CHAPTER 4

Artistic Restitution

Institutions and the Limits of Art by Anselm Kiefer and Gerhard Richter

In chapter 2, I focused on Walter Schwarz, the Jewish-German jurist in the immediate post-war aftermath, who was writing pseudonymously as an interpolation into the *Jurisprudence in Restitution Law* Journal. Chapter 3 then analysed literary texts by authors in the second generation, who also took up writing and poetry as methods of working through questions of restitution in their writing practice, offering accounts of 'making-good-again'. My analysis of texts was a way of also examining the making and telling of jurisprudence. In the second half of this book, I move these concerns across to the visual and haptic realm of modern art, German artists and memorials.

This chapter spotlights two art works which have been created by two of the most famous contemporary German artists working in the modern era – Anselm Kiefer and Gerhard Richter. I argue that both artists approach the question of restitution. I contend Kiefer offers an invitation through his motif and materials to begin the 'work' of restitution in *Sternenfall*. Richter, in contrast, goes further than this, offering an account of method, demonstrating through his artistic practices of 'making' and 'again' in *Birkenau* the interrelation of image, atrocity and the way one can view.

In addition, like in the first half of this book, I continue to enact my own argument through reflecting on my scholarly practices. I bring the question of *prudence* across to the context of visual art scholarship as I behold these art works – in Hobart and in Berlin – and I do research in Munich. Having this eye for jurisprudential practice means, in this chapter, I chart some of the relations and responsibilities between the

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work of art and the work of restitution, entangling them within modes of scholarship, institutions and places. In focusing on place, prudence and the idea of an art work *in situ*, this chapter leads into my final substantive chapter, memorial restitution, which extends my analysis out onto the streets of Berlin and the site-specific experience of memorial art as a jurisprudent.

This chapter is structured in three parts: in part one, I set out my approach to artistic jurisprudence. Part two, *Sternenfall* in Tasmania, analyses Anselm Kiefer's sculpture *Sternenfall / Shevirath Ha Kelim* (2007) 'Falling Stars / The Breaking of the Vessels', which is displayed in its own glass pavilion at the Museum of Old and New Art (MONA) on the banks of the Derwent River in Hobart, Tasmania, Australia.[1] Part three, *Birkenau* in the Reichstag, analyses the creation and reproduction of Gerhard Richter's *Birkenau* cycle (2014), which has been installed high up in the entry portal to the Reichstag in Berlin.[2]

4.1 METHODOLOGY

4.1.1 ARTISTIC JURISPRUDENCE. Just as the aftermath of the Second World War is full of moments of literature – the aftermath is also full of people who were making art.[3] The two art works in this chapter elide a direct portrayal of suffering; they do not respond to atrocity through figurative means but rather provide artistic commentary on the processes of representing the past from the position of the present.[4] However, like in the first half of this book, their content is not the direct

[1] Anselm Kiefer, *Sternenfall / Shevirath Ha Kelim* (2007). Bookcase comprising two iron elements with lead books (190–200 volumes) and glass.

[2] Gerhard Richter, Photo version of the picture cycle *Birkenau* (2014/2017), direct print on Signicolor aluminium panels, four quarters for each of four art works, each panel 130 × 100 cm, each art work 261.5 × 201.5 cm, CR: 937-D.

[3] For an insightful selection of German art (before and after the Second World War), and whose methodological approach to site-specificity I am indebted to in this book, see Peter Chametzky, *Objects as History in Twentieth-Century German Art: Beckmann to Beuys* (University of California Press, 2010).

[4] On the different operations of 'abstract' art in relation to the Holocaust, see the thoughtful commentary by Mark Godfrey, *Abstraction and the Holocaust* (Yale University Press, 2007), especially 252–254.

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focus. I am not so much concerned about the 'what' and the 'should' of beholding Holocaust art but about the 'how'.

In addition, questions of restitution, provenance and display of art objects which have a problematic history of acquisition have also now become increasingly prominent in German contexts.[5] For example, the restitution of art works after the Second World War continues, due to the ongoing discoveries of 'looted' art (especially the spectacular Gurlitt hoard from Munich), which garner sustained interest.[6] In her 2019 book *What Does Art Heal?* German law professor Sophie Schönberger contends that stolen art works (and the process of their restitution) have become carriers of narratives from individual as well as collective pasts.[7] In contrast, this chapter offers a different stance towards restitution, law and art. I explore the potential of art works to themselves to carry an account of restitution, a method of 'making-good-again', which is held within their materials and practices. As part of this, however, I also question the histories and meanings which art works carry when they travel and are deployed in different places and institutions.

This chapter examines the way one can see – the literal and metaphorical standpoints one takes up in order to view – and the responsibilities which attend to this positioning. This analysis of standing (literal

[5] This is not only relating to objects from the Second World War, but there is growing political awareness regarding reparation of remains and the restitution of objects relating to the German colonial occupation of East Africa. See, for example, Deutsche Welle, 'Aufarbeitung ja, Entschädigungen nein' (31 July 2018) <www.dw.com/de/aufarbeitung-ja-entschädigungen-nein/a-44877236>; Deutsche Welle, 'Streit um Schädel: Dunkles Kolonialerbe in deutschen Museen' (6 April 2018) <http://bit.ly/4opbcFe>.

[6] In 2013 police found a collection of about 1,500 art works held by Cornelius Gurlitt, the son of Hildebrand Gurlitt – an official art dealer in the NS regime. The case caused enormous controversy and was one of the main themes of *Documenta* 14 in Kassel in 2017. See Eleonora Vratskidou, 'A Review: Stories of Wheels within Wheels – Looted Art at Documenta 14' (2018) 2(2) *Journal for Art Market Studies* <doi.org/10.23690/jams.v2i2.70>. See also 'The Indelible Presence of the Gurlitt Estate: Adam Szymczyk in Conversation with Alexander Alberro, Maria Eichhorn, and Hans Haacke' <http://bit.ly/47uDvea>.

[7] Sophie Schönberger, *Was heilt Kunst? Die späte Rückgabe von NS-Raubkunst als Mittel der Vergangenheitspolitik* (Wallstein, 2019) 143ff.

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and legal) is part of the tradition of prudence – a concern for conduct. One's stance is always grounded in a time and a place. My concern for trying to work out where one has standing, and how things hold together (or dissipate) in a place over time, becomes, for me, a question of institution. Specifically in this chapter, the question of institution becomes a question of place.

Therefore, my argument about the making and telling of jurisprudence in this chapter is not primarily held at a level of form, like in Chapter 3 on literary restitution. Rather, the resonance here with jurisprudence is on the level of practice – specifically, how practices attach to institutions, and what it means to work, to look and to do research, in a particular time and place, about two specific art works and two specific artists.

To make this explicit, I interleave my analysis of the personas of the artists, the art works and the places they can be viewed with reflection on my research practices. I again follow in the scholarly trail of Ann Genovese (the Australian feminist historian jurisprudent who I discuss in the introduction) through writing my visits to libraries, art galleries and the Reichstag explicitly into the text.[8] In this chapter about practices, institutions and how we can see and then write, these interludes offer another way of thinking about prudence – the way one does what one does – in a place and in a time.

As a result, to capture the complicity and responsibility implied within the act of seeing, I use the term 'beholder' rather than 'viewer' or 'spectator' due to its etymology. To behold is to 'give regard to, hold in view', but due to its roots in Old High German, it also means 'to keep hold of, to belong to' and carries a sense of obligation.[9] This sense of holding and belonging captures the invisible connection created with a work of art and dissolves the distance implied in the term 'spectator'.[10] Despite

[8] See Ann Genovese, 'About Libraries: A Jurisographer's Notes on Lives Lived with Law (in London and Sydney)' (2016) 20 *Law Text Culture* 33.

[9] *Online Etymology Dictionary* 'behold'.

[10] As Desmond Manderson exclaims: 'art's potential lies not so much in its explicit content, but the relationship it establishes with, and the point of view of, a spectator'. Desmond Manderson, *Danse Macabre: Temporalities of Law in the Visual Arts* (Cambridge University Press, 2019) 107.

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the phrase 'in the eye of the beholder', it also reinforces that this is not only a moment involving the 'gaze'[11] and visuality but also involves a moment of response – a moment of being beholden – in different bodily ways. This moment of embodiment is not only restricted to the two art works I discuss in this chapter but is central to my argument relating to restitutionary movements and memorial art in Chapter 5.

This focus on the relation between the art work, the beholder and the place of viewing draws heavily on the work of Australian law and humanities scholar Alison Young. Young emphasises the way 'viewing is a practice which brings response and responsibilities; […] the viewer is always thoroughly implicated in the process of looking'.[12] This relationship, however, is not only between a viewer and an object but can also bring in a legal element, with Young carefully focusing on the way

> response arises within a matrix of intersections between the spectator, the art work and the context of reception, with perhaps the most important factor in any instance being the possibility that the spectator – including the legal institution as well as the individual – feels *addressed* by the art work and thus bound up in a relation with it.[13]

Like Young, I am concerned with these relations of address when I analyse the two art works.[14] Through presenting an intimate experience of a viewer, Young deliberately fragments her account of judgment and authority concerning art works; she shifts it on its axis, making a reader aware of how things spin. Young's viewer does not pronounce – she listens and describes – and I take my cues from her. This approach also builds

[11] See, for example, on the implications of a 'scopic' regime and 'ocular-centrism': Gillian Rose, *Visual Methodologies* (Sage Publications, 2001) 6–7. The way the work is presented also influences the viewer – for example, through the technology of hanging paintings. Rose asserts: 'it could be argued that both the image and the viewer are individualised through this technology of hanging, and that viewers are produced as contemplative eyes and paintings as objects to be contemplated'. 177.

[12] Alison Young, *Judging the Image: Art, Value, Law* (Routledge, 2005) 18.

[13] Ibid 14 [emphasis in original].

[14] Recall also Carrol Clarkson's description of the way 'a work of art is primarily an address', which I cited in the introduction in: *Drawing the Line: Toward an Aesthetics of Transitional Justice* (Fordham University Press, 2014) 75 [emphasis omitted].

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on recent art history scholarship.[15] In particular, Yve Lomax's statement regarding photography resonates throughout this chapter (and in my view applies to all artistic practices): '[a] photograph may appear to be still or singular yet still it is a relation; it demands a response, a responsibility, from both the image-maker and the image-viewer'.[16]

The key concept of 'responsibility' is one which resonates throughout both disciplines. The influential art historian Erwin Panofsky, writing in the US after emigrating from the NS regime in the 1930s, argued that one needed to reclaim the history of art as a history of scholarship linked to the humanities, and further, to a concept of humanism:

> [Humanism] is not so much a movement as an attitude, which can be defined as the conviction of the dignity of man, based on both the insistence on human values (rationality and freedom) and the acceptance of human limitations (fallibility and frailty); from this two postulates result – responsibility and tolerance.[17]

Writing in the shadow of his experiences of Nazi art, Panofsky in this essay makes it clear the way different disciplines can view objects as having different functions, discussing the role of 'documents' and 'monuments'.[18] Panofsky's approach to art history in this essay has important analogies to later work undertaken by scholars such as Cornelia Vismann to pay attention to the material conditions of the disciplinary transmission of law.[19] It is in this way Panofsky's concept of responsibility is useful for this chapter – not so much in the way it is connected to ideals of humanism – but as a way of taking responsibility for the objects relating to a discipline. Panofsky's humanist art historian is one which 'rejects authority. But he respects tradition. Not only does he respect it, he looks

[15] Mieke Bal, *Louise Bourgeois' Spider: The Architecture of Art-Writing* (University of Chicago Press, 2001); Jane Rendell, *Site-Writing. The Architecture of Art Criticism* (I. B. Tauris, 2010).

[16] Yve Lomax, *Writing the Image: An Adventure with Art and Theory* (I. B. Tauris, 2000) 159.

[17] Erwin Panofsky, 'Introduction. The History of Art as a Humanistic Discipline', in *Meaning in the Visual Arts: Papers in and on Art History* (Doubleday, 1955) 1, 3.

[18] Ibid 8–14; John Guillory, 'Monuments and Documents: Panofsky on the Object of Study in the Humanities' (2016) 1(1) *History of Humanities* 9.

[19] Cornelia Vismann, *Files: Law and Media Technology*, Geoffrey Winthrop-Young (trans) (Stanford University Press, 2008).

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upon it as something real and objective which has to be studied'.[20] This is still an important path to follow.

Finally, I also want to emphasise the generative, present tense of the 'work' of art which is not only 'produced by' but also, through its material presence, is 'productive of' relations and experiences.[21] One of the artists discussed in this chapter, Anselm Kiefer, explains it in this way: 'each viewer "finishes" the work with their own vision, their own stance in relation to it'.[22] Much like the present tense focus of my key term 'making-good-again' in this book, the 'work' of these art works – and hence the 'work' of restitution which they invite – is something which is ongoing and accumulating.

As a result, there are three key strands of argument in this chapter. Firstly, my close reading of *Sternenfall* and *Birkenau* examines the motifs, materials and artistic practices of Kiefer and Richter, describing their approaches to the question of restitution. Secondly and relatedly, this chapter examines how these two works of art interact with (or are closed off by) their institutional framings in the place where they are displayed – *Sternenfall* in MONA in Tasmania and *Birkenau* in the Reichstag in Berlin. The third strand, interleaved within these two strands, is my underlying commentary on doing scholarship in and about institutions and in particular places – an enactment of another way of how to think about the work of making and telling of jurisprudence.

4.1.2 EX LIBRIS: MUNICH. To do research for this chapter, I travelled to Munich on the fast train; on the outskirts of the city, the train rushes through the station Dachau, but it doesn't stop. Munich was proclaimed the 'Capital of German Art' in 1933 and 'Capital City of the Movement' in 1935.[23] In 1933, as the Haus der Deutschen Kunst (House

[20] Panofsky, 'Introduction. The History of Art as a Humanistic Discipline', 3–4.

[21] These formulations are from Harriet Hawkins, *For Creative Geographies: Geography, Visual Arts and the Making of Worlds* (Routledge, 2014) 10.

[22] Ministère de la Culture et de la Communication, 'Monumenta 2007. Anselm Kiefer. Falling Stars. Exhibition Notes. Grand Palais' 10.

[23] 'National Socialism in Munich', *Münchner Stadtmuseum* <https://bit.ly/4oe7iyY>.

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of German Art) was beginning to be built, the Dachau concentration camp was opened, and books were being burned in the Königsplatz.[24]

Königsplatz was the central district for the Nazi Party organisation (and has become central to the ongoing controversy regarding how to 'de-nazify' places and buildings in Munich). One of the buildings on Königsplatz was the former NSDAP headquarters in Arcisstraße, which was designed by Paul Ludwig Troost.[25] Like its matching building across the street where Hitler had his office (the Führerbau), the NSDAP headquarters survived the Second World War without sustaining significant damage.

The NSDAP headquarters was the place where the NS Party membership registers were kept and maintained (an archive of millions of index cards) and where top bureaucrats had their offices. Now, the building houses various art institutions and foundations, including the *Zentralinstitut für Kunstgeschichte* (Central Institute for Art History), which has a substantial library that is open only to art historians. It uses the same rooms and same wooden shelves as the original NSDAP library from 1933. This was a library specifically designed to house the administrative law books of the Nazi Party.[26] Much of the interior remains caught in time. This library was used by senior Nazi party figures to look up questions of law: they sat in here and looked up at the light coming down from the same atrium, they walked on the same marble floors, entered the same corridors and pushed the same heavy wooden doors.

However, in another twist, after the Second World War, this building (and the identical Führerbau) became an important place of restitution: they were turned into the combined Central Collecting Point in Munich, one of the main places where stolen art was collected by the Americans.[27] This was a place where art works were

[24] A memorial to commemorate the book burnings was designed by artist Arnold Dreyblatt called *Die Schwarze Liste / The Blacklist* and was installed in the Königsplatz in 2021.

[25] NSDAP is an acronym for the full name of the Nazi Party – the *Nationalsozialistische Deutsche Arbeiterpartei*.

[26] Ulrike Grammbitter, Klaus Bäumler and Iris Lauterbach, *The NSDAP Centre in Munich* (Dt. Kunstverl., 2015) 34.

[27] On the history of the building, see ibid.

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delivered and catalogued: the process of working through the past began within these walls. This is a place infused with histories of law, art and restitution.[28]

To be allowed entry into the library, I must find room 120. The doors are so tall and heavy, they close loudly behind me. The lady sitting behind a desk in room 120 is dwarfed by the enormous windows and double-height ceilings. Her pens on the desk are all lined up in a box. Despite the incongruity of my Australian passport, the letter from colleagues at the University of Munich convinces her that I am deserving of access. I receive a piece of card, stamped with my number on it, and she carefully writes out my name. I think about how, if I was the narrator in a W. G. Sebald novel, there would be a copy of this card included within my text, a piece of evidence – a visual mark. The pen is definitively clicked closed before it is lined up next to the others. With this click of the pen I have now officially become an art historian at the Central Institute for Art History. I ask her if she knows anything about the history of the building – *yes*, she says in German, *it had a dark past. There is an information board at the entranceway. Try not to think about it too much*, she says, frowning. *Just do your research.*

I sit uncomfortably but with curiosity on that first day in the library. I take photos with my phone of the three holes above the entrance portals where the *Reichsadler* reigned until it was dismantled by the Americans. I sneak around to see the back of the building, which is still pockmarked by shell damage from the Second World War. I look out of the windows across to the Munich Documentation Centre for the History of National Socialism – a white concrete cube resting on the site of the notorious Braunes Haus.[29] But then something happens.

[28] Note these aspects were also embodied in artist Maria Eichhorn's art project in Munich called *Politics of Restitution* (2003). This show asked questions regarding the provenance of 'looted art' and display, including paintings and reprints of legal proceedings and was shown underground at the Kunstbau on Königsplatz. See Alexander Alberro, 'Specters of Provenance: National Loans, the Königsplatz, and Maria Eichhorn's "Politics of Restitution"' (2004) 18 (Winter) *Grey Room* 65.

[29] See the history of this site: <www.nsdoku.de/en/historic-site/brown-house>.

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I begin to understand the complicated organisation of the stacks. I start to read Panofsky, letting his words resonate back into this place.[30] I read further art history commentary, Hatt and Klonk, a basic introductory text, which urges me to acknowledge 'there is no way we can escape from our own perspective. All we can hope to do is construct a compelling story'.[31] I think about how that sits with pure subjectivity – or what Panofsky called 'appreciationism' – and institutions like the one I am sitting in now.[32]

After a few days, I begin to sit more comfortably in the reading room. I have to admit I like the modernist design of the library – I like the airy two storeys, the wooden panelling, the natural light, and the repetitive geometry of the steel in the glass atrium. I like the monumental art deco design of Troost, the Nazi architect. I am left with the question: what does it mean to reclaim it for a place dedicated to books about art?

This interlude to Munich situates my research work in a complicit and multi-layered architectural site. My gesture was to describe how practices of research work as a Nazi lawyer, the practice of art restitution and now as a scholar writing on restitution – three different ways of reading a book in the same place – can subsist as part of an institution. In a foreshadowing of my experiences at MONA, Haus der Kunst and the Reichstag to come in this chapter, I also describe the complexity of aesthetic reactions when one experiences layered places with knowledge of their history. In writing like this, collecting the connections between people, places and objects, I mention Sebald again – a fan of

[30] In 2012, Erwin Panofsky's long-lost Habilitation book was found in the basement of the library of the Central Institute for Art History. It was inside a locked safe (to which the keys had been lost) and only discovered once the safe was breached. It is the only copy of this work, which was written in the 1930s before he went into exile and has now been published. See, for example, 'Erwin Panofskys verschollene Habilitation im Zentralinstitut für Kunstgeschichte entdeckt – Zentralinstitut für Kunstgeschichte, Munich' <http://bit.ly/4qrTAdn>.

[31] Michael Hatt and Charlotte Klonk, *Art History: A Critical Introduction to Its Methods* (Manchester University Press, 2006) 243–244.

[32] 'He who teaches innocent people to understand art without bothering about classical languages, boresome historical methods and dusty old documents, deprives naïveté of its charm without correcting its errors.' Panofsky, 'Introduction. The History of Art as a Humanistic Discipline', 19.

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libraries too – because his work makes us think about how we interact with institutions, as well as the way we move through the world and move through time.

Now I continue to draw out other resonances between art, law and the work of restitution in this chapter. I turn away from my scholarly research in Munich and move back to Tasmania, the southernmost state in Australia. I shift from a library to a private art museum. However, I keep following this key motif of the book. I explore the way Anselm Kiefer uses the book in a way which gestures back to this research work involved in restitution – to the 'making' part of making-good-again.

4.2 *STERNENFALL* IN TASMANIA

Anselm Kiefer's art work *Sternenfall / Shevirath Ha Kelim* (2007) 'Falling Stars / The Breaking of the Vessels' is a bookcase filled with approximately 190–200 leaden books, glass and dust. I contend *Sternenfall* is an invitation to restitutionary work – a prompt – held in its motifs and materials. In addition, I analyse the spatial and curatorial framing undertaken by the gallery in which this work of art is now exhibited, the Museum of Old and New Art, which is located in Hobart, Tasmania, Australia (MONA).[33] I argue that the staging of this art work by MONA means the address of the art work is opened and broadened by its institutional place: it is given the room to respond to the place where it now sits. To begin my analysis, I introduce Anselm Kiefer, discussing his persona as an artist and emphasising the theme of 'inhabiting' in his creation of art that resonates through to the placement of *Sternenfall*.

4.2.1 PERSONA, PLACE AND PERFORMANCE OF HOLOCAUST ART.

Born in 1945, Kiefer began his artistic career inhabiting and literally marching through the historical places of Germany's the Second World War operations. Titled *Besetzungen* 'Occupations' (1969), these early art works came out of the discovery of a Nazi uniform in the attic of his parents' house.[34] He made a series of photographic portraits depicting

[33] Note that the observations made in this chapter are from visits to MONA in early 2016.
[34] Anja Lösel, 'Acht Mal Hitlergruß' *stern.de* (2 May 2008).

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himself giving the Nazi salute in front of European landmarks. Kiefer maintains these 'actions' were to show 'things didn't finish in 1945. Not a single judge or lawyer was prosecuted as a result of the war. Much of the state machinery remained as it was'.[35] The photographs were featured in the 1975 edition of the *Interfunktionen* magazine, causing a scandal, but Benjamin Buchloh, who commissioned the works, argued that the series constituted 'a real working through of German history. You have to inhabit it to overcome it'.[36]

Kiefer came to art school after studying law, interested in the 'philosophical aspects of law […] I was interested in how people live together without destroying each other'.[37] Matthew Auping contends Kiefer's work exploring his identity as someone born in a particular place and time comes together 'in a broad synthesis of law; literature, including complex esoteric texts; and art'.[38] In comparison to Gerhard Richter (discussed later in this chapter), Kiefer's artistic production involves a journey through German legal, literary and artistic legacies, at times explicitly referring to traces of the Holocaust. Lisa Saltzman argues Kiefer's 'working methods may enact an archaeological process in reverse, a process of layering, of sedimentation, of repeated covering and burial of shards'.[39] However, comparing the two artists directly, influential art critics Foster, Krauss, Bois, Buchloh and Joselit contend:

> the question of the possibility of the representation of German history is already infinitely more complicated in Richter's work than in Kiefer's

[35] Mark Hudson, 'Anselm Kiefer on Life, Legacy and Barjac: "I Have No Style, I'm Not a Brand"', *The Telegraph* (27 September 2014) <http://bit.ly/4nMxm3v>.

[36] Cited in: Christine Mehring, 'Continental Schrift: The Story of Interfunktionen' (May 2004) 42(9) *Artforum International* 178. Mehring details how Marcel Broodthaers objected to the works: 'Who's this fascist who thinks he's an antifascist?' and pulled his own works from publication.

[37] Michael Auping, 'Heaven Is an Idea: An Interview with Anselm Kiefer' in Michael Auping (ed), *Anselm Kiefer: Heaven and Earth* (Modern Art Museum of Fort Worth; Prestel, 2005) 155, 167.

[38] Auping, *Anselm Kiefer* 27.

[39] Lisa Saltzman, *Anselm Kiefer and Art after Auschwitz* (Cambridge University Press, 2000) 90.

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since, unlike Kiefer, Richter questions even painting's access to and capacity for representing historical experience.[40]

Furthermore, some of Kiefer's work, in reproducing and citing forms of art associated with fascism, remain ambivalent in their presentation, which does not sit well with some critics.[41] In form and content, therefore, Kiefer's work is framed as being a response to the past, a physical or rhetorical 'working through' in paint or through installations. But in his work, the relationship between national identity, myth and history is not a simple equation of redemption. Huyssen reminds us: '[w]hile much of Kiefer's mythic painting seems energized by a longing to transcend the terrors of recent German history, the point, driven home relentlessly by subject matter and aesthetic execution, is that this longing will not, cannot be fulfilled'.[42]

For Kiefer, the ritual of creating a work of art in a certain place is important.[43] From his studio in an old brick factory in Buchen to the labyrinthine complex of Barjac in France, richly documented in the film *Over Your Cities Grass Will Grow*,[44] the place and the creation of his work inform each other and become entwined.[45] For example, one of his projects created at Buchen was called the *Ausbrennen des Landeskreises Buchen* (Burning of the Rural District of Buchen) (1975). This series of burnt

[40] Hal Foster et al, *Art since 1900. Volume 2. 1945 to the Present: Modernism, Antimodernism, Postmodernism* (2016) 657.

[41] See, for example, Bonnie Roos, 'Anselm Kiefer and the Art of Allusion: Dialectics of the Early Margarete and Sulamith Paintings' (2006) 58(1) *Comparative Literature* 24, 25: 'the epic, heroic, and Romantic qualities he exploits in his works are key elements of narratives that have historically perpetuated the oppression of marginalized peoples: they enable the illusion that there are clear delineations between good and evil, self and other, violent masculinity and subservient femininity, German and Jew'.

[42] Andreas Huyssen, 'Anselm Kiefer: The Terror of History, the Temptation of Myth' (1989) 48 *October* 25, 27.

[43] 'His workshops are places where the wooden, brick or metal structure of the building is visible, meaningful, configuring or countering the works and their installation at the site. They provide a roof over the works, sheltering them': Danièle Cohn, *Anselm Kiefer. Studios*, David Radzinowicz (trans) (Flammarion S. A., 2013) 10.

[44] Sophie Fiennes, *Over Your Cities Grass Will Grow* (Alive Mind Cinema, 2010).

[45] Note that while designing MONA, David Walsh was also apparently inspired by Kiefer's Barjac studio: 'David was inspired by Kiefer's studio in the south of France, where there's a heap of tunnels and caves, and he thought having one at Mona would be fantastic.' 'Architecture Interview', *Mona* <https://mona.net.au/blog/architecture-interview>.

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canvases tied together in the form of a book demonstrates how the performances of history and of place in his artistic work are often literally bound up with each other.[46] Encountering *Sternenfall*, I am interested in what happens when this work is purchased, transplanted to a new setting and permanently exhibited there. There is a shift in physical location to Tasmania but also curatorial and architectural framing conducted by the exhibiting institution, MONA. Nevertheless, this sense of symbiosis of history and place in his artistic work continues, shifting it from the place of its creation to the place of its reception.

4.2.2 THE ART WORK. I begin with a description of the art work *Sternenfall* through paying attention to the motif of the book and its material realisation in this art work. 'Bookcase comprising two iron elements with lead books (190–200 volumes) and glass'[47] is the O-Device description from MONA, but this ignores the dust, broken glass and numbered tags which fill the floor. I follow the way lead, dust and glass are materials which carry the resonances of Kiefer's gesture towards restitutionary work.

4.2.2.1 LEADEN BOOKS: THE WORK OF RESTITUTION. Central to this work is an iteration of a motif found often in Kiefer's art – an enormous bookcase containing leaden volumes. Lead's literal and metaphoric heaviness, opaqueness and ability to retain layers and evidence from its transformations make it ideal for Kiefer's palimpsest installations. Kiefer is, of course, not alone in his fascination with the book as an object of art, and a whole range of artists have played with and questioned 'the book' as an object.[48] Kiefer's leaden books were influentially analysed by Aleida Assmann regarding the storage and transmission of memory[49]

[46] Note that Kiefer has also commissioned art pavilions for the display of his work which directly refer back to the place in which they were created. See 'Kiefer Pavilion – Rundell Associates' <www.rundellassociates.com/projects/kiefer-pavilion/>.

[47] *Sternenfall* on the O-Device.

[48] See further Armin Zweite, 'The High Priestess: Observations on a Sculpture by Anselm Kiefer' in Anselm Kiefer, *Anselm Kiefer: The High Priestess*, with Armin Zweite, David Britt (trans) (Thames and Hudson, 1989) 65, 77.

[49] Aleida Assmann, *Cultural Memory and Western Civilization: Functions, Media, Archives* (Cambridge University Press, 2013) 348–350.

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and Cornelia Vismann also used them at the end of her meditation on the file as a way to bring readers back to material modalities of storing knowledge.[50] Connecting back with Panofsky's essay on the humanities cited earlier, and my experience at the Central Institute for Art History library, Kiefer's books help me think about the way the same objects can slip between and resonate across disciplines in different ways.

In Panofsky's approach, objects move between being useful as 'documents' or 'monuments' for different modes of study in the humanities.[51] Panofsky's essay emphasises that objects hold different values for different research purposes – a contract of sale may be 'a document', a piece of evidence which proves something about an art work – or it may be 'a monument' – the focus of one's investigation itself. Like the way, in this book, I track how the concept of restitution moves through disciplines and is deployed for different purposes, Panofsky keeps the spectrum of possibility and perspectives open. For Kiefer, therefore, I suggest the centrality and simultaneous ambiguity of 'the book' as a motif makes it ideally situated to move through the various historical eras and across the theological, literary, legal and philosophical concepts imbued within his works. To use Panofsky's terminology, this is a monument which is concerned about the modes of the document. However, in this art work, in contrast to some of Kiefer's other art works which are books, these volumes are interleaved with broken glass. Viewed as a representation of an archive, or a stack, therefore, these books are not neutral repositories: they are barbed, implicated.

Kiefer's technique of counterpoising construction with ruin is played out in the shelves, which are in disarray, and the leaden books rest on the edge in a play between movement and ennui.[52] The effect is disorientating. Kiefer's workshop has shaped the lead, so it looks malleable, like sheaves of paper, but these are papers which show their own history of soldering and transformation, and they teeter precariously. It is this teetering on the edge, for me, which is the key moment in my experience of this

[50] Vismann, *Files* 161–163.

[51] Panofsky 'Introduction. The History of Art as a Humanistic Discipline', especially 8–14.

[52] Kiefer: 'I would build little houses with bricks from bombed buildings. People think of ruins as the end of something, but for me they were the beginning. When you have ruins you can start again.' Hudson, 'Anselm Kiefer on Life, Legacy and Barjac' 41.

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art work, and means, despite its monumentality, it exudes pathos. It is this teetering on the edge which is also a call to action for the beholder – an invitation to pick up a literal 'real' book – to make and do and to start the 'work'. The leaden book, somewhat counterintuitively, is a resistance to stasis and the status quo – it is in this balancing act *Sternenfall* prompts the question about the way one could 'make' good again.

A key part of this is the way the books are inverted so their pages face the beholder. In an extension of the concrete poetry of Heimrad Bäcker in Chapter 3, which focused on the partial omission of words, Kiefer has created the form of an object – a book – which is expected to hold our words, names or images. However, these are books which are not arranged or contained by their titles or their covers – everything has been turned inside out. Instead, they wait for individual inscriptions, they wait for the projections of our specific canons and knowledges and purposes onto them.[53] These leaden volumes therefore invite us to acknowledge the constraints (and the institutions) of receptacle, storage and transmission: they invite us to think about form.

In this way, Kiefer's books can be read as a prompt – a move to action – inviting a beholder to start their own 'work' of restitution, to find their own form – to start their own collection, their own archive. In addition, by allowing the beholder to inscribe the lead, bringing their own story to bear on the art work, Kiefer shifts the onus of restitutionary work away from the persona of an artist and onto the beholder.

4.2.2.2 DUST AND GLASS: TRACES OF DIFFERENT PASTS IN THE PRESENT. A thick layer of broken glass and dust on the floor of the Pavilion forms part of the *Sternenfall* art work. These other materials also resonate with the theme of making-good-again in the work. By importing this dust and broken glass, Kiefer manufactured remains and constructed residues which were originally from another time and another place (most probably, his workshop in France) but now mingle with the dust settling within MONA itself.

[53] Note this is the same concept as Rachel Whiteread's Holocaust memorial in Vienna at the *Judenplatz* (2000). Whiteread uses an outside cast of books to build the walls of a small cube memorial.

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Despite transferring the responsibility of restitution to the beholder, the placement of the work in the Pavilion means the institution retains control over the viewing experience. I explore this in depth later, but here I want to point out that the Pavilion housing the art work has spotlessly clean windows, and there is a chest-high glass barrier that contains the art work. The glass visitor barrier forms a prime meridian: on one side, the cleaners at MONA polish the floor and the glass after the dirty shoes and hands of the visitors have marched on; on the other side, the dust rests, settles and continues to accumulate. In this way, there are various associative links to cycles of time in this work, ranging from celestial and religious time (numbers of constellations on the tags and the Kabbalah mentioned in the title) to historical time (dust and broken, dirty shards of glass); and the moment of the present (the cleaned glass windows of the Pavilion and the visitor barrier).[54]

Moreover, the dust and glass are materials which simulate layers of evidence, which – for me – situates the time frame of this art work in a liminal space between past and present. Dust (and particularly ash) can be human artefacts but also reveal traces of human actions and presence,[55] while confrontation with dust is an inevitable side-effect of archival work which is undertaken to know the past.[56] Here, dust is an artefact which is atomised, turned into airborne particulate matter: an in-between material which occupies a place between the living and the dead. Steven Connor writes: 'Dust is, of course, the unmistakable emblem of death, decay and dissolution. But it is also, under certain circumstances, powerfully generative.'[57] Connor points to the role of

[54] In this vein, art historian Gerhard Richter argues that Kiefer's art re-thinks 'conventional historicist notions of chronology, progression and transparency' by presenting us with 'a series of conceptual and figurational dilemmas without which the historical can hardly be thought.' 'History's Flight, Anselm Kiefer's Angels' (2002) 24(1) *Connecticut Review* 113, 114–115.

[55] 'Dusting for fingerprints reveals the otherwise invisible traces of human presence and action.' Steven Connor, 'Pulverulence' (Fall 2009) (35 Dust) *Cabinet Magazine* <http://cabinetmagazine.org/issues/35/connor.php>.

[56] On traces in archives and the materiality of doing research, see Carolyn Steedman, *Dust: The Archive and Cultural History* (Rutgers University Press, 2002); Arlette Farge, *The Allure of the Archives*, Thomas Scott-Railton (trans) (Yale University Press, 2015).

[57] Connor 'Pulverulence'.

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pollen, the regeneration which can occur through dust-like particles, noticing the magic, healing quality which dust can also signify.[58] Here, however, dust forms a material statement regarding the traces of past in the present. Similarly, glass is a strong symbol of clarity and understanding, but here the scattered remains and broken shards in the bookcase are muted and smudged, coated with a film. They deny the shiny transparency of the clean walkway and polished windows and mutely refuse their lure of an easy redemptory promise. I read Kiefer's deliberately chaotic floor made up of dust and shards of muted glass as a material reminder to the beholder that responses to historical events cannot be swept up, ordered and made tidy and all good again. This art work shows us the past is a responsibility which is necessarily messy, ongoing and still accumulating in the present.

4.2.3 INSTITUTIONAL FRAME: MONA. Following on from this discussion of the book motif and the key materials in the work, I now further analyse the way it is displayed at MONA. *Sternenfall* has a purpose-built pavilion as part of the MONA complex, which was designed by architects Fender Katsalidis and opened in 2011. MONA is the largest privately funded museum in Australia, displaying the collection of David Walsh. Hewn into the sandstone of a peninsular on the Derwent River, with three underground gallery levels connecting with the two heritage-listed Roy Grounds buildings, the sandstone material forms the walls – there are no conventional white verticals. The architects describe the building as '[d]eliberately unconventional, the planning […] eschews a programmed circulation strategy and, instead, encourages individual journeys of discovery'.[59] With a collection that spans antiquities to modern and contemporary art, MONA revels in the juxtaposition of pieces from different epochs, styles and locations. There are no explanatory didactics or plaques. Rather, visitors are given the 'O-Device' to accompany their visit.[60]

[58] Ibid.

[59] 'MONA. Fender Katsalidis' <https://fkaustralia.com/project/mona/>.

[60] Visitors are then tracked through the galleries and sent text and audio that relates to the art works they are positioned close to. The categories of information include 'Art wank', 'Gonzo', 'Ideas' and 'Interviews with Artists'. The visitor can interact with the

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The river is an integral part of MONA. Arrival to MONA on the ferry has been a key part of the design of the museum, with the branded Brooke St pier in Hobart marketed as the beginning of the MONA experience. On the ferry, just before arrival at the MONA pier, passengers zoom under the Bowen Bridge and past Risdon Cove. Bowen Bridge is named after John Bowen, who led the first British settlement of Tasmania at Risdon Cove in 1803. Risdon Cove was the site of a massacre of Indigenous people and has become a symbolic and controversial site in Australian history writing.[61]

Also, due to the sloped design and the underground exhibition spaces, the visual impact of the outside of the museum has been designed to be appreciated from the water. Upon disembarkation, the interplay between ascent and descent which characterises a visit to MONA begins at the entrance from the river with a ritual climbing of ninety-nine rising steps. The Derwent River, therefore, and its history, is the introduction for many visits to MONA – not only due to the commentary provided by the captain of the ferry but also due to its staged integration as part of the building. Now, we visit the final art work before *Sternenfall*, and then I describe the material design of the Kiefer Pavilion as it (literally and rhetorically) structures our approach to the art work.

4.2.3.1 HIROSHIMA IN TASMANIA – THE ARCHIVE FOR THE FUTURE. The Kiefer Pavilion comes off a walkway from the MONA

'O' to 'love' or 'hate' an art work, and a personalised tour of art works that were viewed during the visit can be accessed afterwards through the MONA website. As a result, the information provided by the 'O', which is accessed simultaneously (or afterwards) by the visitor as they are in the vicinity of *Sternenfall* also strongly influences the visitor's approach.

[61] Risdon Cove, River Derwent' <https://c21ch.newcastle.edu.au/colonialmassacres/detail.php?r=462>. Keith Windschuttle discusses the events at Risdon Cove in the chapter 'The Killing Fields at Risdon Cove' of his polemical and problematic book: *The Fabrication of Aboriginal History* (Macleay Press, 2002). This is a book whose historical methods have been rightly called into question. See, for example, Phillip Tardif, 'So Who's Fabricating the History of Aborigines?' *The Age* (6 April 2003) <http://bit.ly/3LyiDvf>. Risdon Cove (and another important site outside Hobart, Oyster Cove) were among eleven areas returned to the Tasmanian Indigenous community under the *Aboriginal Lands Act 1995* (Tas) and were designated as *Indigenous Protected Areas* in 1999.

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Library that holds David Walsh's art book collection.[62] The last art work before the Kiefer Pavilion is titled: *Hiroshima in Tasmania – The Archive for the Future* (2010) created by Masao Okabe and Chihiro Minato. This is *frottage* work – rubbing work – and it is interactive, with the material objects being made by the visitor. 'Make a frottage at Mona and we will archive it, at once a *defence against* and *compensation for* the darkness of the past.'[63] Visitors are given printed sheets of paper to make a rubbing of large granite blocks with a pencil. There are invigilators to ensure a strict adherence to the process: no extraneous marks (except for a signature) and no sheets of paper are to be taken as souvenirs. The art work proclaims archival protection 'for the future', but, more importantly, it holds on to and retains the compensatory gesture – a restitutionary gesture – through a process of making and creating. This art work literalises the role of the visitor in continuing the work of a work of art. It enacts the way art works are made and re-made in their reception – a theme which is further exemplified by the Kiefer work itself. Walsh puts it like this: 'Traces of the past meld with the present and present history of place in profusion and confusion.'[64] These important questions of residues and resonances that are set up by *Hiroshima in Tasmania* continue to be asked by the *Sternenfall* art work across the walkway.

4.2.3.2 THE KIEFER PAVILION. *Sternenfall* is in its own pavilion as this was a condition of sale of the work by Kiefer.[65] James Pearce from Fender Katsalidis narrates the design history:

> When Kiefer showed it in Paris, it had its own corrugated iron box. We didn't want to use corrugated iron, because in Australia that would generate a different set of associations – a comment on vernacular architecture

[62] There are three libraries in MONA – all are 'working' libraries and there to be 'read' (in a metaphorical sense) – but two are also officially art works: 1. *Untitled* (White Library) (2004–2006) by Wilfredo Prieto; 2. *Sternenfall* (2007) by Anselm Kiefer; 3. David Walsh's book collection, see <https://mona.net.au/stuff-to-do/art/library>.

[63] David Walsh, 'Gonzo'. *Hiroshima in Tasmania*. O-Device [emphasis added].

[64] Ibid.

[65] MONA, 'Architecture – Museum'.

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> or something. That was not what Kiefer was on about. So we put it in a zinc box, which is a slightly more refined material.[66]

The pavilion is joined to the *Hiroshima in Tasmania* work by a triangular glass walkway. This means the visitor walks out of the vast, often claustrophobic underground exhibition spaces towards and into the light at ground level.[67] This use of windows meeting at an apex programmes a sense of release into the experience of the art work on the approach, which is physiological (effect of the natural light) and metaphorical. Using a triangle plays on the idea of crossing a threshold into a different space: a symbol of moving between earth and another celestial world. In this way, the visitor reaches the *Sternenfall* art work influenced by the key themes reverberating from *Hiroshima in Tasmania* to do with tracing the past through art. They are brought back up into the light at ground level and situated to view the art work as a momentary release from the darkness which has come beforehand.

At the edge of the walkway and on the threshold of the Kiefer Pavilion, one is held back by the glass barrier and forced into a physical posture of standing to behold the art work. As explored in Chapter 5 on memorial art, positionings through the body work on a metaphorical but also physical level. Here one is forced to take a particular physical position while beholding the work, a stance. This is a posture of confrontation but, at the same time, remains a relentless mode of being summoned and addressed. It is necessarily an upright, muscular stance, and is not one of movement or fluidity – no one is allowed to walk around the work or walk on or through the dust and broken glass. There is no space for a visitor to sit down for contemplation or even to rest. If they need to falter, they need to retreat into the darkness of the rest of the museum. Unlike some museums with strategically placed benches, in this Pavilion, as a condition of its viewing, the visitor must be vertical and stand to attention, directly confronted by the art work in all its monumentality.

[66] Ibid.

[67] Other, smaller walkways also join the extensions of the Round House, but the effect is not as strong as it is with the Kiefer walkway.

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4.2.3.3 STERNENFALL IN TASMANIA. The key thing about beholding *Sternenfall* is that when one views the art work, one also sees the context in which it is placed – one sees outside the gallery space – and has an experience of glass on glass. The two cathedral windows, rather than simply letting in light, open up the work to the outside environment in an immediate and tangible way. On a sunny day, reflections and shafts of light from the outside view are integrated into the museum view and the dust dances in the light. The main bookcase is centred back in the middle of the Pavilion so it is in line with both of the windows. The view outside of one of the windows looks towards Berriedale Bay and the Derwent River.[68] The other window looks inwards, towards the MONA complex.

On arrival in the Pavilion, the O-Device (which has tracked my whereabouts to this point) explicitly situates the work within an associative field of the Holocaust. *Shevirath Ha Kelim* is written on the wall in Kiefer's spidery script and the O-Device confirms this is the second part of the title for the work – *Sternenfall* / Falling Stars / *Shevirath Ha Kelim* / Breaking of the Vessels. Reading the 'Art Wank' section informs me that 'The "breaking of the vessels" is equally a *Kristallnacht*.'[69] The Ideas section offers the proclamation 'Kiefer is working though what it means to be – metaphorically – a historical victor, and tyrant.'[70]

However, I contend the Kiefer art work does more than only 'work through' the NS regime and the Holocaust, despite what MONA suggests. Kiefer's motif of the book and his chosen materials are an invitation to a beholder to think about the work of restitution – and the forms through which this can be conducted – the actual 'work' involved in 'working through'. In addition, due to its form, there is invitation in this art work from the persona of the artist to the persona of the beholder. The design of the Kiefer Pavilion facilitates this shift, being integrated

[68] Note an art work by Belgian artist Wim Delovye *Chapel* (2010–11) has been installed close to the riverbank and can now be also seen from the Kiefer Pavilion. This was installed after my visit in 2016 (upon which this analysis is based).

[69] Jane Clark, 'Manifest History'. In: 'Art Wank'. *Sternenfall* on the O-Device.

[70] David Walsh, 'Ideas'. *Sternenfall* on the O-Device.

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into the landscape with windows – one can look in from outside and one can look out from inside. The visibility of Kiefer's work through these window frames exemplifies the way its invitation to restitution is also open to the circumstances of placement – the environment outside is brought in and becomes part of the work. The Pavilion means the art work becomes, in effect, *Sternenfall in Tasmania*. It means the question of restitution asked in the art work is one which does not only link to the NS regime and the Holocaust but also opens it up to its present location. In this way, the spatial and curatorial framing of MONA means the question of restitution held within this art work also is addressed to its Australian setting.

To view this work in an Australian museum as a jurisprudent, therefore, means to situate it in its time and place, and to think about conduct. In this way, the motif of a book, and practices of writing and research, take on a different associative force if one takes a legal standpoint. In this specific place, set against the Derwent River, the form of this work also speaks to the written forms and exclusionary practices of Australian law.[71] Therefore, the material realisation of *Sternenfall*, and its placement in this specific Pavilion, resonates with different restitutive obligations in different times and places.

4.2.4 THE WORK OF ART AND THE WORK OF RESTITUTION.

Kiefer's library, in my reading of it, is a prompt to think about how one does the work of restitution. He links this work to the motif of the book. More precisely, Kiefer uses the book as a representation of the practices, forms and institutions by which we can know and work through the past. Writing, books, libraries and archives are not neutral – here they are interleaved with broken glass in a material

[71] See, for example, Elizabeth Meed's interview with Indigenous artist Vernon Ah Kee, whose works are also exhibited at MONA: 'See I was born three months before the referendum in 1967, and so for the first three months of my life I was a non-person. I was property of the state. The history of Aboriginal people in this country, Australia, has been a history of always becoming human. We were written out of the Constitution when it was first written. There's the doctrine of terra nullius, which wrote us out of existence. So that's why these drawings are unwritten.' 'Interview with Vernon Ah Kee – Blog', *MONA* <https://mona.net.au/blog/2012/08/interview-with-vernon-ah-kee>.

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acknowledgment of complicity. Nevertheless, the restitutionary prompt held in this art work is also towards these practices, forms and institutions – this art work suggests that this is where the 'work' and the 'making' is to be done.

Importantly, however, this 'work' is to be done by the beholder. I have quoted Kiefer on the way a beholder's role is to 'finish the work' through their own stance. However, this art work goes beyond the usual dynamic of reception and shifts the responsibility of restitution to the beholder. What I mean by this is that Kiefer deliberately only offers an invitation to restitutionary thinking in this piece – *Sternenfall* holds back; it wants someone else to write the story.

In addition, *Sternenfall* is situated after *Hiroshima in Tasmania* – a work which enables visitors to 'make' an art work about a site of atrocity to be stored in the museum. There is something similar at work in the Kiefer piece, it is just not as explicit – it happens in an intangible way. In addition, *Sternenfall in Tasmania* would be an apt title for the work due to its placement in the Pavilion – MONA has displayed the art work in a way which has opened it up to the surrounding environment. Despite MONA's proclamations about the way the art work links to the Holocaust, my reading of the motifs and materials expands out the potential of Kiefer's invitation to do the 'work' of restitution, extending the site of the art work out on to the Derwent River which flows past the windows. In this way, even though it is the work of a German artist drawing attention to modes of reckoning, its material realisation leaves its implications in Tasmania ambivalent – caught and held, like the shards of broken glass, between various histories of atrocity.

4.3 RETURN TO MUNICH

To conclude my research on art, I return to Germany, and I go to a different art museum – I visit a public institution. I visit the Haus der Kunst (House of Art) in Munich which was designed by the same architect as the Central Institute for Art History, Paul Ludwig Troost. The House of German Art (the specifically 'German' part has now been dropped from the name) was built from 1933 to 1937 and hosted the exhibition of 'German Art' in 1937 while the infamous 'Degenerate Art' exhibition

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of modern art was held nearby in the Hofgarten.[72] It is a free entry night and so there is a crowd, with well-dressed elderly ladies arguing over the lockers for their handbags.

I stand in the Middle Hall and look at the guest installation by African American artist Theaster Gates.[73] It involves enormous black faces scrolling past on large advertising posters and takes over this space where Hitler held his infamous tirades, including denouncing the 'niggerfication' of art. I go into a side room, where there is information printed on one big wall about the history of the Haus der Kunst. In this room, Gates is exhibiting a montage of Jesse Owens taken by Leni Riefenstahl (from her film *Olympia*) alongside Jesse Owens' record collection. I watch the glorification of the body in black and white. I watch this projection onto a wall in this space, this overloaded space, while next to it, the adjacent wall offers up a timeline.

I walk down one of the corridors near the entranceway. Like the Central Institute for Art History, this is a Paul Ludwig Troost building which has been very well-preserved: I recognise the stairways, lights, heating grates, ceiling geometry and marble which are all in the same style. DAMEN. The same heavy wooden doors. There is wall art in this corridor by Lawrence Weiner.[74] On the didactic, it states the artist had once had his art affixed to the walls in the infamous Middle Hall. Asked for his reaction to this, he states: 'in the end – a wall is just a wall'.

Munich – crowned the city of art during the NS regime – now has buildings and sites with a Nazi past being re-claimed and re-purposed by art objects and art institutions.[75] Across the road from the Central

[72] The current restitution debates still refer back to this exhibition. For example, 300 paintings from the Degenerate Art exhibition were appropriated by the Gurlitt dealership and falsely reported as missing or burned in the Second World War. These are some of the paintings which were found in Cornelius Gurlitt's flat in Munich.

[73] 'Theaster Gates. Black Chapel', *Haus der Kunst* <www.hausderkunst.de/en/shop/theaster-gates-black-chapel>.

[74] The text of the wall art reads: 'Wir bleiben Schiffen auf dem Meer, überhaupt nicht Enten auf dem Teich, sail on' / 'We remain ships on the sea, absolutely not ducks on the pond, sail on.'

[75] For an analysis of site specifity and 'redress' and 'repair' through art exhibitions (one in Munich, one in Berlin) from the early 2000s, see Reesa Greenberg, 'Redressing History: Partners and the Friedrich Christian Flick Collection' (2005) 3 *Kritische Berichte* 53.

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Institute for Art History, you hear classical music out of the windows of the Führerbau, which now houses the Faculty of Music and Performing Arts of the University of Munich. The plinths of the former Temples of Honour are left in place but are overgrown by shrubs and weeds: neutralised by nature. And, as with Theaster Gates, international artists are invited to take over and exhibit in the space of the Middle Hall in the Haus der Kunst, with their work given an extra frisson from the juxtaposition of their persona and their work with this place of display. In this way, the Königsplatz, the Kunstareal[76] and the Haus der Kunst have become a model of urban design as a mode of restitution. These are sites and buildings from the Nazi era which have been kept and are now overlaid and used in new ways; the dynamic of restitution here is towards an active preservation and sedimentation of the past, rather than removal or replacement. This is a mode of restitution which has different facets of art at its centre, so 'making-good-again' in Munich seems to equate closely to 'making *art* again'. It is being done with open reflection and debate. But, looking closely, there is also a repetition of the same gesture which it is designed to overcome – an assumption linked to an essentialist power of art and architecture. As the seductive patterns of Troost's modernism attest, it is not necessarily a straight-forward equation.

This second interlude to Munich was a further reflection on the dynamics of institution, installation, viewing and display. My mention of the purposeful juxtaposition of a persona with a place – an African-American artist in the Middle Hall – is a pre-cursor to my next section on Richter in the Reichstag, where Richter's artistic persona is also deployed by an institution. I also drew out the way 'layering' is a technique of restitution using buildings in Munich.

Leaving Munich, I travel back up to Berlin. In Chapter 5 on memorial art, I stay in Berlin and take the reader on a walking tour, walking with and through the memorial art on its streets. On this trip, however, I only visit the Reichstag, another major German architectural site. It is the seat of the Bundestag – the German Parliament – and where one version of Gerhard Richter's art work *Birkenau* has been installed. Like most of the

[76] <https://kunstareal.de/en/>

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buildings already described in this chapter, the Reichstag in Berlin is an institution made up of visible and invisible layers of the past.

4.4 *BIRKENAU* IN THE REICHSTAG

The *Birkenau* cycle (2014) by Gerhard Richter is an abstract work, consisting of four large format canvases (260 × 200 cm) that are covered in scraped layers of oil paint.[77] Different to Kiefer's invitation to do the 'work' of restitution, I contend Richter's art work offers an account of restitutionary practice held within its methods and its form – it is a stronger and more literal embodiment of the way 'making' and 'again' can be modes of restitutionary practice through art works themselves. In addition, Kiefer's work in Tasmania was framed in a particular way by MONA; my narrative argued it can exceed this frame and respond to the environment of its display. Similarly, my account of Richter's *Birkenau* cycle on display in the Reichstag also focuses on framing practices. However, in contrast to *Sternenfall*, where the institutional context opens up the art work to different readings and obligations, the display of *Birkenau* in the Reichstag results in the art work being muted and constrained.[78]

In 2017, *Birkenau* was installed on an enormous vertical wall in the visitor entrance to the Reichstag. The images on display are replicas in the form of photographs printed onto aluminium sheets, which divide each work into four sections.[79] Here they hang opposite and in conversation with Richter's own monumental rendering of the German national flag: *Schwarz, Rot, Gold* (1999) which was commissioned for the opposite wall

[77] Gerhard Richter's Catalogue Raisonné (CR): 937–1; 937–2; 937–3; 937–4.

[78] The oil originals have been on display at the Neue Nationalgalerie in Berlin since March 2023 as part of the Gerhard Richter exhibition and will remain there on permanent loan. There are two direct prints of the series, done onto metal sheets. One edition is on display at the Reichstag, Berlin, which is the focus of this part. The other has been given to the International Auschwitz Committee and, since February 2024, is on display in a new building designed to house the works at the International Youth Meeting Centre in Oświęcim, Poland, which is next to the site of Auschwitz.

[79] Gerhard Richter, photo version of the picture cycle *Birkenau* (2014/2017), direct print on Signicolor aluminium panels, four quarters for each of four art works, each panel 130 × 100 cm, each art work 261.5 × 201.5 cm, CR: 937-D. At the exhibition of Birkenau at the Museum Frieder Burda in 2016, photographs of the four canvases with superimposed white grids were also shown opposite the canvases.

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of the foyer.[80] During a speech to mark the occasion of the installation of *Birkenau*, the then Bundestagspräsident Prof. Lammert remarked:

> whoever wishes to enter this place of German democracy, they must walk through here – between Birkenau and the national flag – and exactly that is the way: that the aesthetic working through of the understandings of a country and a society should be not on the side but fundamental to the historical and legal working through of the past.[81]

I agree with Lammert's statement in the way it expresses the parallel concerns in this book regarding aesthetics, law and the German approach to the term *Wiedergutmachung* (discussed in the introduction). But I am not sure whether the *Birkenau* work, as it is currently displayed in the Reichstag, fulfils his ambitions in this regard. Rather, I contend there is something else going on with this work which is to do with restitution and Richter. Like Schwarz in Chapter 2, and the three writers discussed in Chapter 3, I contend Richter demonstrates his own method in *Birkenau* of how to approach the question of working through the past in art.

To do so, I describe the persona of Gerhard Richter, the production history of the paintings and their title. I notice how Richter's art practice is a way of thinking through materials and forms, using the techniques of layering and repeating. In the context of the *Birkenau* series, this demonstration of method – a practice of 'making' 'again' – is connected to the conditions of making and viewing images of the Holocaust. To conclude,

[80] Gerhard Richter, *Schwarz, Rot, Gold* (Black, Red, Gold) (1999), 2,043 × 296 cm, glass covered with coloured enamel, CR: 856. This work was commissioned as part of the renovations of the Reichstag in the 1990s as part of the *Kunst am Bau* (Art in Architecture) programme (a legislative requirement in Germany that federal building projects must involve art in the building). The work of 111 artists is currently represented in the Bundestag and alongside these art works, the Bundestag has a substantial art collection (approximately 5,100 works) and holds regular art exhibitions. 'Deutscher Bundestag – Artothek – die Kunstsammlung', *Deutscher Bundestag* <www.bundestag.de/besuche/kunst/artothek>. Similar to many art institutions in Germany, the provenance of the art works in the Bundestag art collection was recently investigated and two of the art works in the collection were restituted.

[81] Deutscher Bundestag, *Gerhard Richter überreicht Bilder-Zyklus 'Birkenau' dem Bundestag* <www.youtube.com/watch?v=j7_c-xgKh5A>.

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I return my focus to their institutional display, which I argue closes off the potential of these works. My argument about Richter's work, therefore, demonstrates how my account of viewing is anticipated and complicated, firstly by the narratives surrounding the work, the work itself, and then by its location.

4.4.1 PERSONA, PRODUCTION HISTORY AND TITLE. Born in 1932, Gerhard Richter is one of the most famous contemporary artists working in Germany today; his eightieth birthday was celebrated with a major retrospective of his work *Panorama* in 2011–2012. Art historian Benjamin Buchloh, who has worked closely with Richter, cannot separate Richter from his historical context, arguing: 'Richter's painting perpetually insists on his biographical entanglement as a German artist who grew up during the first twelve years of Nazi Fascism and subsequently was professionally formed within the historical period of post-Fascism.'[82] However, not until the *Birkenau* project in 2014 – produced at age 82 – did Richter create a work of art which explicitly addresses this context.[83] Richter's statements regarding creating art

[82] Benjamin H. D. Buchloh, *Gerhard Richter's Birkenau Paintings* (Walther König, 2016) 8. Gerhard Richter has been the subject of a controversial biography and a film loosely adapted from that biography. Richter initially co-operated with both projects but now does not endorse either of the two works. Jürgen Schreiber, *Ein Maler aus Deutschland: Gerhard Richter, das Drama einer Familie* (BvT, 2009); Florian Henkel von Donnersmarck, *Werk ohne Autor* (English title: *Never Look Away*) (Pergamon Film, Wiedemann & Berg Filmproduktion, Beta Cinema, 2018). See further: Dana Goodyear, 'Blurred Lines' (21 January 2019) *The New Yorker* 32.

[83] There were family connections referenced in Richter's work and allusions to the Second World War. Note that concentration camp photographs are included in his enormous *Atlas* – Richter's working archive of process – in a significant way, particularly on the eleventh sheet, so from around 1964 to 1965. Other Atlas sheets (numbers 648 to 650) show sketches using concentration camp photographs, which then morph into coloured squares and result in the black, red and yellow panels of the German flag, which were ultimately produced as *Schwarz, Rot, Gold*. Richter also made works of art which were connected to themes relevant to the Holocaust, for example, his blurred photo-paintings of *Onkel Rudi* in his Wehrmacht uniform (1965); his aunt who was killed in an institution for the mentally ill, *Tante Marianne* (1965) or *Herr Heyde* (1965), who was involved in the euthanasia programme of the Nazi party.

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about the Holocaust in this sense are important. He stated in 2011 in an interview with Nicholas Serota:

GR: I can't come up with a suitable form, can't find a way of presenting it so that it's bearable and not just spectacular. That theme … it's like a cudgel.

NS: Was that the reason why you stopped working on the subject?

GR: Yes … I've still got a photograph, on a wall. But there's no point talking about it, you have to see it.

NS: What is it of?

GR: It is from a book by Georges Didi-Huberman, a French art historian. I think it's called 'Images in Spite of All', and it has a lot of terrible pictures in it. Didi-Huberman maintains that these pictures, these dreadful photographs are part of our collective fund of images. It's a stunning book – you see a concentration camp yard, with people walking around in it quite calmly, moving corpses – except you only see that when you look more closely. Like nice gardeners … there's an appalling contrast between the contents and the look of the picture. But if I did anything with that, it would just be too spectacular. I have something of a reputation these days, and then it would be, 'Woah, look what he's doing now!'[84]

Richter shows an awareness of the power of his own persona creating attention and press. He predicts the way his persona would turn his rendering of a work that dealt with the theme of the Holocaust into being something 'spectacular' rather than engaging with the 'terrible' and 'appalling' nature of the subject. In a further twist, however, it is exactly these pictures discussed in *Images in Spite of All* mentioned here by Richter which form the core of the *Birkenau* project.[85] To keep in mind, therefore, as my reading of the work unfolds, is the problem of the 'spectacle' and the techniques used by Richter to make the

[84] Nicholas Serota, 'Gerhard Richter Interview – Art', *Time Out London* (10 October 2011).

[85] Georges Didi-Huberman, *Images in Spite of All. Four Photographs from Auschwitz*, Shane B. Lillis (trans) (University of Chicago Press, 2012).

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Holocaust 'bearable' and undermine this public prefiguring of his work as spectacular.

Since he began painting (officially) in 1962, Richter's painting could be mapped into two very broad genres – abstracts and photo paintings.[86] The four *Birkenau* painted canvases fit into the genre of abstract painting but also connect to the photo paintings in an important way. Reproductions of the four photographs discussed in *Images in Spite of All* constitute the first layer of the works which have been painted over. This first layer began in the tradition of Richter's figurative photo paintings, where despite Richter's blurred style, one can identify the subject of the painting. But here it was different. Richter states: 'I did start out in a representational way, but knew that wouldn't work'.[87]

The four photographs were up on the wall of Richter's studio in Cologne. Didi-Huberman visited Richter in his studio and wrote him a letter in response which is published in the catalogue to the Frieder Burda exhibition.[88] In the catalogue, there are also photographs of the works-in-progress which depict the first layer.[89] Including and publicising this production history makes the subject matter of the *Birkenau* project something which is explicitly named but not explicitly *seen figuratively* in the works themselves: it remains below the surface. However, as one reviewer remarks, knowing the production history 'makes you look differently'.[90]

The *Birkenau* paintings initially went on show in Dresden with the title *Abstract Picture* 937–1 to 937–4 (the catalogue numbers from Richter's

[86] 'Paintings – Gerhard Richter' <www.gerhard-richter.com/en/art/paintings>.

[87] Stefan Koldehoff, 'Gerhard Richter: "Können wir das kaputt machen?"' *Die Zeit* (23 December 2015) <www.zeit.de/2015/52/gerhard-richter-maler-kunstwerke-kunstmarkt/komplettansicht>.

[88] Georges Didi-Huberman, 'Die Malerei in ihrem aporetischen Moment' in Helmut Friedel (ed), *Gerhard Richter: Birkenau. Museum Frieder Burda* (Walter König, 2016) 31. A collection of four letters from Didi-Huberman to Richter has been published, see Georges Didi-Huberman, *Wo es war. Vier Briefe an Gerhard Richter*, Dietmar Elger (ed) (Walter König, 2018).

[89] Helmut Friedel, 'Gerhard Richter: Aufgehoben im Bild – Zum Birkenau-Bild' in Helmut Friedel (ed), *Gerhard Richter: Birkenau. Museum Frieder Burda* (Walther König, 2016) 7, 12–13.

[90] Adrian Searle, 'Richter/Pärt Review – History is Everywhere and the Present Is Fleeting', *The Guardian* (9 July 2015) <http://bit.ly/4oCa80A>.

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own catalogue system).[91] Then he changed the title to 'Birkenau'. The effect of this shift highlights the way place names have become a synecdoche for events of atrocity.[92] Didi-Huberman chose to use the word 'Auschwitz' in his monograph on the four photographs. The choice by Richter to use just 'Birkenau', to isolate and only use the second part of the concentration camp complex 'Auschwitz-Birkenau', means it avoids the iconic and constructed status of the word 'Auschwitz', a term so freighted it is probably surpassed only but the term 'Holocaust' itself. The choice of Birkenau remains historically correct and focuses even more attention on the part of the complex which was the site of the majority of the mass killing. This choice of title is different to Richter's other titles for abstract works, given that Mehring writes that his titles 'rarely relate to the specific nature of a composition'.[93] She does emphasise, however, that his 'titles serve to enhance the particularity of a painting and its experience', a purpose that fits the choice of 'Birkenau'.[94]

Also at odds with the choice of title are Richter's own statements about the political dimensions of his art and his choice of titles until this point, remarking 'to be a political artist was far from being my aim. And if some of my pictures show people who have to do with crime, then they have harmless titles, like *Uncle Rudi*, *Mrs Marlow*, *Aunt Marianne*, *Woman with Umbrella* and so on'.[95] The choice by Richter to use just 'Birkenau' means the title avoids the iconic status of the word 'Auschwitz' but can sit in its shadow and prompt commentary on the mediation and flow of these terms.

[91] Richter comments regarding the title: 'The title *Birkenau* immediately creates a sensation. That's why I didn't use it in the first exhibition, in the Dresden Albertinum. There was only "Abstract Picture" plus catalogue number. On the other hand, I have never been secretive about the title as it is a part of these pictures. And in the meantime it is not a novelty anymore.' Koldehoff, 'Gerhard Richter'.

[92] For a discussion on the way this use of names as representations also happens in Holocaust memorials, see Chapter 5 of this book.

[93] Christine Mehring, 'Richter's *Willkür*' (2012) 71(4) *Art Journal* 20, 26.

[94] Ibid. She adds that 'Richter plays down the importance of his titles for the abstract pictures as "only names" but does explain that relationships develop between a painting and certain simultaneous or recent experiences'. Ibid Footnote 18.

[95] Koldehoff, 'Gerhard Richter'.

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As a result, this art work which comments on the framing of images is itself framed within a certain constellation of associations, including Richter's persona, its production history in Richter's studio and its title. My viewing experience of this art work was therefore a constant search to work out how one can see. I mean this literally, in terms of trying to get to Germany to see the art work in person, but also metaphorically – it became a quest to try to see beyond the edge of these frames.

4.4.2 THE ART WORK. I describe *Birkenau* as I encounter it in an artist's book, produced by Richter. As I describe in the next section, when I made it to Berlin, the conditions of viewing the paintings in the Reichstag precluded any sort of meaningful encounter with the works. As such, my description relies on encountering a printed version of the work. Having and holding a book, of course, is different to the experience of visiting a painting hanging in an institutional space.[96] Most obviously in the physical moment, the plane of viewing shifts downwards to the more flexible horizontal or vertical plane of the page.[97] In contrast to visiting the Kiefer Pavilion or the Reichstag, I have control over my own bodily positioning while viewing and also over the context and amount of time I am able to spend with the work. This artist's book is a collection of fragments, photographed and arranged by Richter. It has the subtitle '93 Details out of my picture Birkenau'.[98] There is no mediating border around the photographs, but they are all taken from the same frontal perspective, which flattens and serialises them. I focus on the first one, the first 'detail'.

[96] Note there have been excerpts from *Birkenau* also printed in a collection of memoirs from Holocaust survivors. See Ivan Lefkovits (ed), *'Mit meiner Vergangenheit lebe ich': Memoiren von Holocaust-Überlebenden* (Jüdischer Verlag GmbH, 2016).

[97] On the power of horizonality and verticality in the production and exhibition of art, see Rosalind E. Krauss, 'Horizonality' in Yve-Alain Bois and Rosalind E. Krauss, *Formless: A User's Guide* (MIT Press, 1999), 93–103.

[98] The textured grey hardback cover gives way to glossy photographic paper. It is divided into four sections, each separated by two pages of double white. There are forty-five picture pages in the first section, nineteen picture pages in the second, nine picture pages in the third and twenty in the final section. Some are one-sided picture pages with a white page facing. Others are double spreads.

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This 'detail' is the process of several layers. The artist's book 'detail' is the photograph of a painting. The painting itself has been made by painting a photograph and then painting on top of this. The work, therefore, as I experience it, is in two mediums and references two mediums: photography and painting. The painting is made up of several layers of paint, applied on top of the first layer as discussed earlier: a painted copy of one of the camp photographs. Richter's well-honed abstract technique of creating strata of paint and colours is dramatised in these works, but their pitted, pocked and gouged-out canvas surface – their texture and nuance – is forced into smoothness in their photographic reproduction in the artist's book. The defining layers are evened out, so at the same time, the trace of the human hand is flattened out, a mechanical process intervening.[99] Despite the use of a squeegee and a knife, alternately producing and revealing ethereal swipes of grey and white or red, orange and green, the page is dominated by the colour black. There is no coherent trace of the camp photograph underneath. There is only a constant interplay between thick and thin: planes of upright waves and horizontal scratchings with bigger blobs of darkness next to those covered in small, pixelated dots. These are staccato moments, but there is a regular pulse here too, a palpitation.

The layering of mediums or materials is not a new approach for Richter. For instance, Mehring contends that in Richter's abstract works, the focus since the 1970s has been on layers, 'literal, material layers'.[100] The important thing is to recognise the technical continuity which the *Birkenau* pictures have as part of Richter's oeuvre. I contend this continuity of technique is a way to make the theme of the Holocaust 'bearable' as Richter observed in the earlier quote.[101] However, it also means

[99] Peter Schjeldahl describes it as: 'Not only condoning but soliciting accident, Richter attends to the multifarious effects of layered paint that has been repeatedly smashed and dragged, wet-in-wet.' 'Painting History. The Dense Layers of Gerhard Richter's Work' (16 March 2020) *The New Yorker* 94, 95.

[100] Mehring, 'Richter's *Willkür*', 21.

[101] Buchloh writes: 'in order to resist the total spectacularization of his own painting, Richter had to take recourse to the most radical forms of anti-aesthetic opposition from which his work had originated in post-Second World War Germany, and to draw once again from the unresolvable conflicts between recollection and disavowal, representation and erasure'. *Gerhard Richter's Birkenau Paintings* 22.

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these works are subsumed into Richter's ongoing, lifelong investigation into the possibilities of paint, texture and image.[102] What does it mean to offer a dialogue on the possibility of painting adjacent to and on top of these photographs documenting atrocity?[103] What are the ethics involved in 'glossing' them with layers of paint? As Maurice Blanchot writes, '[t]here is a limit at which the practice of any art becomes an affront to the affliction. Let us not forget this'.[104] But *Birkenau* is not just about abstract painting. The shift in genre back to photography, then the move to fragmentation and reproduction in the artist's book, and then the exhibition of prints of the works onto aluminium could be seen as *differentiation*. Richter switches mediums in a way which points to the effects of mediation, evidence and reception about making images.[105] I understand Richter's *Birkenau*, therefore, to be a commentary on the conditions of making and viewing images of the Holocaust.

In this way, Richter's layering – of multiple mediums, of paint – is a form of repetition, but one which, crucially, does not have an original, a beginning. There is no full circle to be made, there is no 'whole' to be returned to. These works are a literal expression of restitution as a mode of 'making again', a material embodiment of the cycle of making, and making, again and again. His approach to restitution, therefore, is expressed within his method.

4.4.2.1 CONDITIONS OF MAKING IMAGES: THE DARKROOM. Inherent to Richter's artistic practice is an interrogation of how images are made and circulated. With regard to *Birkenau*, this emerges within his choice of the material itself: the camp photographs. In *Images in*

[102] This is a possible way the pictures could have been read in Dresden as they were exhibited without titles, shorn of their coat of expectations.

[103] Peter Schjeldahl writes: 'Richter's "Birkenau" is a provocation – who dares take history's ultimate obscenity as a theme, or even an allusion, for art? – but one that makes biographical sense.' 'Painting History' 94.

[104] Maurice Blanchot, *The Writing of the Disaster*, Ann Smock (trans) (University of Nebraska Press, 1995) 83.

[105] However, note that this switching of mediums is not unique to the *Birkenau* cycle. Part of the exhibition in Frieder Burda showed how Richter had shifted genres and used photography of his own works before, placing *Birkenau* on a continuum of his work in this regard as well.

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Spite of All, Didi-Huberman demonstrates how the concentration camp photographs, when they were reproduced by historiographers, were often cropped and altered to focus attention on the figures of bodies and corpses.[106] In contrast, Didi-Huberman's reading emphasises the perspective of the person shooting the photograph, making the image. He re-imagines the moments of taking the photos:

> The terrible paradox of this *darkroom* was […], the photographer had to hide in the gas chamber, itself barely emptied – perhaps incompletely – of victims. He steps back into the dark space. The slant and the darkness in which he stands protect him.[107]

Didi-Huberman's work reconstructing and publishing the original frame of the images is crucial as it tells us about the conditions of making and viewing which made the photographs possible, as he writes: 'the space of possibility'.[108] This site of atrocity is not visible but present in Richter's paintings. Due to Richter's layering technique, his copy of the photographs underneath is not able to be seen directly, it is effaced. Richter states in the interview with Serota I quoted earlier, 'there's no point talking about it, you have to see it'.[109] It appears, however, that his art work does the opposite – it asserts that a visual account of 'Birkenau' is not possible in contemporary times – and only the narratives created around it are easily accessible. For instance, Searle contends that 'Richter's paintings here do not reveal themselves, and have nothing to reveal except the stories that have already begun to accrue around them'.[110] However, I would contend *Birkenau* is not necessarily about the prospect of revelation, nor is it a blanket repudiation of the visual form. Rather, it is an extension of Richter's previous work of painted copies – it

[106] Didi-Huberman, *Images in Spite of All. Four Photographs from Auschwitz* 34, 35.

[107] Ibid 11–12 [emphasis in original].

[108] 'The mass of black that surrounds the sight of cadavers and the pits […] that mass where nothing is visible is the space of the gas chamber: the *dark room* into which one had to retreat, to step back, in order to give light to the work of the Sonderkommando outside, above the pyres. That mass of black gives us the situation itself, the space of possibility and the condition of existence of the photographs themselves.' Ibid 35–36 [emphasis in original].

[109] Serota, 'Gerhard Richter Interview'.

[110] Searle, 'Richter/Pärt Review'.

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is a commentary on verisimilitude and what the visual might be able to offer beyond a facsimile.

In addition, the choice to use an abstract painting style forces a beholder into a relationship through viewing. As a result, the gaze invited by the *Birkenau* artist's book is different to the way one views a reproduction of the concentration camp photographs. These can be seen as horrifying and remarkable due to their survival, perhaps even inviting a voyeuristic gaze. They could be categorised as photographic evidence, which, however problematic this may be in a legal context, has traditionally not required any interpretation from their beholder.[111] In contrast, abstraction as a style of painting complicates and shifts the responsibility for interpretation.[112] In this way, Richter's use of abstraction means the title shifts in meaning – rather than 'Birkenau' only being a descriptor of a site of atrocity, it also becomes a descriptor of the shifting ways to respond – and captures the experience of trying to look at atrocity through the frames. This moves the work onto a different affectual plane and a different time: the present. Use of this style of abstraction emphasises the necessarily mediated standpoint one has when viewing Holocaust images in the present day. However, even though they are abstract works, the beholder is not invited to just think about the Holocaust in general. Due to the broad publication of their production history, a beholder knows these works are specifically anchored to one site, the events in a specific place. As a result, Richter's approach to restitution is different: these works are a specific invitation (through both materials and mediums) to think about the *conditions of making images* of a place – *Birkenau* in all its resonances – both at the time of the event and in the present day.

[111] On photographs, truth and evidence, see Jennifer L. Mnookin, 'The Image of Truth: Photographic Evidence and the Power of Analogy' (1998) 10 *Yale Journal of Law and the Humanities*, 1.

[112] See generally: Godfrey, *Abstraction and the Holocaust*. Godfrey writes: 'Abstract art works can signify; can make meaning in so many different ways. The meanings of an abstract art work will depend on its materiality, its situation, the processes of its making, its composition, its title, its symbolic suggestions and counter-suggestions, its context in a discussion of abstraction, and in the artist's work. In other words, the way in which a work of abstract art generates meaning can be extremely complicated.' 6.

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4.4.3 CONDITIONS OF VIEWING: BIRKENAU IN THE REICHSTAG. So far in this analysis, I have been examining a 'detail' from the *Birkenau* artist's book. However, my method in this chapter is to pay attention to an art work within its places of creation (Kiefer's and Richter's studios) and now its display (MONA and the Reichstag). And fittingly, in some ways, for a cycle which is about the possibility of making and viewing images, the way one can view *Birkenau* on display in the Reichstag is framed and restricted.

4.4.3.1 THE REICHSTAG: ON THE THRESHOLD. I am on the 'Official Art Tour' of the Reichstag, which is held only in German and must be booked in advance on special dates. After entering the tent outside the Reichstag building where bags are scanned and passports checked, isolated groups follow their guide towards the front steps. We enter the building through the front entrance portal. The portal is a very tall glass box where the authorities regulate the entrance and exit of tourists to the building; it is a small area in terms of floor space, but the verticals reach the full height of the building. There are two enormous, narrow walls which now display two Richter art works: the German flag – *Schwarz, Rot, Gold* – faces *Birkenau*.[113]

Birkenau is hung vertically, one picture on top of each other, in this sluice. The security presence in this space is overwhelming. One is careful to follow the group, to stand in the right place, not to get into trouble. One does not wait for very long in this space – your movements are highly regulated by the guides and the guards who are watching you – this is clearly a restricted area and not a space where you are allowed to move freely or stay for any period of time.

Our group was ushered by our guide quickly past the guards in transparent boxes and into the main area of the Reichstag. However, if you

[113] Andreas Kaernbach, Curator of the Art Collection of the German Bundestag, describes the intended effect of this juxtaposition as creating 'an arc of reflection which shows the historical dimensions of Germany's self-image right here at the heart of German democracy. It is a contribution to Germany's culture of remembrance, which is all the more important as the number of survivors who are left to bear witness diminishes'. Andreas Kaernbach, 'Art at the German Bundestag. Gerhard Richter. Birkenau' <www.bundestag.de/resource/blob/679226/flyer_richter.pdf>.

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are one of the thousands of tourists who only visit the Reichstag to go up to the roof and the famous dome, then you stand in line here and wait for the lift, and this is the only part of the main building you are allowed to enter. You stand and wait for the lift underneath the pictures of *Birkenau*, which tower above you like a film strip on the very high wall, as smudges of colour. As a result, the audience for *Birkenau* is not the parliamentarians or official guests – they have other, more private and secure entranceways which they use – but visitors, both from Germany and internationally. The double wall of Richter, in effect, is a projection from the Reichstag which faces outwards.

Once we were through the sluice, as part of our Official Art Tour, our guide pointed out the positioning of the four concentration camp photographs which have been hung in the level one corridor. This corridor separates the Bundestag chamber (with the blue seats) from the glassed-in entranceway. The main audience for these photographs would be the parliamentarians themselves if they happened to look at the wall while walking past. Our guide also indicated that the *Birkenau* cycle is only hanging in the entranceway 'temporarily' while the usual art work, composed of five light boxes by Sigmar Polke, is undergoing restoration.[114]

The questions of visibility raised by Richter himself in these works, therefore, are asked again in a different way through the hanging of these works in a tall glass box with their accompanying photographs on the side in a corridor. The works are not able to be seen in any sort of tangible way by the tourists who use this entranceway – it is impossible they could register for more than a few fleeting moments amidst the official procedures of entry or exit. There is no possibility to stop and contemplate, and, as far as I could tell, no signage to even indicate the title or artist.[115] Even if one was a parliamentarian who stopped to look through towards the entranceway from the corridor, all one would see

[114] 'Deutscher Bundestag – Sigmar Polke', *Deutscher Bundestag* <www.bundestag.de/besuche/kunst/kuenstler/polke/polke-199148>.

[115] These impressions were rebuffed by the tour guide, who stated there is a small didactic which gives Richter's name and the title of the piece which is mounted on the wall. Due to not being allowed to move about in the entrance space freely, I was not able to verify this. It is clearly not a prominent sign, and there is no other information for visitors about the art works in this secure area. Due to security concerns, photography or video within or of the entrance portal is banned.

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is a smudged rectangle with light reflecting off the surface. This also happens with *Schwarz, Rot, Gold*, the German flag, which consists of enormous panels of colour, but the reflections give the work a sense of depth and dimension.[116] With *Birkenau*, however, the reflections mean that even the smudges are obscured, and any details are too far away to see. This hanging (inadvertently) fits the themes of visibility and mediation of images in the works. Their hanging is a further reproduction of the invitation made by Richter, considered with their production history, to think about accessibility of images and the ways in which we can engage with atrocity. Here one answer is given to us through their display – we cannot. This is not a refusal from the artist, or the beholder, however, but one made by the legal institution itself.

To view these art works as a jurisprudent, therefore, is to notice how there are layers of law enveloped in these works and our missed encounter with them. They introduce the site of a monstrous German crime (however obscured and mediated) to the entrance way to the seat of German law-making. In addition, the *Birkenau* images are drawn into a confrontation with Richter's rendering of a legal symbol, the German flag, which hangs opposite them. However, rather than this meeting with *Schwarz, Rot, Gold* being a productive or even reparative exchange, *Birkenau* takes on a similar symbolic and flag-waving character too. To hang *Birkenau* in this position is to create, despite Richter's intention quoted earlier, a spectacle.

In addition, Norman Foster's re-designed Reichstag embeds within it a concern with the layers and visibility of law. It was a central tenet of his design to ensure historical traces within the building's fabric were conserved and displayed.[117] The walls of the corridors inside the Reichstag literally show their layers and their different materials, showcasing graffiti in Russian from the victorious army in 1945 and leaving

[116] Peter Chametzky writes regarding *Schwarz, Rot, Gold* hanging in the Reichstag: 'If Richter's Reichstag flag, too, hung in a museum, it would function as a representative of his abstract, monochrome painting. Such is its function on his web site. At the Reichstag, however, the Richter proclaims both the triumph of German democracy and the triumph of postmodern German painting. The site codetermines each reading.' *Objects as History*, 211.

[117] See generally Norman Foster, *Rebuilding the Reichstag* (Weidenfeld & Nicolson, 2000).

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the original building supports visible within the newer structures. Most prominently, this is a building with a glass dome through which one can look down into the Parliament, designed to promote transparency and accountability around the activity of making laws. These themes sit in contrast, however, with the version of *Birkenau* made for this space. Due to being printed on aluminium, their layers are smoothed out in their reproduction – they are all surfaces. Their presentation as well as their display are at odds with the principles of Foster's layered and open design.

4.4.4 HOW TO POSITION ONESELF SO ONE CAN SEE? To conclude, I contend that similar to Schwarz's restitutionary ethos and the literary approaches of the three authors examined in Chapter 3, the *Birkenau* works expose a way of making, a way of trying to provoke contemplation of method, materials and modes within their presentation, within their mediums. In this collection of paintings, photographs and the artist's book, the gesture towards restitution, of making-good-again, is held and kept at a level of method by Richter. This work can be seen as an externalised reflection on the process of *how* to take responsibility as an artist for making and beholding images of the Holocaust.

There is an obvious statement of repetition and reproduction through this cycle, but there is no return, no restitution in the sense of giving back. Richter only offers us layers; his mode of approaching 'Birkenau' (in all its resonances as a site of atrocity) is to distance and to fragment. The paradox of this distancing effect, however, is that the abstract form of the art work *Birkenau* holds within it a condition of intimate engagement. It asks for an interpretation from a beholder as the prerequisite to any meaningful encounter, it wants a beholder to also take responsibility for their moment of looking.

However, any encounter with any form of 'Birkenau' – as a site of atrocity, or within an art work by Richter – is not straightforward. To emphasise this point, I deliberately place my discussion of his persona, the publication history and the title at the start of this section. By doing so, I re-enact through the form of my analysis how my own viewing experience was pre-empted by the literal and metaphorical framing practices which surround Richter, the art work and my access to it.

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Finally, I argue their positioning and mode of reproduction in the Reichstag mean there is no 'work' able to be done by these art works regarding restitution in this place: they are static and become only shells of their title and their creator – Birkenau by Richter – they are reduced to being a synecdoche of a site of atrocity and a famous artistic persona. They do not, to use Alison Young's phrasing, enable one to feel 'addressed' and therefore be responsible.[118] Bathed in the light streaming through the windows, their 'work' is to be an outward-facing symbol for the German state – a way of referencing the atrocity of the Holocaust without offering any texture or engagement.

4.5 CONCLUSION: ARTISTIC RESTITUTION

This chapter is a description of different visual and material accounts of making good-again through visual art, contending the making of art works can be invitations to restitutionary work (Kiefer) or can show a method and an approach for the way artistic practice could be a practice of restitution (Richter). It also drew out the restitutionary impulse of art works in terms of institution, place and beholder.

I began with Anselm Kiefer's art work *Sternenfall*, arguing his motif of the book and the materials of dust and glass are invitations to do the 'work' of restitution. Due to the form and materials of this art work, I observed the way it holds back and seems to give the responsibility of re-making and writing to the beholder. I also paid attention to the way placing this art work on display in a glassed pavilion on the edge of the Derwent River in Tasmania means it is integrated into its Australian surroundings and can open up to parallel stories of atrocity.

With *Birkenau*, Gerhard Richter literalises his artistic process of working through the past. His method to create *Birkenau* and its many permutations is one of making and making, again and again. I contend his account of restitution lies in this method, in his interplay of depth, texture and surface: the layers and mediums of *Birkenau* freeze and hold fundamental questions of looking and making images of the Holocaust.

[118] Alison Young, *Judging the Image*, 14.

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I conclude that *Birkenau* on display at the security entrance of the Reichstag, however, is experienced as a muted, outward-facing object.

There is a tension, therefore, in the way MONA as an institutional space works to open up the Kiefer art work to other experiences of viewing and other histories, while the Reichstag does the opposite. Even though the Reichstag holds within it visible (and invisible) layers of history and law, the hanging of the Richter art work in the entrance portal shuts down and constrains its potential for interaction with any of these strata of the past or the present. It also closes off an address to a beholder, who is simply not allowed to look.

In another form of sedimentation of the layers of law and history, I drew attention to how different buildings in Munich are being used again for art. Here it is the processes of artistic and institutional dwelling and display in these buildings which are the mode of restitution. A wall may be just a wall, but in Munich, it seems that it is often load-bearing, supporting the weight of past and present projections of the city. However, my account of my research trips to Munich and my visits to MONA and the Reichstag were doing more than just pointing out the strata of a building. They were a deliberate way to write a person into a place – an attempt to externalise in my text the way one beholds objects.

> *Try not to think about it too much*, said the librarian, frowning.
> *Just do your research.*

But a key part of my research turned out to be thinking about *how* to do research in such a place. To pay attention to the grounded materiality of researching and writing (the modes of inhabiting) different sites as a scholar working across disciplines. One can not only walk through the marble corridors of the Central Institute for Art History as an art historian – but also as a jurisprudent. Writing these interludes was an attempt to re-enact and materialise some of the entangled and place-based histories of the way art and law interact with restitution and institutions.

Furthermore, my writing in this way was an attempt to expand the jurisprudential imagination regarding conduct – it is to deploy a mode of writing designed to show how writing with law must also mean writing about situated experiences and obligations. This is to bring the language

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and conduct of prudence across to the analysis of the multi-faceted 'work' of art and art works which are displayed in places in particular times. In Chapter 3, I discussed the residues of expectation that attach to literary and legal genres. Here I began to tease out the residues of expectation that attach to artistic and legal institutions in the present. This was a way to start thinking about the next question – from both the perspective of jurisprudence and art history – of public responsibility outside in the streets.

Chapter 5 – on the theme of memorial restitution – takes up this question of responsibility in public life from a different angle. I now explore how expressions of restitution are embodied within works of memorial art (and our experience of them) by walking through the streets of Berlin.

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