of that one.

<sup>11</sup> Friedrich Welter, “Die Musikbibliothek der Sing-Akademie zu Berlin,” in *Sing-Akademie zu Berlin*, pp. 33–47. Kulukundis also bases his survey (note 6) on Welter’s account and the Zelter catalogue.

<sup>12</sup> This corresponds to registration procedures in Soviet libraries. The Cyrillic stamp bears the words “Kievskaiia Ordena Lenina Goskonservatoriia, Biblioteka” (Kiev State Conservatory with the Order of Lenin, Library).” The Packard Institute, the Sing-Akademie, the Bach Archive (Leipzig), and the Staatsbibliothek all have less than optimal quality photocopies (from microfilm) of the Fainshtein inventories. I first consulted the originals in Kyiv.



Many of the entries covered in the fifth (last) volume, however, are out of sequence, and some of them do not have Zelter catalogue numbers at all. Interestingly enough, the “Zelter” numbers in that last volume extend the Berlin sequence (with some gaps) to numbers as high as 4080, covering several hundred scores that had not been listed in the Zelter catalogue. (This would suggest that in Berlin later acquisitions had been assigned sequential numbers.) Since many of the scores with higher numbers are compositions of later Sing-Akademie directors, including Carl Friedrich Rungenhagen (1778–1851), there can be no question they were part of the same sequentially-numbered Berlin collection, although presumably not part of the original Zelter legacy.<sup>13</sup>

These inventories make it clear that, with some noticeably gaps, almost all of the scores held in Berlin survived their odyssey to the Conservatory in Kyiv. Presumably some of the materials now missing had not been evacuated from Berlin in 1943, although as will be explained below, thirteen entries in the Fainshtein inventories were missing in 1973 when the entire collection was transferred to the Central State Archive-Museum of Literature and Art (TsDAMLM). After that transfer the original copies of the Fainshtein inventories became the official archival inventories (*opysy*) for what became fond 441 in TsDAMLM.

Following execution of the German-Ukrainian agreement for the return of the Notenarchiv to Berlin, and in preparation for transfer, specialists in the Staatsbibliothek Music Division, headed by Dr. Helmut Hell, prepared an electronic correlation table relating the numbers of the Fainshtein inventories to the Zelter sequential catalogue numbers and providing composer names and short titles to the extent available. Hell’s correlation files were prepared in Berlin on the basis of copies of the Fainshtein (by then the TsDAMLM) inventories and served as the official transfer inventory for the collection. Sorting routines and printouts in several sequences make it also possible to establish a provisional list of holdings by different composers, to verify the large extent to which the collection has survived, and to relate the

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<sup>13</sup> Apparently, the higher numbers (1950–1955, 2832–3097, with a few additional entries to 4080 or without “Zelter” numbers) represent additional materials acquired by the Sing-Akademie after Zelter’s death in 1832, or materials acquired from other sources. For example, approximately 40 compositions attributed to the subsequent Sing-Akademie director Carl Friedrich Rungenhagen (1778–1851) among those higher numbers would suggest they were not part of the Zelter legacy.

Berlin numbers with the present Kyiv numbers (assigned by the Fainshtein inventories), and also to note the additional items not covered by the Zelter catalogue. Hell's introductory notes explain the organization of the table and the relation of the sequential numbers from the Zelter catalogue to the Kyiv collection. Hell's very helpful descriptive correlation tables, however, have not yet been readied for public use, and still need to be used together with both the Zelter catalogue and the Fainshtein inventories.<sup>14</sup>

The Staatsbibliothek together with the Sing-Akademie, as part of the terms of the initial "deposit" of the collection in the Music Division, agreed to cooperate in comprehensive professional cataloguing to be included in the "International Inventory of Musical Sources" (RISM—*Répertoire internationale des sources musicales/ Internationales Quellenlexikon der Musik*). Cataloguing in Berlin was to continue the cataloguing of the Bach family manuscripts started in Kyiv on RISM standards (in English and Ukrainian).<sup>15</sup> The program in Berlin ideally would have involved the Ukrainian specialists who had started cataloguing the collection in Kyiv. That could have provided further RISM training for Ukrainian music cataloguers and helped them provide a catalogue of the entire collection for TsDAMLM, now retained there only on microfilm. Cataloguing is nonetheless continuing in the archive in Kyiv, and reportedly some preliminary internal cataloguing is proceeding in Berlin in connection with those parts of the collection soon to be released commercially on microfiche (as will be explained below).

Regrettable delays in starting the public cataloguing process in Berlin have been aggravated by the "deposit" status of the collection and delays in working out a formal depository contract with the Stiftung für Preußischer Kulturbesitz, the parent institution of the Staatsbibliothek. While reportedly such an agreement will be signed within the months ahead, without it the Staatsbibliothek could not proceed.

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<sup>14</sup> "Bestand Sing-Akademie zu Berlin: Kollation des Inventars Kiew mit dem Katalog Nachlass Zelter" (June 2001). Michael Rautenberg kindly furnished me a copy of Hell's brief introductory notes, "Zur Kollation des Inventars Fonds 441 des Staatlichen Archiv-Museums Kiew mit dem Zelter-Katalog" (18 June 2001). The correlation tables with Hell's notes (in the version I have seen) constituted Appendix 1 to the Ukrainian-German protocol dated 20 June 2001. These helpful working files prepared by Dr. Hell and his colleagues in Berlin, if used in conjunction with—or expanded to include—additional data in the Zelter catalogue and the Fainshtein inventories, could well serve as the basis for an initial finding aid for the entire collection.

<sup>15</sup> The cataloguing project is noted and sample catalogue entries are shown on the Derzhkomarkhiv website—<http://www.archives.gov.ua/News/Bach.ua.html#Proect1>.

Complicating difficulties are all too indicative of the problems stemming from German reunification. Actually there were two institutions claiming succession: the original Sing-Akademie zu Berlin (established 1791) and the former East Berlin GDR-subsidized Berliner Singakademie (established in 1963). The early nineteenth-century building of the original Sing-Akademie, located in what became the Eastern sector, now still houses the Gorkii Theatre established there under the GDR, while the organization and its choir continued in the West. The current membership of the older Sing-Akademie has resisted the proposed consolidation with the former East German choral society, although it is hard to understand why the two groups have been unable to come together. Several of the younger members of the board of directors, encouraged by the location of the Sing-Akademie music archive, were trying to work out a compromise. Among them within the Sing-Akademie, Michael Rautenberg was active in negotiating the arrangements for the return of the archive and even personally went to Kyiv to accompany the collection home from Ukraine.

Simultaneously, just when the archive was about to return in November 2001, the Berlin Senate announced that, on the basis of less than optimal artistic quality, it would be withdrawing subsidy (starting in mid-2002). Internal discord and even legal disputes reached a crisis during the first half of 2002, all of which are exceedingly difficult to comprehend. Subsequently, the Sing-Akademie has revised its articles of association and elected a new board of directors, effectively removing several members from its ranks, including Michael Rautenberg. In September 2002, the membership approved the appointment of a new music director, Professor Joshard Daus from the University of Mainz. How unfortunate it is that just when the Sing-Akademie came into world prominence in connection with the location and retrieval of its long-lost music archive, it lost local Berlin government support and has difficulty quelling the discord.<sup>16</sup>

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<sup>16</sup> Regarding some of these developments and controversies, see the article by Thomas Otto, "Kulturpolitik: Ein Sängerkrieg, der eigentlich keiner ist: Warum die Sing-Akademie zu Berlin und die Berliner Singakademie nicht zueinander kommen," *Neue Musikzeitung* 51:7-8 (August/September 2002) <<http://www.nmz.de>>. See also, for example, the earlier articles by Martina Helmig, "Noten im Ausverkauf: Die Sing-Akademie hat ihr kostbares Archiv wieder—und muss dennoch um ihr Überleben kämpfen," *Berliner Morgenpost*, 29 January 2002 <<http://berliner-morgenpost.de>>; and "Hochfliegende Pläne und trostlose Realität: Die Berliner Sing-Akademie will jetzt sogar Noten und Musikinstrumente verkaufen," *Die Welt*, 29 January 2002 <<http://welt.de>>; and more recently Alexander Uhl, "Schlechte Noten für Sänger: Senatskulturverwaltung will dem Berliner

Meanwhile, given the tremendous media interest in the collection and the impasse over public access in Berlin, the international library publisher Primary Source Microfilm (PSM) proposed issuing a microfiche edition of the entire Sing-Akademie music collection. They were already working with Derzhkomarkhiv on other projects, and Kyiv archivists were quite prepared for them to provide wider distribution based on the microfilms held by the Kyiv archive (TsDAMLM). However, according to an agreement worked out by the Sing-Akademie for the return of the collection, the Kyiv archive and Derzhkomarkhiv do not have the right to distribute copies for performance or commercial publication without the permission of the Sing-Akademie in Berlin. Subsequently, PSM through its affiliate K. G. Saur proposed refilming the entire collection in Berlin in order to make it publicly available, but that plan is still under consideration.

As an initial step in January 2003, K. G. Saur announced that it has negotiated an agreement with the Sing-Akademie in conjunction with the Staatsbibliothek for the release of a complete CD-ROM and quality microfiche rendition of the original Bach family manuscripts and printed scores from the Sing-Akademie Notenarchiv. Saur had already released a microfiche edition of the Bach Collection held in the Staatsbibliothek (predominantly J. S. Bach) and had standing orders for any sequels. A recent Supplement I covers the Bach manuscripts from Berlin recovered in Poland after World War II that are now held in Cracow. The new Supplement II to the Bach Collection (to be released in the spring of 2003) is based on refilming the Bach family materials returned from Kyiv.<sup>17</sup> The quality microfiche version should soon make the Bach family holdings from Kyiv available to libraries worldwide for purchase, while the earlier microfilms are now open in Kyiv. Presumably the release of this collection of the unedited texts will not conflict with the critical edition of the C.P.E. Bach legacy underway at Harvard

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Konzert-Chor und der Sing-Akademie die Förderung streichen,” *Berlin Morgenpost*, 3 January 2003; and by Frederik Hanssen, “Gewonnen, zerronnen: Kein Zugang zu Bach? Die Sing-Akademie zu Berlin ringt um einen künstlerischen Neuanfang – und setzt dabei ihr einzigartiges Notenarchiv aufs Spiel,” *Der Tagesspiegel*, 26 February 2003 <<http://archiv.tagesspiegel.de/archiv/26.02.2003/454265.asp>>.

<sup>17</sup> *Die Bach-Sammlung Supplement II: Die Bach-Sammlung aus dem Archiv der Sing-Akademie zu Berlin Depositum Staatsbibliothek zu Berlin* (Supplement II: The Bach Collection from the Archives of the Sing-Akademie, Berlin, Deposit Staatsbibliothek Berlin), edited by the Sing-Akademie zu Berlin (Musikhandschriften der Staatsbibliothek zu Berlin – Preußischer Kulturbesitz, edited by the Staatsbibliothek zu Berlin – Preußischer Kulturbesitz, Part 1), CD-ROM and microfiche edition (Munich: K. G. Saur, 2002–2003; contact: <http://www.saur.de>. See below regarding the Bach manuscripts from Berlin that are now in Cracow, filmed as Supplement I to the microfiche Bach Collection. The announced price for Supplement II is EUR 2,890.

University in cooperation with the Bach Archive (Leipzig) and the Packard Humanities Institute, although lawyers may still struggle with copyright issues (resulting from restrictive complexities in German copyright law for music editions). It will nonetheless increase public availability to the extent that reproductions of the manuscripts will be open to scholars in advance of the critical edition. A “guide” to the supplemental collection is promised, although no plans have been announced to make the “guide” or other cataloguing data available apart from the entire Saur Bach collection.

As part of its “Bach Collection/Bach-Sammlung” offering, K. G. Saur has also announced on its website a “catalogue with register/ Katalog mit Register” for publication in 2003, a revised and updated version of the 1958 published catalogue by Paul Kast of the Bach manuscripts in the Staatsbibliothek. That catalogue—also to be issued in a printed edition—will not cover any of the Bach family materials in the Sing-Akademie collection, according to the Saur editors.<sup>18</sup> Presumably the badly needed coverage of those holdings, expanding and correcting the data in the Kyiv inventories, will have to await the professional RISM cataloguing of the Sing-Akademie materials in the Staatsbibliothek. Saur has also announced a microfiche edition of all of the Telemann manuscripts in the Staatsbibliothek. Again in this connection, plans call for a supplement to include manuscripts from the Staatsbibliothek now in Cracow and another to cover those in the Sing-Akademie collection returned to Berlin from Kyiv.<sup>19</sup>

The entire Notenarchiv (except for 33 items left in Kyiv) is now back in Berlin, but a more detailed survey of its contents is still badly needed as an interim measure. More open information about the collection, as some of us thought had been agreed upon several years ago, could start with an expansion of the Berlin correlation tables prepared in June 2001, together with a descriptive introduction, and possibly even a quality microfiche edition of the Fainshtein inventories and the Zelter catalogue. Once cataloguing gets underway in the Staatsbibliothek, several years will be required for the whole

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<sup>18</sup> Paul Kast, *Die Bach-Handschriften der Berliner Staatsbibliothek* (Trosingen: Hohner, 1958); *Tübinger Bach-Studien*, Heft 2/3.

<sup>19</sup> Part 2 of the G. K. Saur microfiche series (see note 15) covers *Die Georg Philipp Telemann-Sammlung*, with Supplement 1 covering the Telemann manuscripts in the collection of the former Preußische Staatsbibliothek now on deposit in Cracow. A second supplement will include the manuscripts returned from Kyiv: *Die Georg Philipp Telemann-Sammlung aus dem Archiv der Sing-Akademie zu Berlin, Depositum Staatsbibliothek zu Berlin*, edited by the Sing-Akademie zu Berlin. More details are available at <http://www.saur.de/Titel/34420.htm>.

collection to be catalogued in RISM, but even when all of the items are recorded in RISM, a full catalogue and history of the Sing-Akademie collection would be in order.

The duly celebrated return of the Sing-Akademie archive to Berlin aroused high hopes for a unique musicological impact. A year and a half after its return to Berlin, the collection, regrettably, is even less available in its Berlin home than was the case since its discovery in Kyiv. Aside from the problem of accessibility, the return of the Sing-Akademie archive also raises several other important issues regarding cultural treasures displaced as a result of World War II that ended up in the former Soviet Union. If its return may give hope for more restitution breakthroughs in Eastern Europe, its fate provides an example well demonstrating still inadequately researched problems connected with its odyssey. Major issues to be considered below within the broader context of cultural treasures displaced during and in the aftermath of the Second World War concern:

- 1) The circumstances under which cultural property was removed from Germany;
- 2) How, whence, and under what auspices German cultural assets were transported to the Soviet Union;
- 3) The present location and identification of such treasures now in successor states to the former Soviet Union;
- 4) Restitution policies as affected by economic and political problems in Ukraine;
- 5) The legal eligibility and arrangements for the return of cultural property to Germany; and
- 6) Recent developments in the broader international politics (and diplomacy) of restitution.

## **1. Circumstances of Wartime Displacement**

The evacuation of the Sing-Akademie music archive from Berlin in 1943 was relatively easy to document. Colleagues from the Sing-Akademie verified the transport of the collection to Silesia thanks to files held by German restitution authorities, some of them from the U.S. National Archives. Already in 1994 Sing-Akademie representatives Michael Rautenberg and Gerhard Schuchard visited the evacuation site of the castle of Ullersdorf (*Polish* Ołdrzychowice-Kłodzkie) , now in ruins, near Glatz (*Polish* Kłodzko), some 110 km. south of Breslau (*Polish* Wrocław). Before 1945 the castle was owned by the

von Magnis family.<sup>20</sup> In fact, in contrast to cultural treasures plundered by Soviet authorities as “cultural compensation” from Germany itself, or those earlier plundered from “enemies” of the Nazi regime that were then plundered a second time and taken to the USSR, the odyssey of the Sing-Akademie archive that ended up in Kyiv represents a different strand in the pattern of displaced cultural property that moved from West to East during World War II and its aftermath.

The Sing-Akademie was one of over 560 predominantly private collections (and a few public ones) from the Berlin area that were evacuated under municipal government auspices in 1943 and early 1944 to preserve them in face of intensified Allied bombing that was reducing German cities to rubble. In the summer of 1943, Nazi leader and Minister of Propaganda, Joseph Goebbels as Gauleiter of Berlin ordered the people of Berlin to protect their cultural assets. The Berlin evacuation program involving the Sing-Akademie was directed by Walther Peschke, who headed the office for preservation and protection of historical monuments in Berlin-Brandenburg during the war. As “Oberbaurat” and “Provinzialkonservator,” Peschke was investigated after the war for his role in art transport by U.S. MFA&A officers. Thanks to a file among OMGUS records in the U.S. National Archives, we now know more about the context and contents of those German evacuations.<sup>21</sup> A 250-page inventory in that file provides technical specifications (and in some cases estimated value) of many individual works of art in some 556 private collections. Number 430, the only significant musicalia entry on that list gives no details; it merely indicates that from the Sing-Akademie, “14 crates of manuscript music scores were transferred to Schloss Ullersdorf, 31 August 1943.” The Sing-Akademie materials to be shipped out of

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<sup>20</sup> My article published in Kyiv includes a map and my photographs of what are now the ruins of the castle in Ullersdorf taken during my visit in 1999—“Odisseia ‘Berlin–Ullersdorf–?–Kyïv’.” Since that article appeared several newly found documents were released by Derzhkomarkhiv (see note 36).

<sup>21</sup> U.S. National Archives–College Park, MD (NACP), RG 260, Records of the Office of Military Government for Germany, U.S. (OMGUS), Records of the Property Division, Records Concerning the Central Collecting Points, “Ardelia Hall Collection,” Restitution Research and Reference Records, box 191. One of the files in that box has a penciled title, “Art transports—Peschke, Walter,” resulting from the postwar U.S. investigation of Peschke.

Berlin were prepared by then director of the Sing-Akademie, Georg Schumann, but no inventory of the content of the 14 crates has been found.<sup>22</sup>

The 31 August 1943 shipment to Ullersdorf also included materials from thirteen other predominantly private art collections from Berlin.<sup>23</sup> Three additional shipments went to Ullersdorf—one earlier in August and two in September. The first (17 August 1943) included an unspecified number of crates from the Berlin School of Fine Arts (Hochschule für bildende Künste). At approximately the same time, five shipments went to the castle of Eckersdorf (*Polish* Bożków), about ten km. northwest of Glatz, also owned by the von Magnis family. Among other institutional collections shipped to Ullersdorf were part of the Arno-Holz Archive and some crates from the Institute of Oceanography (Institut und Museum für Meereskunde) of Friedrich-Wilhelms University (1828–1946, now Humboldt University) and the Berlin City Library. Parts of those two latter collections also went to Eckersdorf, while other parts of all those collections went to other castles in Silesia.<sup>24</sup>

Additional shipping lists have also been preserved for most of the 70 evacuation transfers (by number and destination) under Peschke’s direction, not all of the contents of which are covered by the more detailed item-level inventory. In addition to the shipments to Ullersdorf and nearby Eckersdorf, shipments under Peschke’s auspices from Berlin collections went to at least twenty other castles or villas in Silesia and the nearby area of occupied Poland known in English as Wartheland (*German* Warthegau),

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<sup>22</sup> “Verzeichnis der Kunst- und Kulturwerke, die aus öffentlichem und privatem Besitz Berlins nach auswärts verlagert wurden,” Peschke file, NACP, RG 260 (see note 19). On this inventory, the location indicated for the Ullersdorf castle is “Kreis Lauban,” but that is a mistake, as other shipping lists (including a copy in the same folder) correctly identify it as “Kreis Glatz.” Dr. Petra Kuhn (of the Federal Office for Culture and the Media in Berlin) kindly furnished me with copies of the shipping lists they had, before I later found the full inventory in the OMGUS records. Apparently, most of the copies in Berlin had been obtained from the U.S. National Archives. I also appreciate the assistance of Dr. Uwe Hartmann of the Koordinierungsstelle für Kulturgutverluste in Magdeburg, who confirms that they also have copies of some of the inventories, reports, and declarations of Peschke about the evacuations of cultural property first delivered for safekeeping to the Berlin City Hall (Berliner Stadthaus).

<sup>23</sup> A copy of the shipping list for “Transport XVIII nach Schloss Ullersdorf i/Schlesien” (31.VIII.1943) is also held by the Sing-Akademie in Berlin. In addition to the 14 crates from the Sing-Akademie other components with more than two crates were: Siemens—6 wooden crates and 2 packages; v.d.Marwitz—5 crates; Dr. Simon—3 crates; Hartmann—3 crates; Gerd Rosen—12 crates.

<sup>24</sup> Other evacuation shipments to Ullersdorf were dispatched 17 August (Transport XIII), 13 September (Transport XXIV), and 28 September (Transport XXXVI). Among other collections, the first shipment contained three crates owned by the von Magnis family. Evacuations to Eckersdorf went from Berlin 5 July (Transport V), 27 August (Transport XVII), 14 September (Transport XXIII), 23 September (Transport XXV), and 14 October (Transport XXX). I am grateful to the German government office in Berlin for furnishing me a copy of their combined list, “Verlagerte Kulturgüter aus Berlin (1943/1944) (Peschke-Listen),” along with copies of the shipping lists. I later found copies of the latter, along with the large inventory, in the OMGUS file mentioned in notes 19 and 20. The shipping lists include a number of institutions not listed in the larger inventory.



although some remained in Brandenburg. Since those castles were emptied by different Red Army units, and some found later by Polish authorities, the contents have become widely scattered in public and private custody in the former Soviet Union and Poland. But at least now we know exactly which castles housed what collections, and in many cases what paintings. If that data were to be assembled in an appropriate database, as I would strongly recommend, it could help trace the fate of the many still displaced cultural treasures, alert Russian and Ukrainian repositories to the provenance and points of retrieval of some of their trophy holdings, and also provide legal testimony to their migration. Possibly some works of art of suspicious provenance (e.g. confiscated “degenerate” art or works from Jewish holdings) were amongst the German collections named, but that matter will require more serious provenance research, once more of the individual items and their German owners are identified.

The only other significant music collection on the Peschke evacuation lists was 23 crates from the Music School (Hochschule für Musik) in Berlin in the July 1943 transport (no. XVI) to Schloss Friedersdorf (*now Polish Biedrzychowice*) near Lauban (*now Polish Lubań*), some 200 km further west, much closer to the present German border than Ullersdorf. After the war the contents of that castle were seized by Polish authorities, and the important musicalia treasures from the Hochschule, including the Philipp Spitta collection, later surfaced in Łódź. Poland duly enriched the library holdings of a new university established there under the Communist regime. Identified there by Harvard professor and eminent Bach scholar Christoph Wolff in 1988, the Łódź University Library also acquired some books that had been evacuated from the Berlin City Library (Berliner Stadtbibliothek), the library of the Friedrich-Werdersches Gymnasium in Berlin, and the Lübeck City Library (Stadtbibliothek Lübeck). Interestingly enough, according to the Peschke inventories, Schloss Friedersdorf was one of the evacuation sites for part of the holdings from the Berliner Stadtbibliothek.<sup>25</sup> All of these “trophy” receipts have been integrated into the general holdings of several different divisions of the Łódź University Library. While librarians estimate approximately 4,500 volumes from the Hochschule, it will

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<sup>25</sup> It has not been possible to verify details about other holdings evacuation shipped to Schloss Friedersdorf or all of the evacuation locations for the Lübeck library.

be virtually impossible to identify all of them. Between 1975 and 1987 three volumes of catalogues describing some categories of the musicalia in Łódź were published, but with no introductory notes about the formation of the musicalia holdings, or where and when they were acquired. Understandable for the Communist period in Poland, none of the listings in those catalogues for items that Wolff identified from the Spitta Collection (or others from the Hochschule) give any indication of their Berlin provenance, despite many extant book markings.<sup>26</sup>

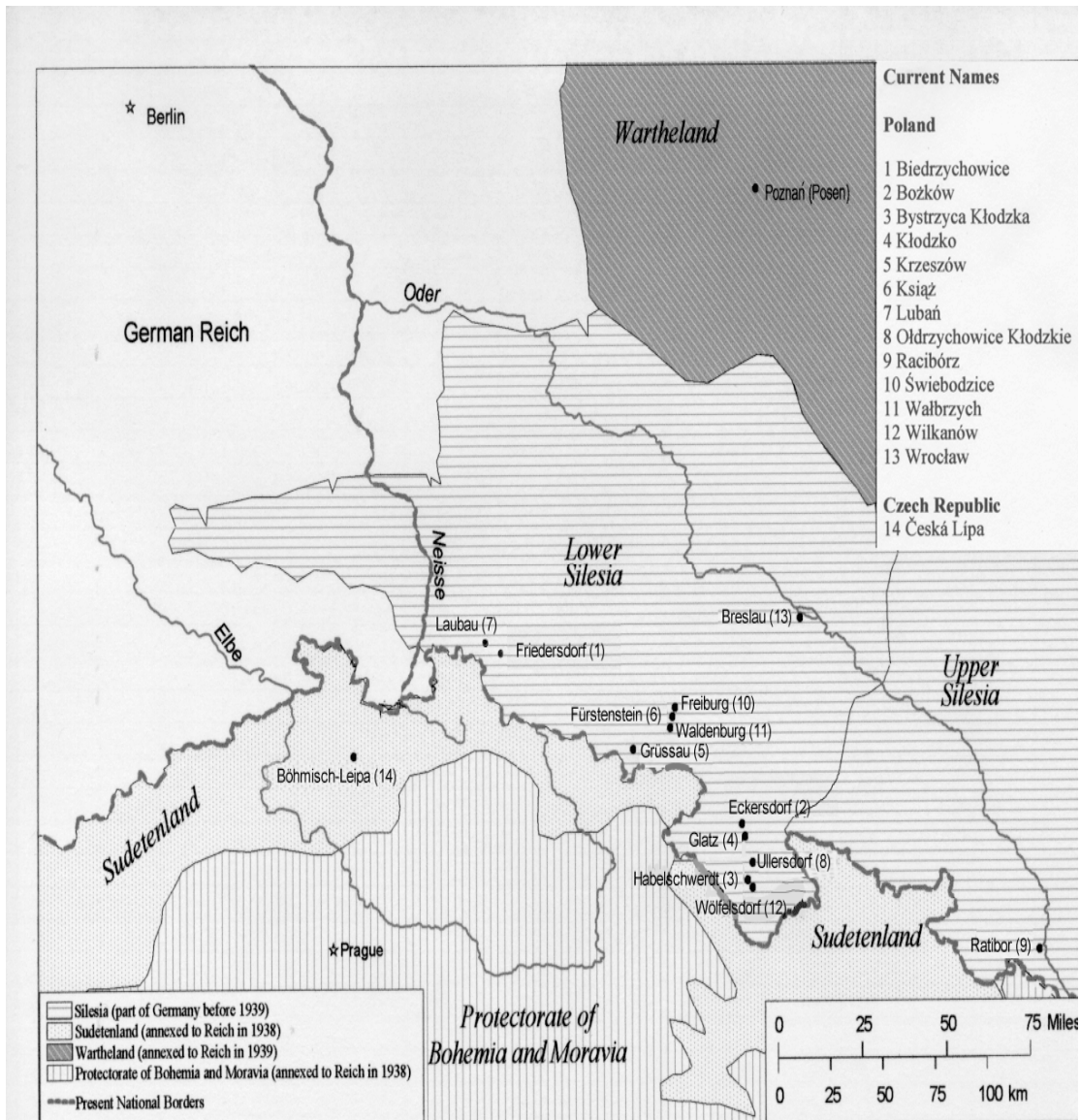
The most famous collection of musicalia from Berlin evacuated to Silesia came from the Prussian State Library (Staatsbibliothek), but the evacuations from that library were not handled by Peschke. The holdings from the Music Division, including many of the J. S. Bach manuscripts that had been acquired from the Sing-Akademie in 1854, together with some of the Orientalia and other manuscript treasures from the Berlin library, were found after the war by Polish authorities in the Abbey of Krzeszów (*earlier German Grüssau*), southwest of Wrocław and are still in Poland. Following a complicated international treasure hunt, they surfaced in 1977 in the Jagiellonian Library in Cracow, at which time Poland presented three symbolic scores (by Bach, Mozart, and Beethoven) to East Germany (GDR).<sup>27</sup> Although subsequent restitution negotiations have been unsuccessful, a scholarly catalogue covering 2500 of the earliest part of that collection was published in 1999, duly attributing their provenance to the Staatsbibliothek in Berlin. The Bach manuscripts in Cracow have been released in a microfiche edition by

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<sup>26</sup> See Christoph Wolff, "From Berlin to Łódź: The Spitta Collection Resurfaces," *Notes* 46:2 (1989): 311–27. The Łódź musicalia catalogue series—*Biblioteka Uniwersytecka w Łodzi, Muzykalia* includes vol. 1: *Katalog nut: Antologie. edycje zbiorowe dzieł, wydawnictwa seryjne (1801–1945)*, comp. Krystyna Bielska (Łódź, 1975); vol. 2: *Opera w partyturach, wyciągach fortepianowych i nagraniach: Katalog*, comp. Krystyna Bielska (1984); and vol. 3: *Libretta operowe: Katalog*, comp. Krystyna Bielska and Jerzy K. Andrzejewski (1987). When Wolff prepared his report he was not aware of the Peschke shipping list for the transport XVI from Berlin that indicates the number of crates sent to Schloss Friedersdorf. Unlike the case of the Sing-Akademie, the more detailed Peschke inventory does not even list that collection.

<sup>27</sup> See the intriguing account by Nigel Lewis, *Paperchase: Mozart, Beethoven, Bach—: The Search for Their Lost Music* (London: Hamish Hamilton, 1981). See also "Bestände aus der früheren Preußischen Staatsbibliothek in Polen," *Jahrbuch für Preußischer Kulturbesitz* 29 (1995): 339–64; and the earlier account by P.J.P. Whitehead, "The Lost Berlin Manuscripts," *Notes* 33:1 (September 1976): 7–15. See the survey of the evacuation operations for the Prussian State Library in *Verlagert, Verschollen, Vernichtet: Das Schicksal der im 2. Weltkrieg ausgelagerten Bestände der Preußischen Staatsbibliothek* (Berlin: Staatsbibliothek zu Berlin- Preußischer Kulturbesitz, 1995). Gudrun Voigt provides capsule reports (with pictures) of many of the known evacuation sites for the Staatsbibliothek, *Die kriegsbedingte Auslagerung von Beständen der Preußischen Staatsbibliothek und ihre Rückführung: Eine historische Skizze auf der Grundlage von Archivmaterialien* (Hannover: Laurentius Verlag, 1995) [=Kleine historische Reihe, 8].

G. K. Saur in conjunction with the Staatsbibliothek, and a Beethoven Collection on microfiche has been announced that will include the manuscripts held in Cracow.<sup>28</sup>



<sup>28</sup> Aleksandra Patalas (ed.), *Catalogue of Early Music Prints from the Collections of the Former Preußische Staatsbibliothek in Berlin/ Katalog starodruków muzycznych ze zbiorów byleji Pruskiej Biblioteki Państwowej w Berlinie. Przechowywanych w Bibliotece Jagiellońskiej w Krakowie* (Cracow: Musica Iagellonica, 1999). See details about the Bach and Beethoven microfiche collections announced by K. G. Saur at <http://www.saur.de/titel/34420.htm>.

## 2. Transfer to the USSR

Questions still remain about the postwar odyssey of the Sing-Akademie collection, and the extent to which it may have been accompanied by other German cultural treasures that had been evacuated during the war to Silesia. The majority of the cultural treasures “rescued” by the Red Army in Silesia went to Moscow, where they remained in hiding for half a century. Information about them has been slowly coming to light during the past decade. Most Red Army reports on cultural reconnaissance and seizure, however, are still not openly available to researchers, although a few copies of some that can be found in the records of other receiving agencies have surfaced in Russia and Ukraine. A few others have been referenced by researchers with special access to such sources in the Central Archive of the Ministry of Defense (TsAMO) in Podolsk.

Many reports are now available about the Soviet Archival Administration (Glavarkhiv pri NKVD [*later* pri SNK/MVD/SM] SSSR) seizures and transports. Of potential importance in the present context were those from another Silesian castle, Schloss Wölfelsdorf (*now Polish Wilkanów*), approximately twenty km. south of Ullersdorf, which housed the archival unit of the Seventh Division (Amt VII) of the Reich Security Main Office (*Reichssicherheitshauptamt*—RSHA).<sup>29</sup> Surviving Nazi documents verify that the castle and surrounding buildings were used for the storage of the vast archival loot plundered from Jewish, Masonic, and socialist organizations and individuals, among other identified “enemies of the Reich” from all over the European continent that the RSHA had amassed in Berlin by 1943. Most of those materials that went to Moscow were deposited in the former Special Archive (TsGOA), now part of the Russian State Military Archive (RGVA), but no musicalia was mentioned, nor materials from other castles.<sup>30</sup>

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<sup>29</sup> Schloss Wölfelsdorf (*now Polish Wilkanów*), the baroque castle of Count von Althann, also in ruins today, is located eight km. southeast of Habelschwerdt (*Polish Bystrzyca-Kłodzka*), the closest railroad, on the same rail line and highway as Glatz.

<sup>30</sup> See more details in Grimsted, “Twice Plundered or Twice Saved: Russia’s ‘Trophy’ Archives and the Loot of the Reichssicherheitshauptamt,” *Holocaust and Genocide Studies* 15:3 (September 2001): 191–244; available at the IISG website. The Soviet Archival Administration file about the Wölfelsdorf cache is found in the State Archive of the Russian Federation (GA RF), fond 5325, *opis*’ 10, file 2027 (in subsequent citations from Russian and Ukrainian archives, fond, *opis*’ (*Ukr. opys*), and file numbers are separated by slashes).

A Ukrainian colonel, Ivan D. Shevchenko, an instructor in the Agitprop Division of the Central Committee of the Communist Party of Ukraine, was apparently the first to report the RSHA Wölfelsdorf cache in late July 1945. Then assigned to the Trophy Brigade of the Second Ukrainian Front, most of Shevchenko's telegrams addressed to the CP Central Committee in Kyiv describe the Western European socialist archives amassed there. He "regretted that there was no airplane to send samples of some of the most interesting documents home to Nikita Sergeevich [Khrushchev]," who was then First Secretary of the Communist Party in Ukraine! How many freight cars Shevchenko shipped to Kyiv is not clear. One telegram mentions five, but a later one reports he had found and "loaded a wide-wheeled wagon," which was being shipped to Kyiv "through Czech territory on the twentieth of August."<sup>31</sup>

In one telegram Shevchenko reported "the possibility to receive 370 paintings in Glatz transported there from Berlin museums," and adds that he was "waiting for orders."<sup>32</sup> Presumably these were some of the paintings that had been evacuated to the nearby castles of Ullersdorf and Eckersdorf that by then had already been concentrated in Glatz, where there were better possibilities of guarding them and where train service (the same line as Habelswerdt) connects to major East-West railroad lines. No answer from Kyiv has been found nor further details about the shipments, but one of Shevchenko's telegrams recommended "preparation of a large building for sorting archives and material cultural treasures."<sup>33</sup>

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<sup>31</sup> Shevchenko's telegrams are preserved in the Central State Archive of Social Organizations of Ukraine (TsDAHO—the former CP archive) in Kyiv, 1/23/1484, with an eight-page composite report "Spravka iz soobshchenii instruktora otdela propagandy i agitatsii TsK KP(b)U tov. Shevchenko, I. D., komandirovannogo v Germaniiu dlia vozvrashcheniia materialov i dokumentov" [n.d.] (fols. 2–9). Shevchenko was attached to the 2d Trophy Brigade of the 3rd Battalion, Second Ukrainian Front. I am very grateful to Ruslan Pyrih (now retired Chief of Derzhkomarkhiv), for informing me about the Shevchenko file in TsDAHO. The quote about Khrushchev is on folio 56; shipments are mentioned on fols. 27–28, among others.

<sup>32</sup> TsDAHO, 1/23/1484, fol. 29.

<sup>33</sup> Ibid.

Early in September 1945, Ukrainian NKVD archival authorities notified Moscow about “at least seven freight cars of archival materials” from Wölfelsdorf. Thereupon NKVD Chief Lavrentii Beria personally ordered the shipment immediately rerouted to Moscow. Thirteen freight cars (rather than the projected seven) reached Moscow in late October.<sup>34</sup> Archivists sent from Moscow organized another echelon of fifteen freight wagons directly from Habelschwerdt to Moscow at the end of November 1945—making a total of twenty-eight wagons of archival materials.<sup>35</sup> Although a few Masonic portraits arrived among the Habelschwerdt shipments, none of the reports suggest that the Moscow archivists were transporting other cultural treasures or materials from other castles.

No Soviet documentation has yet been found regarding treasures found in Ullersdorf, neither the recovery of the Sing-Akademie archive, nor its shipment to Kyiv. As an important new clue, however, we recently learned, that the “Director of the Kyiv Conservatory A. M. Lufer” was ordered “to Germany” on 23 October 1945 “at the request of Soviet Occupation Forces [SVAG],” . . . to head a brigade of specialists for expert appraisal of discovered cultural treasures, at the expense of the Central Committee of the Communist Party of Ukraine.” That was ten days before the receipt of the Sing-Akademie collection by the Kyiv Conservatory from the Committee for the Arts of the Ukrainian SSR, as established by the official transfer act dated 2 November 1945.<sup>36</sup> Those two documents released by

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<sup>34</sup> Beria’s red-pencil resolution (dated 28.IX.1945) on a memo from B. Kobulov, ordered him to locate the wagons sent to Kyiv, GA RF, 5325/10/2027, fols. 9–10. See also Kobulov to Selivanovskii (29.IX.1945), fol. 13. An “Akt” (24.X.1945) describes the incoming 13 wagons from Kyiv with 1,295 crates—GA RF, 5325/10/2027, fol. 18–18v.

<sup>35</sup> Report by Prokopenko (28.XI.1945), GA RF, 5325/10/2027, fol. 25–25v.

<sup>36</sup> The referenced documents are published as “Odisseia Arkhivu Akademii spivu v Berlini: lanka, iakoï brakuvalo,” *Arkhivy Ukraïny*, 2001, no. 4-5, pp. 133–35; electronically: <http://www.archives.gov.ua/Publicat/Archives/2001/au2001-4-5-7.ua.html#Odiseya>. Lufer’s travel orders and a copy of the transfer papers were found among the records of the Kyiv State Conservatory (fond R-810) in the Kyiv State City Archive, and the original of the transfer papers are found in the files of the Committee for the Arts of the Council of People’s Commissars of the Ukrainian SSR, TsDAVO, fond 4763/1/21, fol. 22.

Derzhkomarkhiv simultaneously with the transfer ceremony to Germany for the Sing-Akademie collection in fall 2001 counteract two earlier mistaken suppositions. First, that the collection was found by a Ukrainian tank driver returning from the war and delivered to the steps of the Conservatory in Kyiv; or second, that it was a benevolent, brotherly “gift” from Moscow to Kyiv. However, none of these documents reveal where in Germany the Kyiv Conservatory director Lufer was sent, which unit found the Sing-Akademie collection where, or how it was taken to Kyiv after Lufer’s visit to “Germany” at the end of October, who else was in his brigade, or other treasures they brought to Kyiv. Unfortunately, more secret files still remain classified among the records of the Committee on Culture of the Ukrainian SSR in Kyiv, and undoubtedly related documents of Red Army trophy operations and the Soviet Occupation Administration in Germany (SVAG) may hold additional clues.<sup>37</sup>

We already know from several other sources that the Ukrainian SSR had its own cultural trophy brigades in the field during 1945 and early 1946.<sup>38</sup> Initially it was assumed that most of the art from German private collections still held in Kyiv today had been found by Soviet trophy scouts in Germany itself, together with the paintings from the Dresden Gallery that were shipped directly to Kyiv in the fall of 1945. (The Dresden paintings were returned to the GDR in the 1950s.) But now we discover that much of the art from Berlin private collections still in Kyiv came from Silesian castles, such as Eckersdorf and Ullersdorf, where the Sing-Akademie and probably many of the 370 paintings mentioned by Shevchenko had been found. Recently discovered documents listing the contents of more shipments to Kyiv from the Dresden area in November and December of 1945 (predominantly factories and industrial goods) mention a total of 300 paintings from the Dresden Gallery and 800 unidentified albums of engravings.<sup>39</sup> By that

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<sup>37</sup> My search in Kyiv and Moscow for the relevant files and requests for their declassification have as yet been unsuccessful. No reports of his trip or the brigade he headed have surfaced.

<sup>38</sup> See more details about the Ukrainian components in Grimsted, *Trophies of War and Empire: The Archival Heritage of Ukraine, World War II, and the International Politics of Restitution* (Cambridge, MA: Harvard University Press for the Harvard Ukrainian Research Institute, 2001), chapter 7, pp. 248–77. See the first brief mention of Ukrainian trophy brigades by Konstantin Akinsha and Gregorii Kozlov, with Sylvia Hochfield, *Beautiful Loot: The Soviet Plunder of Europe’s Art Treasures* (New York: Random House, 1995), pp. 131–32, and “Die Beute lag auf dem Flugplatz im Schnee,” *Art* (Hamburg), May 1993, pp. 60–64.

<sup>39</sup> As described in Grimsted, *Trophies of War and Empire*, pp. 251–52, on the basis of files in TsDAHO, 1/28/1481 and 1482.

time the Sing-Akademie collection was already in Kyiv. Its transfer was too late for it to have come with Shevchenko's transports from the Habelswerdt/Glatz area, suggesting that Lufer succeeded in arranging his own transport at the end of October. We do not know what other treasures Lufer's brigade "appraised," but according to earlier investigations, the paintings from the Dresden Gallery did not arrive in Kyiv until later in November and December 1945, and at least one batch by plane.

### **3. Identifying the Long-Displaced Treasures in Kyiv**

Information has been available since 1977 about the musicalia collection from the Staatsbibliothek in Berlin that ended up in Cracow. Simultaneously published catalogues started appearing of the musicalia treasures that ended up in Łódź after the war. Their Berlin provenance, however, and the fact they included holdings from the Berlin Music School (and Spitta Collection) was not identified until Christoph Wolff's article in the West in 1989. While Poland is treating those treasures as compensation for wartime cultural destruction, and restitution prospects appear bleak, information about the holdings is readily available and they are open to scholarship and performance.

The "long-lost" or "hidden" status of the Sing-Akademie music archive exemplifies the general inadequate identification and description of so-called "trophy" holdings in former Soviet repositories, in this case in Ukraine. Undoubtedly the fact that the music archive had never been properly described in Berlin certainly contributed to the lack of information about it and the possibility that it could remain hidden for so long in its Kyivan exile. Russia is finally beginning an electronic inventory of trophy cultural treasures, with initial samples soon to be available on the Internet, although questions may arise about the extent of coverage, the time frame required, and the adequacy of provenance research. It will be hard to gauge the extent of acceptance of the new, more open policy by repositories still holding displaced cultural treasures, when many curators do not know themselves whence their treasures came. And to be



sure, many related documents were destroyed, widely dispersed, or remain classified in Russian archives.<sup>40</sup>

Ukraine seriously lags behind Russia and many other countries (such as Poland) in cataloguing its wartime losses as well as those trophy treasures that still remain in Ukraine. Although Ukraine had proportionately many more losses during World War II than Russia, it received proportionately much less cultural “compensation.” Yet little is publicly known about the books, art, and other cultural property of foreign provenance that were received in Ukraine after the war (especially in 1945 and early 1946), apart from the treasures of the Dresden Gallery, most of which were transferred to Moscow for return to the GDR in the 1950s.<sup>41</sup>

When I was conducting extensive research in Ukraine on several occasions in the 1970s to complete my directory of Ukrainian archival holdings, one of Christoff Wolff’s graduate students had requested I try to find out if there were any scores of the Bach family hidden somewhere in Kyiv. My requested visit to the Kyiv Conservatory had then been refused, with the reason given they had no archival materials. In the mid-1970s Wolff first heard German suspicions that at least part of the Sing-Akademie collection might be located in Kyiv. One of the lost works of Bach’s son Wilhelm Friedemann Bach—the “Flute Concerto in D Minor”—, which Bach specialists knew to have been part of the Sing-Akademie collection, had been performed in Kyiv as early as 1969, and later in Leningrad. The score was never published, nor was its source ever attributed to the Sing-Akademie, let alone to a collection that was then still held by the Conservatory in Kyiv. Curiously, however, a copy obtained by the Bach Archive in Leipzig (then East Germany) “from an unknown Russian source” was one of the few clues music specialists had that at least part of the collection had survived the war and might be located in the

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<sup>40</sup> Provisions of the Ministry of Culture program are discussed by Grimsted, “Russia’s Trophy Archives: Still Prisoners of World War II?” published electronically by the Open Society Archive (Central European University), Budapest: <http://www.osa.ceu.hu/publications/index.shtml> (last revised April 2002).

<sup>41</sup> See more details in Grimsted, *Trophies of War and Empire*, chapter 7, and the works cited above by Akinsha and Kozlov.

USSR.<sup>42</sup> In Kyiv, no one whom I met was talking, and when I visited TsDAMLM to verify my coverage of their holdings in the 1980s, the only music-related holdings they would admit to were records of Soviet institutions and personal papers of Soviet-period Ukrainian composers. Trophy musicalia was obviously still taboo.

Later, as became apparent in the course of my research on displaced cultural property during the 1990s, I was able to access many newly opened archival sources in Moscow and Kyiv. However, considerable important Soviet documentation regarding “trophy” cultural treasures in Ukraine, and in some cases crucial groups of files are still classified, to say nothing of entire fonds in the archives of the Ministry of Defense (TsAMO) in Podolsk outside of Moscow. My request for access to TsAMO in the summer of 2002—even when I could cite exact fonds needed and names of officers in “trophy” brigades—was refused, as their letter explained, because “they had no materials relating to the retrieval of books and archives.”

The most important clue that led me to the Sing-Akademie collection in Kyiv came from still-classified official All-Union level Ministry of Culture reports to the Communist Party Central Committee from the 1950s surveying “trophy” cultural treasures received from Germany after the war. Several of those reports, obtained when CP files were more open in the early 1990s, were published in German translation in a 1996 scholarly edition. I was following such leads in researching my book, *Trophies of War and Empire*—focusing on the Ukrainian archival legacy (HURI 2001). Most specifically, a report dating from 1957 (earlier published in an article in 1995 by one of the German editors) listed as then held in the Kyiv State Conservatory “part of a Berlin Music Library consisting in 5,170 units (works of early Western European compositions, among them first editions and autograph scores).”<sup>43</sup>

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<sup>42</sup> Following our Harvard press release in August 1999, I received a fax from the conductor Igor Blazhkov, who directs the Perpetuum Mobile Orchestra in Kyiv, claiming that we had not “discovered” the collection, because he was using music scores from the collection already in May of 1969. However, in so far as we have been able to determine, what scores he used and recorded were never identified as to their source. The flute concerto score itself was never published, nor was there ever published mention of the music score collection from the Sing-Akademie in Kyiv. Christoph Wolff mentioned the Leipzig copy in his reply to Blazhkov (25 August 1999).

<sup>43</sup> The German translation of the Soviet list appeared in *Die Trophäenkommissionen der Roten Armee: Eine Dokumentensammlung zur Verschleppung von Büchern aus deutschen Bibliotheken*, comp. and ed. Ingo Kolasa and Klaus-Dieter Lehmann (Frankfurt am Main: Vittorio Klostermann, 1996) [=Zeitschrift für Bibliothekswesen und Bibliographie, Sonderheft

When in 1998 Harvard music Professor Christoph Wolff appealed to the director of the Ukrainian Research Institute, and he in turn to me (since I was working extensively in Kyiv in various archives and had good contacts), I tried to locate the Sing-Akademie collection in Kyiv. I had no more success than I had had a decade or two earlier. The Conservatory—already renamed the National Academy of Music of Ukraine—assured me they had no archival materials and that I was wasting my time. Neither the Music Department of the Vernad's'kyi National Library of Ukraine (NBUV), nor several museums that retain significant music manuscripts, held such a collection. And their specialists assured me they knew nothing about it.

At first Ukrainian archivists, when I confronted them with the German published Soviet document, suspected that it was fabricated in Germany in connection with unsuccessful German restitution negotiations with Russia. After having verified the Russian original of the published Soviet documents with the German editors, I reported the archival source to my Ukrainian colleagues. Following their own unsuccessful efforts to obtain copies of the documents from Moscow, they took the matter more seriously. In the meanwhile my own request to see the original in Moscow was likewise refused, although the files involved—from the Secretariat of the CP Central Committee—had briefly been open for research in 1992 and early 1993. Not only was it impossible to examine the Moscow archival originals of the documents published in Germany, but related documentation about “trophy” cultural treasures referenced in the same files were also “unavailable.”<sup>44</sup> Nevertheless in early 1999, I pressed Kyiv archival colleagues to help me determine what had become of the collection listed as being held by the Conservatory in the 1950s. At the time I could not be sure it was the Sing-Akademie archive, and I was

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64], doc. no. 46, p. 245. That 1957 report (“Mitteilung”) prepared by the Ministry of Culture first appeared in the article by Ingo Kolasa, “Sag mir wo die Bücher sind ...,” *Zeitschrift für Bibliothekswesen und Bibliographie* 42 (1995): 357–60. That same document listed other German collections in Moscow and Leningrad, and even mentioned the Gutenberg Bible in the Lenin Library.

<sup>44</sup> The document in question was identified by the editors as coming from the records of the CP Central Committee Secretariat (fond 4) in TsKhSD (*now* Rossiiskii gosudarstvennyi arkhiv noveishei istorii [Russian State Archive for Documentation on Contemporary History] —RGANI), among other related documentation. My own requests to have the original documents declassified in the former CP Central Committee archive have gone unanswered as of fall 2002. I am very grateful to the German editors for consulting with me and arranging for me to verify the original texts.

only just beginning to learn about that collection. My Kyiv colleagues had never heard of the Sing-Akademie and had no indication that such a collection existed in Kyiv, let alone any Bach manuscripts.

The first clue I had to its present location came when my longtime Ukrainian friend and colleague Hennadii Boriak, with whom I had been researching World War II cultural displacements for a decade, e-mailed me about his chance meeting with a librarian from the Conservatory. She admitted to having seen a report about a large collection of music that had been transferred in the early 1970s to the newly established Central State Archive-Museum of Literature and Art of the Ukrainian SSR (now TsDAMLM Ukraïny). That was the first indication we had of the actual present location of the collection, since the existence of such a German music collection had never been mentioned in any of the available descriptions of that archive. Even an initial “insider” search of the registered fonds in TsDAMLM gave no such indication.

Since TsDAMLM was under pressure from the Archival Administration to complete a guide to its holdings, there was good reason for Boriak to pursue the inquiry. Armed with the librarian’s testimony and the German-published document, and with a keen understanding of the delicate diplomatic problems involved, Boriak was able to convince the Ukrainian Archival Administration to pursue the matter. In May 1999 he e-mailed me that he had been told that there was indeed a large collection of music, and (on a follow-up inquiry) reportedly it even contained some Bach, although he was unable to find out more about it. Nor could he even consult the inventories himself, nor determine in what language they had been compiled. No one in TsDAMLM knew (or was willing to admit) the provenance of the collection, nor how it happened to have arrived in Kyiv. I reported back to Christoph Wolff, suggesting he might want to consider packing his bags. When he expressed interest in going to Kyiv, Boriak obligingly arranged invitations through the Institute of Ukrainian Archeography so that Professor Wolff and his wife (a music librarian at Harvard) could obtain visas to join me in Kyiv (my own trip was already scheduled).<sup>45</sup>

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<sup>45</sup> The Archival Administration had approved the visit, and Boriak had argued that if it did turn out to be a German trophy collection, Wolff’s expert appraisal would be appropriate. I summarize the facts about our problems in Kyiv and the discovery of the collection here because, while many of the details are available in my earlier articles, some later reports have misrepresented or misconstrued what actually happened.

Despite assurances from the Archival Administration that arrangements would be in order for our visit to TsDAMLM, we were at first confronted with a stonewall and then a maze of complicated excuses as to why access to the archive and that particular collection was closed. We couldn't have arrived at a less opportune moment, as the archive was under renovation (*remont*), and a new director was being installed the week of our visit. But persistence won out with the pressure of time limitation in Professor Wolff's short visit to Kyiv. First we were permitted to examine the inventories (as I recalled had been mentioned in the German-published documents and the transfer papers), and finally some sample files from the "still unprocessed" collection itself. It was hard to forget Professor Wolff's delight when the director took us up into the stacks to show us how well the collection was being preserved. In the first box the director pulled from the shelf Wolff recognized the signature of Carl Friedrich Rungenhagen, a German composer and director of the Sing-Akademie after Zelter's death, several of whose compositions are found within the collection. That name meant less to me than the blue stamp with a lyre on the top manuscript: "Sing-Akademie zu Berlin." The Fainshtein inventories resolved any further questions about the extent to which the collection had been preserved intact.

I also took special note of the collection name marked on every box in the stacks for fond 441—"Manuscripts of Luminaries of Western European Art and Literature (17<sup>th</sup>–19<sup>th</sup> cc.): Collection."<sup>46</sup> Since its 1973 transfer from the Kyiv Conservatory the existence of the Sing-Akademie archive was camouflaged under that registered name. The fact that "music" was not even mentioned in the title, let alone the Sing-Akademie or the Bach family, explains why specialists abroad, and even archivists in Kyiv, could never have realized the Sing-Akademie archive was in TsDAMLM. A few scores from the collection had been performed by Igor Blazhkov and others from copies taken from the Conservatory, which led German musicologists to suspect the collection was in Kyiv or elsewhere in the USSR. But even those associated with such performances in Kyiv were not prepared to admit the provenance of the scores they were performing. Furthermore in TsDAMLM, before our visit in July 1999, the collection had

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<sup>46</sup> TsDAMLM, fond 441: "Materialy diiachiv zakhidno-evropeis'koho mystetstva i literatury XVI–XIX st.: Kolektsiia." Now that most of the originals have been returned to Berlin, presumably the inappropriate name of fond 441 will be corrected, so that the remaining scores and microfilms in the collection will be duly identified.

never been fully processed and hence not open to researchers during the almost thirty years it was held by the archive. That was one of the excuses given at first why we were refused permission to consult it.

Indeed, even when Professor Wolff was with me in Kyiv in 1999 and I arranged a visit for him to the Conservatory—now the Academy of Music (after we had already seen the Sing-Akademie collection in TsDAMLM), the rector assured us that if they had had any trophy music, it would have long since been returned to Germany. A few minutes after that, however, when my request to visit their library was granted, the librarian showed me—and then gave me copies—of the 1973 transfer documents for the large music collection from the Conservatory to TsDAMLM.

Archivists in Kyiv now claim that the Sing-Akademie collection was not classified “secret” per se, nor had it ever been under the control of Soviet security services. They explain that information about the collection was suppressed because they did not want to have to send it to Moscow, as they had been forced to do in the case of the foreign archival loot that came from the RSHA cache in Silesia and with the ERR records that came to Kyiv from Dresden in December 1945.<sup>47</sup>

The recently published act of transfer of the “Archive of the Sing-Akademie in Berlin” to the Conservatory (2 November 1945) and the immediate instructions for its inventorization (5 November 1945) both make clear that at the start at least some specialists in Kyiv were fully aware of its provenance.<sup>48</sup> The five volumes of inventories prepared by Liubov Fainshtein at the Kyiv Conservatory in the late 1940s included a column keying entries to the original Zelter numbers, suggesting that she may have worked from the copy of the Zelter catalogue evacuated from Berlin with the collection.

The initial order for transfer from the Conservatory to TsDAMLM from the State Archival Administration in 1973 specified “a collection of manuscript and published music scores (XVII–XIXth cc.) in foreign languages with approximately 5,000 documents, together with the card catalogues and

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<sup>47</sup> One of the TsDAMLM directors even publicly commented on that point at one of my presentations in Kyiv.

<sup>48</sup> “Odisseia Arkhivu Akademii v Berlini: lanka, iakoï brakuvalo,” *Arkhivy Ukraïny*, 2001, no. 5, pp. 133–35.

inventory registers describing the collection.” However, when the official act of transfer was executed, the mention of music was suppressed.<sup>49</sup>

Initially TsDAMLM archivists were unable to locate the card catalogues mentioned in the transfer papers; one suggested to me they might have been destroyed, even if they had been the original ones from Berlin (as we had first presumed). Archivists found and showed them to me a year later, but they turned out to have been prepared in Kyiv from the Fainshtein inventories for use in the Conservatory Library where the collection was open to the public (at least partially) until 1973.<sup>50</sup> Apparently there never was a card catalogue in Berlin, at least among the receipts from Ullersdorf.

Most important, on the basis of the Fainshtein inventories and the Zelter catalogue numbers, we could ascertain that the Notenarchiv survived its odyssey essentially in its entirety. Thirteen manuscript units were declared missing from the collection at the time of its transfer from the Conservatory to TsDAMLM, according to the official transfer papers. Two of them have since been located, one is a printed textbook (that might have gone to a library), and all but one of the others are printed part scores. Berlin specialists suggest that seventy-one items were missing from the initial Zelter catalogue sequential numbers, but apparently they had not checked the status of the manuscripts missing at the time of transfer to TsDAMLM from the Kyiv Conservatory.<sup>51</sup> We still do not know about the fate of the epistolary collection from the Sing-Akademie—only one folder of Goethe correspondence is held with the music

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<sup>49</sup> “Doruchennia” (27.VII.1973), and TsDAMLM Director V. P. Koba to Conservatory Rector I. F. Liashenko (31.VII.1973). The librarian at the Academy of Music kindly furnished me copies of both documents, after my examination of the official Conservatory originals. In the official act of transfer to TsDAMLM, however, the collection had been renamed as noted above, with no mention of music—“Akt No 2 o peredache dokumental'nykh materialov” (14.III.1973).

<sup>50</sup> I am grateful to archivists in Kyiv, and especially Hennadii Boriak for assisting me in this investigation and arranging for me to examine the card catalogues in TsDAMLM. Although there is no indication that any card catalogue from Berlin came with the collection, Kyiv colleagues still have been unable to locate the copy of the Zelter catalogue that may have come to Kyiv with the collection. The official signed act of transfer clearly indicates that the card catalogue had been turned over to the archive with the collection in 1973, although it recorded that 1,025 of the 5,170 numbered cards were missing.

<sup>51</sup> The official act of transfer—“Akt No 2 o peredache dokumental'nykh materialov” (14.III.1973)— itemizes the 13 missing items from the catalogue numbered entries: nos. 41, 232, 357, 360, 362, 363, 405, 406, 407, [709—now available], 733, 1462, and 4382. No 41 (Zelter C-335) is listed as several manuscript part scores for a Graun Passion. Official archival notations at the end of the Fainshtein inventories (used as the official *opysy* in TsDAMLM) list a few other missing items as determined later in TsDAMLM, but it has not been possible to verify them. Hell’s introductory notes to his correlation files mention 71 missing numbers from the original Zelter catalogue sequential numbers, but he speculates that these did not arrive in Kyiv. Apparently German specialists had not seen the transfer documents from the Conservatory to TsDAMLM and were not able to verify the numbers later reported missing in TsDAMLM as recorded in TsDAMLM verification notations at the end of the Fainshtein (TsDAMLM) inventories (those are not discernible in the microfilm copies).

scores in TsDAMLM, namely a few of his letters the Sing-Akademie director, Carl Zelter. All of the early printed books from the library described in Part A of Zelter's catalogue are still missing, many reportedly with dedicatory autographs and marginal notes. From available sources, most probably the early printed books from the library were not evacuated from Berlin to Ullersdorf in 1943.<sup>52</sup>

Seven or eight later volumes of printed music from the Sing-Akademie (now on deposit in the Staatsbibliothek in Berlin) were returned to the GDR from Moscow in 1957/58, at the time of the restitution of the Dresden Gallery collections to East Germany. At least one of those editions has a Soviet book stamp and accession number, which I have verified as that of the Moscow State Conservatory. However, it has not yet been possible to verify accession registers in the Moscow Conservatory Library, nor to determine if there are still additional books from the Sing-Akademie there. Nor has it been possible to verify further migratory details about those editions returned to Berlin.<sup>53</sup> Some of the paintings from the Sing-Akademie, which had been deposited in the Berlin Mint (together with paintings from the Academy of Art) also ended up in Moscow after the war, including portraits of earlier directors Fasch, Zelter, and Georg Schumann. They were also returned to the GDR with the treasures from the Dresden Gallery in 1957. For decades they were stored in the Old National Gallery (Alte Nationalgalerie) under the auspices of the Academy of Art (Akademie für bildende Künste), but were turned over to the Sing-Akademie in Berlin in 1997.<sup>54</sup>

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<sup>52</sup> As of yet, there is no trace of them in any major Kyiv library with music holdings. Many of the early holdings relating to music theory were included in Section A (nos. 1–288) of the Zelter catalogue (see note 8). There is no evidence that they were delivered to the Kyiv Conservatory after the war, as librarians in the Academy of Music showed me the postwar accession registers for printed books (unless they were not formally accessioned, as was the case of trophy receipts in many Soviet institution). The only copy of those registers covering the manuscripts was transferred to TsDAMLM with the music collection. Sing-Akademie director Georg Schumann mentions only scores [noten] and not books having been sent to Ullersdorf in his report at the end of the war (Berlin, 15 March 1945), nor does he explain if the early printed books were in another large crate that was deposited with the Staatsbibliothek.

<sup>53</sup> In November 2000, I examined seven or eight printed scores that had been returned from Moscow to Berlin, now on deposit in the Staatsbibliothek. German colleagues suspected the books came from the Glinka Central Museum of Musical Culture in Moscow, but in fact the stamp I found was that of the Moscow State Conservatory (MGK). I have spot checked some of the titles suggested by Christoph Wolff in both the Glinka Museum and the former Lenin Library (now RGB). The Moscow Conservatory is starting to investigate its trophy holdings, but as of the fall of 2002 has yet to be forthcoming in tracking down any indications of Sing-Akademie holdings.

<sup>54</sup> Sing-Akademie director Georg Schumann attested to the placement of the paintings in the Berlin Mint in a report he prepared (Berlin, 15 March 1945). He kept some other Sing-Akademie materials in his home in Berlin-Lichterfelde. That house was occupied by Soviets after the war, so possibly some things were removed from there. Michael Rautenberg kindly assisted in verifying these details and furnished me a copy of the 1945 Schumann report.



Even more secrecy in Kyiv still surrounds much of the art works from other Berlin collections that were evacuated to Silesia with the Sing-Akademie archive, despite increasing evidence that a good bit of it is now in Kyiv. The same 1957 Soviet Ministry of Culture secret report that included the “Berlin Music Library” collection in the Kyiv Conservatory indicated that some 102,000 units of trophy art were held by what was then the Museum of Western and Oriental Art (now the Khenko Museum of Art) in Kyiv, including 665 paintings, graphics, and sculpture from Berlin private collections, and others in the State Historical Museum.<sup>55</sup> A chart prepared of “trophy” German holdings in the USSR published in the same collection of documents gives somewhat differing figures.<sup>56</sup> Although detailed listings for the holdings of the Berlin School of Art sent to Ullersdorf do not appear on the Peschke inventory, paintings of that provenance have been spotted in Kyiv. Recently German specialists have identified over 120 “trophy” paintings of German provenance in the State Historical Museum (48 of them on the Peschke inventory out of 50 examined) and 15 more in the National Academy of Art (8 of them on the Peschke inventory), among them those sent to Ullersdorf and Eckersdorf.<sup>57</sup> Even before the return of the Sing-Akademie collection there were several symbolic transfers of displaced cultural property between Ukraine and Germany.<sup>58</sup> Perhaps now, if a database were to be prepared for public circulation on the basis of the Peschke inventories and other available data, it would help Ukrainian museums get a start towards the identification of those and other still displaced cultural treasures.

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<sup>55</sup> *Die Trophäenkommissionen der Roten Armee*, doc. no. 46, p. 244.

<sup>56</sup> *Ibid.*, doc. no. 47, pp. 248–49.

<sup>57</sup> These figures have been furnished to me by Petra Kuhn of the Federal Office for Culture and the Media in Berlin. As noted above, many of the institutional collections evacuated were not listed on the longer Peschke inventory with individual listings. Books from the Institute for Oceanography (Institut und Museum für Meereskunde) of Friedrich-Wilhelm University (1828–1946, now Humboldt University) in Berlin have surfaced in the Institute of Oceanography in Moscow. Although some crates from that institute were sent to Eckersdorf and Ullersdorf, others went to other castles.

<sup>58</sup> See more details about the Ukrainian trophy operations and recent Ukrainian-German restitution exchanges in my *Trophies of War and Empire*, especially Chapter 7.

#### 4. Ukrainian vs Russian Restitution Politics

Generally, since independence, Ukraine has pursued a much more Western-oriented and European-friendly approach to matters of cultural restitution than has been the case in Russia, although there are proportionately many fewer “trophies”. Russian President Vladimir Putin’s policy of restitution “gestures of goodwill,” Ukraine had made a series of restitution exchanges with Germany and negotiations with other countries.<sup>59</sup> Unlike Russia, when Ukraine was accepted for membership in the Council of Europe in November 1995, there were no stipulations. When Russia was accepted two months later, it was forced to sign a series of “intents” that included stipulations for the return of cultural treasures and archives claimed by member European states. That stipulation has never been publicized in Russia, and political forces in the Russian parliament have remained staunchly opposed to restitution, especially to Germany.

The discovery of the Sing-Akademie collection in Kyiv caused a tremendous sensation in the Ukrainian press, as it did worldwide, particularly after German television crews descended. Perhaps even more so because it was identified by foreigners: “What if Christoph Wolff had never come to Kyiv?” queried a correspondent in one of Kyiv’s major papers. “Why does it take foreigners to find what is in our archives?” asked another, critical of the Ukrainian archival administration for the great secrecy in which they have operated in the past.<sup>60</sup> Almost immediately after our discovery of the Sing-Akademie was announced in the summer of 1999, negotiations started for microfilming and cooperative projects, and with several professional visits by specialists from the Bach Archive in Leipzig and Professor Wolff from Harvard University.

Yet extensive Western involvement brought forth some oppositional voices, especially from those who might serve to benefit from the collection remaining in Kyiv. Igor Blazhkov, the Kyiv orchestra conductor who had earlier performed one of the scores from the Sing-Akademie collection, faxed me an

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<sup>59</sup> This is one of the themes in my book, *Trophies of War and Empire*, where I document some of these developments and transfers. See especially Chapter 12, pp. 458–68.

<sup>60</sup> Elena Cherednichenko, “V Ukraine 54 goda khranilas' unikal'naia kolleksiia Bakha. Sovetskie tankisty okazalis' smyshlennye nashikh uchenykh: Sensatsiia,” *Kievskie vedomosti*, 12 August 1999, p. 3.

angry letter to the effect that he and other musicians in Kyiv had long known about the collection. However, he had never cited the Sing-Akademie by name nor had he ever attributed the appropriate provenance to the music he had performed. Once the news was out in the West, he gave interviews denouncing Christoph Wolff and “American exploitation” while encouraging patriotic opposition to potential restitution. Although his was not the only opposition voice, other Ukrainian press accounts suggested the importance for Ukraine of cooperation with the West and of returning the collection to Germany.<sup>61</sup> Fortunately the latter voices won out, even if there was a significant delay in signing an academic agreement by the Ukrainian Research Institute at Harvard University with Derzhkomarkhiv, TsDAMLM, and potentially other institutions in Kyiv, and supported by a sizable grant from the Packard Humanities Institute.

High-level diplomatic negotiations also started for the prospective return of the archive to Berlin. By November 2000 the German government sponsored a program of “Days of Ukrainian Culture” (at an estimated cost of 250,000 euros), and in the course of the visit of the Ukrainian delegation to Berlin, discussion of the fate of the Sing-Akademie music archive was significantly on the agenda. In Kyiv and in Berlin, there was even talk of barter. Half jokingly, some Ukrainians even speculated that the return of the “Bach Archive” —as it was called in Kyiv— should be worth at least one nuclear power reactor. But others had had enough of nuclear power plants in Ukraine and were less than sympathetic to any such demands. In fact Ukraine resolved to turn the collection over to Germany with no provision for “barter.”

Already in January 2001, a Ukrainian-German agreement was executed for the return of the Sing-Akademie collection to Berlin that, although recognized by both sides as a private collection, was being treated as a matter of highest state attention. Plans for restitution were announced with an official protocol signed (19 January 2001)—typically during the visit of President Kuchma to Berlin—and the symbolic

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<sup>61</sup> Blazhkov’s interviews appeared in several Ukrainian publications, for example, Nelia Pasichnyk, “Chy zakhystyt’ Ukraïna pravo na beztsinnu kolektsiiu? Amerykans'kyi professor ‘vidkryvae’ davno vidkryte v Ukraïni,” *Polityka i kul'tura*, no. 23 (1–7 October 1999), pp. 42–44. Nataliia Balandiuk, “Komu distanut'sia prava na kolektsiiu syniv Bakha?” *Den'*, no. 217 (24 November 1999), p. 1, 2; and in English “Who Will Get Rights to the Collection of Bach’s Sons?” *The Day*, no. 44 (30 November 1999), p. 6. Even the *Air Ukraine Magazine* (Spring 2000) published an article critical of the Harvard discovery and planned microfilming project. See more extensive details of the Ukrainian press coverage and related developments in Kyiv in connection with the so-called “Bach Archive” at the Derzhkomarkhiv website: <http://www.archives.gov.ua/Eng/Bach/Bach-Archive.php>.

return of an initial Bach score. It came at a time when Kuchma was under severe international criticism for human rights violations from the European Community, including allegations regarding the scandalous murder of the opposition journalist Gongadze. In terms of foreign policy—and the hopes for better economic relations with Germany—the restitution agreement also represented a swing on the part of Kuchma towards further integration with Europe with a view towards joining the European Community. Soon after the Kuchma-Schroeder meeting in January 2001, Germany donated a sum of \$200,000 towards reconstruction of a church in Kyiv, but the German gesture was not considered “compensation” for the archive.

Ukraine immediately came under pressure from Russia, and an article in the Russian official press criticized Ukraine’s prospective restitution gesture, suggesting that the Ukrainian parliament (Verkhovna Rada) would never approve it!<sup>62</sup> Other Russian efforts tried to prevent the Ukrainian act of restitution, but even pressure on individual Ukrainian officials involved in the process brought inconclusive results. Subsequently in Ukraine as well, increased political strength for those opposed to unilateral Ukrainian integration with Europe carried with it opposition to restitution to Germany.

## **5. Legal Arrangements for Restitution**

Once Ukrainian authorities, with the support of President Kuchma, committed themselves to restitution, legal issues arose. Ukraine had not enacted a law similar to the Russian law nationalizing the “spoils of war,” nor, on the other hand, had it established a similar legal mechanism for restitution. Some Russian colleagues have asked me why countries other than Russia do not have a law dealing with World War II restitution. Perhaps I should have answered bluntly that Russia appears to be the only country that really needs one. Armenia and Georgia both returned unneeded ‘trophy’ books to Germany without any law, and both countries are now benefiting from German assistance for their libraries.

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<sup>62</sup> See Vladimir Petrov, “Kuchma obeshchal otdat’ nemtsam Bakha. . . Tol’ko neizvestno, pozvolit li emu eto sdelat’ Verkhovnaia rada,” *Parlamentskaia gazeta*, 24 January 2001, p. 7.

I would also argue that the Russian law was first and foremost not a law for restitution, but a law nationalizing the cultural trophies brought home from the war. Only with the amended version (May 2000) is restitution more clearly provided for, but only to countries that fought against the Nazis or those victimized by the Nazi regime, which would have legally ruled out the return of the Sing-Akademie collection had it been in Russia. Provisions in the law have been established for the return of victimized “private” collections, and cultural property in private custody in Russia is now not supposed to be covered by the law. (Yet none of the Russian archival restitution transfers since 1991 have used the word “restitution” or even “return.”)

Thus understandably, when Ukraine opted for restitution of the Sing-Akademie collection, it did so with the incentive of returning a “private” collection, rather than official German state property. Even under the Russian law, that would have opened more possibility for restitution. However, the return of this collection also exemplifies complexities in the legal status of “trophy” archives, both in the former Soviet Union and in Germany, and the ill-defined provisions for the restitution of private collections. Indeed “private” and “state” are hopelessly intertwined.<sup>63</sup>

Since Ukrainian independence, the Sing-Akademie collection remained in “state” archival custody in Ukraine, duly registered in TsDAML. Accordingly, under the 1993 Ukrainian archival law, it constituted an official part of the “National Archival Fond” of Ukraine—a legal entity (inherited from the Soviet period) denoting state proprietorship and control, and which meant legally its export or expropriation was prohibited. Hence, in order to return the Sing-Akademie archive to Germany, a somewhat surreptitious legal procedure was devised of withdrawing the collection from the National Archival Fond of Ukraine and replacing it with microfilmed copies. A “Decree” to that effect was

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<sup>63</sup> See my paper “Patterns of Plunder and Restitution of Private Collections—East and West: Bach Goes Back to Berlin,” presented at the Moscow conference in May 2002, published in the proceedings as “Problemy razgrableniia i vozvrashcheniia chastnykh kollektzii: Vostok i Zapad—Bakh vozvrashchaetsia v Berlin”/ “Probleme des Raubs und der Restitution von Privatsammlungen: Ost und West - Bach geht zurück nach Berlin” in *Trudnaia sud'ba kul'turnykh tsennosti: Materialy mezhdunarodnoi konferentsii “Chastnoe pravo i problemy restitutsii peremeshchennykh kul'turnykh tsennosti,” Moskva, 27 i 28 maia 2002 g./ Das schwierige Schicksal von Kulturgütern: Materialien der internationalen Konferenz ‘Privatrecht und Probleme der Restitution von kriegsbedingt verbrachten Kulturgütern,’ Moskau, 27. und 28. Mai 2002* (Berlin: BWV - Berliner Wissenschafts-Verlag/ Moscow: Rudomino, 2002; sponsored by the Ministry of Culture of the Russian Federation, the State Library for Foreign Literature [VGBIL], and the Gesellschaft für Förderung des internationalen Informationsaustausches), pp. 200–15 (Russian), pp. 216–32 (German); soon to be available electronically at <http://www.libfl.ru/restitution/conf02/index.html>, including the English version.

approved 18 September 2001 by the Council of Ministers of Ukraine.<sup>64</sup> The matter was never put before the Verkhovna Rada, undoubtedly because there would have been serious opposition. But the fact that there had been no parliamentary approval also contributed to political opposition, occasioning criticism as an example of government action without due democratic procedures.

Funds for the required microfilming had been provided by a generous grant from the Packard Humanities Institute in California, as part of the academic cooperative agreement mentioned above, with copies to be provided to the participating institutions, including the Bach Archive in Leipzig. However, by the time of the Berlin ceremony, only approximately ten percent of the microfilms (i.e., only the Bach materials) had been received by the Packard Humanities Institute, by then established at Harvard University. When the Packard grant ran out in Kyiv, the German government came up with funds to finish the filming. The Staatsbibliothek provided funds for packing and shipping. No further “barter” or “compensation” was provided by the German side, although the German government did provide some travel and related expenses for Ukrainian colleagues in Germany. With the announcement of the microfiche edition of the Bach collection in January 2003, many of the materials are being refilmed in Germany. Public availability will be assured, even before the full comprehensive edition has been prepared, but not without considerable controversy within the Sing-Akademie and others close to the scene.

Speaking at the Berlin ceremony, the Ukrainian ambassador to Germany acknowledged significant German assistance in the rebuilding of a Kyiv church, and the figure of \$200,000 (received in January 2001) was mentioned in press accounts.<sup>65</sup> Previously, German subsidy for the reconstruction of cathedrals in Kyiv had been announced in appreciation for earlier restitution gestures, including the return of three albums of German graphic art several years ago. Reportedly in that case, however, there were some ill

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<sup>64</sup> The authorizing directive of the Cabinet of Ministers was entitled “On the exclusion of documents from the National Archival Fond of Ukraine and their transfer to the Government of Germany” (“Pro vyluchennia dokumentiv z Natsional'noho arkhivnoho fondu ta peredachu ikh uriadovi Federatyvnoï Respubliky Nimechchyny”), no. 1202 (18.IX.2001). A press release announcing the transfer (a copy is on the website of Derzhkomarkhiv—<http://www.archives.gov.ua/news>) was picked up by numerous newspapers, for example, “Ukraina nachala restitutsiiu,” *Kommersant*, no. 171 (20 September 2001), p. 13, and the *Herald Tribune*, 21 September 2001.

<sup>65</sup> See, for example, Viktoriia Prykhid, “Nimechchyna diakuie za ‘arkhiv Bakha’: Restytutsiia,” *Postup*, 17 May 2002, p. 4; <<http://postup.brama.com>>.

feelings on the German side because Ukraine actually turned over only three albums to Germany rather than the promised five previously shown to German specialists.

On the German side, in order to ensure the return of the music archive, both the German government and the Sing-Akademie in Berlin had to produce legal proof of its private status, which was no problem. There was a bigger problem, however: the Sing-Akademie had no place to house the collection, since its original building had been taken over by the government of East Berlin and still houses the Gorkii Theatre.<sup>66</sup> A choral work could not be performed at the Berlin 2002 ceremony because the Philharmonic had wanted to perform with both the original Sing-Akademie zu Berlin (established 1791) and the Berliner Singakademie (established in 1963 in East Berlin). The older Sing-Akademie was not prepared for a consolidated performance under the baton of the Berlin Philharmonic with the former East German choral society.<sup>67</sup> Nevertheless, the Sing-Akademie was in the public spotlight with its still private music archive returned to Berlin and a prestigious performance of two of its instrumental scores.

Another major problem of its all too private status was that the Sing-Akademie had no money to pay the packing and transportation charges to bring its archive home. With no building and no funds, in order to enable the return of the collection to Berlin, the Sing-Akademie was obliged to sign a legal agreement for the deposit of its Notenarchiv in the Music Division of the Staatsbibliothek. There it joins the remains of its original collection, namely many scores of Johann Sebastian Bach that the Sing-Akademie had sold to the Prussian Royal Library in 1854 (although ironically again, many of those are now on deposit in Cracow). Symbolically, although it was the private status of the collection as property of the Sing-Akademie that insured its return, at the official Berlin celebration in May 2002, the still private choral society itself was not at center stage. Furthermore, the private status of the Sing-Akademie as legal proprietors of the returned archive is now affecting its access and availability.

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<sup>66</sup> See the coverage of the Sing-Akademie building at <http://www.sing-akademie.de>.

<sup>67</sup> See the article by Thomas Otto quoted above, note 14.

## **6. More Politics, Economics, and the International Diplomacy of Restitution**

In terms of international restitution politics, the return of the Sing-Akademie music archive should be viewed in the context of the opposition to restitution that has emerged in Russia during the past ten years since the revelations about the “hidden culture treasures” that were brought to the USSR as “trophies” after the Soviet victory over Nazi Germany. A major collection of trophy musicalia that was seized from Germany after the war was returned from Leningrad to Hamburg in 1990. That was the same year that most of the remaining German Hanseatic archives in the USSR went home to Bremen and Lübeck in exchange for the return of the medieval Tallinn City Archive from a reunified Germany.

Since the collapse of the Soviet Union, however, strong patriotic forces in Russia have opposed any further restitution to Germany. Likewise in the case of Poland, perhaps ironically for the Sing-Akademie, many of the J. S. Bach manuscripts that were sold to the Prussian State Library in 1854 remain in Cracow where, with strong Polish sentiment against restitution to Germany, they are still considered “compensation.”

Much more crucial than political or legal issues (of which indeed there were many) in the return of the Sing-Akademie collection, in my interpretation, was the commendable genuine Ukrainian desire to return that archive to its homeland without barter, freeing it from the status of prisoner-of-war. Some might see this as an all too altruistic or diplomatically naïve policy for Ukraine. But thanks to that true “gesture of goodwill” the collection has been restored to its home in Germany where it could best be catalogued, studied, prepared for performance, and appreciated by music lovers everywhere. The political and legal problems of restitution were simply stumbling blocks. Because there was a will, Ukrainian colleagues found a way. Unfortunately, however, and perhaps also symbolically, the Ukrainian archivists and cultural leaders who were most closely involved did not attend the German celebration in Berlin, although they were duly invited by the German government (with all expenses paid). Apparently the Ukrainian side decided that it was more politic to send a lower-level delegation, given the considerable criticism of the transfer that had surfaced in Ukraine (and Russia), the fact that Germany sent a low-level



delegation to the transfer ceremony in Kyiv, and the disappointment of many in Ukraine that the German side had not come through with more at least symbolic “compensation.”

Indeed, even if Ukraine earlier was more favorably disposed to unencumbered restitution than Russia, the restitution to Germany of the largest and most valuable ‘trophy’ collection yet to have surfaced in Ukraine aroused strong opposition currents in Kyiv.<sup>68</sup> Seemingly, behind the furor in Kyiv and abroad were more commercial or economic interests than political or patriotic ones. Rather than being opposed to the return to Germany per se as the aggressor during World War II, as has been the case of anti-restitution sentiment in Russia, many Ukrainians felt that Ukraine, and especially Ukrainian state archives, should have gotten more “compensation” in the bargain. Some tried to argue on ill-founded legal assumptions that the wartime Potsdam agreement between the allies authorized “compensatory” restitution (I know of no such agreement), or that the United Nations charter obviated the return of “trophies” to Germany.<sup>69</sup>

In fact criticism came principally from individuals who served to benefit, or thought they would benefit more, if the collection had remained in Kyiv. By the time of its return to Berlin, Igor Blazhkov had other followers and other competitors at home and abroad interested in performance rights. The Kyiv archive TsDAMLM was presumably not happy about its loss of the original collection and the prospect of further income from performance and publication rights. That archive-museum had already set up a special exhibit and reading room for the collection, so understandably they were not too pleased to lose their chief attraction.

Meanwhile in July 2000 an enterprising Ukrainian publishing group Meta-Art in Kyiv signed an agreement with TsDAMLM to print and sell scores from the collection. Their website featuring a “catalogue of published works” in their “Bach Collection Project” offered various forms of “collaboration.” Before their website features were withdrawn under German protest, they had posted RISM-compatible descriptions of some 32 Bach family scores they were offering from the Sing-

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<sup>68</sup> See, for example, the press criticism, such as Oleh Romanchuk, “Komentar,” *Postup*, 17 May 2002, p. 4 (printed together with the article quoted in note 64).

<sup>69</sup> For example, Oleh Romanchuk, in *ibid.* Similar themes were expressed on the BBC program hosted by Ivan Hewitt, “Music Matters,” BBC Radio 3 (3 February 2002). I am grateful to the BBC program assistant Fiona Clampin for furnishing me with a recording of the program.

Akademie collection with prices depending on how many thousand copies a foreign dealer might want to acquire. Approximately two-thirds of the initial website offering featured scores of C.P.E. Bach, which obviously was a threat to the contract for the Wolff-led critical publication in conjunction with the Bach Archive in Leipzig, while another ten featured unpublished or little known compositions of his brother Wilhelm Friedmann Bach. None of the advertised scores indicated the extent to which or by whom they had been edited for performance. Today the website still advertises the “Bach Collection Project,” but while explaining that “Sorry these parts of the site are temporary closed by technical reasons,” provides two e-mail addresses, so that interested parties can still “contact us directly.”<sup>70</sup>

Even after the agreement had been signed for the return of the collection to Berlin, with performance rights to be approved jointly by the Ukrainian and German sides, \$36,000 was netted by TsDAMLM for the sale of performance rights to Austrian Radio and the Vienna Academy Orchestra without full consultation and agreement with the Sing-Akademie in Berlin. That transfer has already resulted in a number of important première performances of long-forgotten or virtually unknown works from the Sing-Akademie. Although in some cases the Sing-Akademie itself had not approved, TsDAMLM would have like to continue such profitable deals, and was delighted to know that the music it had preserved for so long was finally being appreciated abroad. A report aired in February 2002 on the BBC suggested, among other points of bitter opposition to the restitution to Berlin, considerable displeasure from Austrian sources (and Ukrainians in Austria) about German control, which was allegedly limiting access to the materials and rights to perform. But Harvard Professor Wolff defended the need for scholarly control and the careful preparation of the many unpublished scores, before rushing into print or on the air with previously unedited early treasures of the eighteenth-century Prussian court repertory.<sup>71</sup>

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<sup>70</sup> I am grateful to Michael Rautenberg for furnishing me an electronic copy of the earlier 60-page plus website offering from Meta-Art Classics Music Publishing House. It is not clear if or the extent to which the publishing house is still supplying copies in spite of the legal protests from Berlin.

<sup>71</sup> “Music Matters,” BBC Radio 3 (3 February 2002). In this program the person interviewed who expressed the strongest opposition was a Ukrainian musician associated with one of the Austrian Radio performances from the collection. Michael Rautenberg kindly filled me in on some of the related developments discussed above.

In a larger context the opposition appeared also to reflect a new shift away from Europe in the Ukrainian political climate, or at least a more vocal strain in the political spectrum favoring the so-called “to Europe with Russia” posture. In January 2001, Kuchma had used the restitution “gesture of goodwill” for its political and diplomatic advantage, but by the fall of 2001, perhaps it was too much to expect another such coup.

There were other symbolic political twists whereby Ukraine failed to gain more diplomatic clout and potential international prestige out of this virtually unilateral act of restitution. The transfer was initially scheduled to take place the last week of September 2001, during Chancellor Schroeder’s visit to Kyiv and the Crimea. The official decree of the Ukrainian Council of Ministers was rushed through and hastily signed by 18 September in preparation for the Chancellor’s visit. An initial part of the music archive was packed and ready for shipment. But, perhaps not without political purpose, that visit was cancelled at the last minute, and the Lufthansa cargo plane went home empty. The attack of September 11 was the diplomatic excuse given for the change of plans, but larger political and diplomatic issues were at stake.

Instead of going to Ukraine, on 26 September, Chancellor Schroeder hosted Russian President Putin in Dresden (Putin’s first return to the city of his earlier KGB assignment). Putin was accompanied to Dresden by Russian businessman Timur Timerbulatov, director of the construction company “Konti,” who presented the Dresden Gallery with three paintings acknowledged to have been held there before the war. Perhaps not entirely coincidentally, the Dresden presentation took place a week after the Ukrainian Council of Ministers approved the restitution of the Sing-Akademie collection to Berlin. The German side avoided major publicity about the return of the three paintings from Russia because, as the director of the Dresden Gallery told me by telephone, there are still some 400 paintings from his gallery in Russia.<sup>72</sup> It should be stressed that—in contrast to the Ukrainian restitution—the Russian “gesture of goodwill”

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<sup>72</sup> Reference is to my telephone conversation with Harrod Marx, Director of the Staatliche Kunstsammlung Dresden, who was personally involved in the September transfer, and who confirmed the details to me. There were two 17th-century paintings of the Flemish School and one by Max Slevogt painted in 1914. Regarding the Dresden paintings, see Kira Dolinina, “Trofei s izmailovskoi barakholki privez Vladimir Putin v Drezdenskuiu galereiu,” *Kommersant*, 28 September 2001, p. 13. See also the press release from the Russian Information Agency “Novosti,” at the website <http://Lenta.ru>.

involved the restitution of art that had been recovered from private collectors in Russia, not from state repositories, and hence was not subject to the new Russian law on cultural treasures. (Curiously, all three paintings reportedly had been purchased in Moscow's Izmailovo flea market in 1992 from a private collector.)

With Russian restitution of cultural treasures from state collections to Germany still legally blocked, Putin has recently been promoting a new policy of “gestures of goodwill,” involving well-staged acts of restitution from private Russian collections. Sponsored in part by the Russian Ministry of Culture, which has now assumed a much more important role in restitution matters for the Russian Federation, that policy was the name and subject of a 2001 conference at the All-Russian State Library of Foreign Literature (VGBIL) in Moscow. Unfortunately, however, there were not many “gestures” to report.<sup>73</sup> Timerbulatov’s first “gesture of goodwill” involving an earlier return (April 2001) of a Dresden Gallery painting recovered from private Russian sources is now featured on the “Konti” company website.<sup>74</sup> And again perhaps also not entirely coincidentally, Timerbulatov himself spoke at the subsequent VGBIL/Ministry of Culture international conference in Moscow devoted to legal arrangements for the restitution of private collections. It was held at the end of May 2002, just two weeks after the “Festakt” for the return of the Sing-Akademie at the Berlin Philharmonic.<sup>75</sup>

Meanwhile in Kyiv, even without the presence of Chancellor Schroeder, on 29 November 2001 a protocol of transfer was ceremoniously signed for the priceless music archive. Curiously, however, the name of neither the private Sing-Akademie nor the word “music” appeared in the official government-to-government protocol of transfer, nor did the term “return” or “restitution”:

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<sup>73</sup> See the program and reports: <http://www.libfl.ru/restitution/conf01/index.html>, including my own brief contribution, “Gestures of Goodwill and the Unfinished Business of Post-World War II Restitution,” available in English and Russian translation. The conference texts are published as “*Zhesty dobroj voli i zakonodatel'stvo*”/“*Gesten des guten Willens und Gesetzgebung*,” ed. E. Iu. Genieva, Klaus Michaletz, and Olaf Werner (Berlin: Verlag Arno Spitz; Moscow: Rudomino, 2001).

<sup>74</sup> As a similar “gesture of goodwill” in Putin’s presence in April 2001, at the palace of Tsarskoe Selo near St. Petersburg, Timerbulatov presented Germany the 17th-century painting “Heyduke” by Christopher Paudiss, also from the prewar Dresden Gallery and also purchased in the Ismailovo market in 1992; see “Germanii podarili kartinu s izmailovskoi barakholki,” *Kommersant*, 12 April 2001, p. 13. A colored photograph of Timerbulatov making the April presentation with President Putin and German Chancellor Schroeder is found at the “Konti” website <http://Konti.ru/photos.index.html>. I am very grateful to Konstantin Akinsha for helping me track down these details.

<sup>75</sup> See the program and reports of the conference at <http://www.libfl.ru/restitution/conf02/index.html>, and the published version cited in note 63.

The Government (Cabinet of Ministers) of Ukraine presents to the Government of the Federal Republic of Germany, and the Government of the Federal Republic of Germany receives from the Government of Ukraine, materials displaced to Ukraine from Germany as a result of the Second World War consisting of 5,119 files. . .

In addition to the German ambassador to Ukraine, Germany was represented by Professor Tono Eitel, an ambassadorial-level diplomat who has been handling restitution matters in the German Foreign Office, and Ukraine by Professor Oleksandr Fedoruk, who headed the earlier Ukrainian restitution commission (1992–1999), and now heads the office dealing with such matters in the Ministry of Culture.<sup>76</sup> A Lufthansa cargo plane left Kyiv for Frankfurt the next day (the space had to be rebooked because of a delay with customs technicalities). The music archive arrived in Berlin on the first of December, having been accompanied all the way by Michael Rautenberg, representing the Sing-Akademie.<sup>77</sup>

The Sing-Akademie agreed to leave some 33 scores from its collection in Kyiv, namely those that had been identified as having some immediate relation to Slavic lands. Most relevant to Ukraine is a first-edition printed choral score “Our Father” and another manuscript composition by the eighteenth-century Ukrainian composer Maksym Berezovs'kyi (1745–1777). Several other items donated to TsDAMLM are of provenance in Warsaw or St. Petersburg, including three manuscript scores by the Italian composer Baldassare Galuppi, who had been associated with the Russian imperial court in St. Petersburg and with whom the Ukrainian composer Dmytro Bortnians'kyi had studied. Also included are two manuscript scores of Giuseppe Sarti who had also provided music for the St. Petersburg court although subsequently exiled to a village in Ukraine.<sup>78</sup>

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<sup>76</sup> The pictures of the protocol signing and a news brief appear at the Derzhkomarkhiv website: <http://www.archives.gov.ua/news/archive-Bach-Protocol.ua.html>. Michael Rautenberg kindly furnished me a copy of the official protocol of transfer.

<sup>77</sup> See the press release of the Staatsbibliothek and the Sing-Akademie, “Notenarchiv der Sing-Akademie zu Berlin aus Kiew zurückgekehrt: Erste wissenschaftliche Projekte werden vorbereitet” (2001) at <http://www.sbb.spk-berlin.de/deutsch/aktuelles/pressemitteilungen>.

<sup>78</sup> Michael Rautenberg kindly furnished me a copy of the list of original scores left in TsDAMLM in Kyiv which constituted Appendix 3 to the Protocol with the Sing-Akademie dated 20 June 2001.

Perhaps it was too much to expect the German government to have been more generous when a private German collection was involved, and when the Ukrainian side had not insisted on “barter” for the return of the priceless archive. Perhaps the Germans did not understand how much public criticism was involved for those in Kyiv who generously wanted to see the “Bach Archive” (as it is known in Kyiv) return back to its home in Berlin. Undoubtedly, there would have been better feelings in Ukraine if Chancellor Schroeder could have rescheduled his visit to receive the collection in person. Instead, the German chancellor (perhaps unwittingly) helped Russia upstage Ukraine vis-à-vis Germany in international restitution politics, although it was Ukraine that had come through with a greater “gesture of goodwill.”

Even before the ink was dry on the protocol, the German delegation was pressing for restitution of more cultural treasures, including some of the art remaining in Kyiv that had accompanied the Sing-Akademie archive to Silesia. And even at the Berlin ceremony, German diplomats were still wondering if there might be any breakthrough with Berlin musicalia collections in Poland. A few months later, German restitution officials were publicly criticizing their “difficulties” in restitution negotiations with Ukraine with no seeming appreciation of the musicalia treasures that had already come home to Berlin.

Recent criticism is understandable, when now that the Sing-Akademie treasures are back in Berlin, they are not being promptly catalogued and opened to the public. The return of this priceless collection has raised further issues of who will control publication and performance rights, and whether its private status will continue to threaten public availability for music scholarship and performance. Quality scholarly editions of crucial unpublished parts of the collection may indeed be a priority, but should that impose restrictions for others or for the rest?

Such issues were raised again in January 2003 with the announcement of the release of the K. G. Saur CD and microfiche edition of the Bach portion of the collection. While musicians may be competing for performance and publication rights, there have already been a number of recordings, and performances of works from the Sing-Akademie treasures nonetheless continue. For example, a recent concert in St. Paul, Minnesota, conducted by Martin Hasselböch, featured several scores from the collection, but in this

case, copies had been obtained through Austrian connections with Kyiv rather than Berlin. Some might even go so far as to question the fact that those copies may have been obtained without approval of the Sing-Akademie. Now the Sing-Akademie wants to enforce an agreement that archival authorities in Kyiv no longer have the right to sell copies from the microfilms remaining there for performance or publication without its approval.

In conclusion, let us hope, first, that professional cataloguing of the collection can promptly get underway and that increasingly more scores from the long-lost music treasury will soon be publicly available. Secondly, let us hope that restrictive proprietary traditions in face of the scramble for performance and publication rights will not overshadow the tremendously positive achievement of the discovery and restitution of these priceless components of the European music heritage.

Current Russian, Polish, and Ukrainian political and economic contexts may promote restitution or bring opposition to the fore; national politics of restitution or non-restitution may promote description of captured trophies or keep related documents classified; and international politics and diplomacy may still dictate when and where restitution breakthroughs are possible and with what wording. A more fitting ending to the story, however, is a tribute to the Ukrainian colleagues who opened the archives to our search, and to recall how thrilling it was for me to see the “Sing-Akademie” stamp when the first box was opened, and then a year and a half later to attend the première of a cantata by C.P.E. Bach from that collection performed for the first time in 215 years in Boston’s Symphony Hall (23 March 2001) under the baton of Christopher Hogwood. Another performance of the cantata in Berlin (12 September 2001) with the Sing-Akademie and soloists from Kyiv honored the tenth anniversary of Ukrainian independence. Other performances followed in Kyiv and Vienna in early November. The title of the “Hymn of Thanks and Friendship” (Dank-Hymne der Freundschaft) was appropriately symbolic to celebrate the return of long-displaced cultural prisoner-of-war.<sup>79</sup>

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<sup>79</sup> News about the Boston performance, the first since the initial premiere in 1785, and the program notes by Ulrich Leisinger from the Bach Archive in Leipzig, who edited the score for the performance, are at <http://www.sing-akademie.de>. My brief pre-concert remarks were posted on the Ukrainian Research Institute website at Harvard University—

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<http://www.huri.harvard.edu>. See also the tribute by a French journalist who attended the opening in Boston that appeared in *Le printemps* 2001— [http://scvripcentris.free.fr/hournal/hiver\\_printemps\\_2000\\_2001/250301.htm](http://scvripcentris.free.fr/hournal/hiver_printemps_2000_2001/250301.htm).