

PROVENANCE RESEARCH AND THE ART TRADE

Ed. Peter Wehrle

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CASE STUDY

‘DEGENERATE ART’ IN THE ART TRADE

“Kunstfund in München. Von Nazis geraubtes Aquarell bei Auktion wiederentdeckt“ (“Art trove in Munich. Nazi-looted watercolor rediscovered at auction”), was a headline in Frankfurter Allgemeine Zeitung on December 4, 2019,¹ referring to the *Studie nach einem Baumstamm* (fig. 1) by Christian Rohlf, which was confiscated from the Städtisches Museum für Kunst und Kunstgewerbe in Halle (Saale) in 1937 as part of the ‘Degenerate Art’ campaign. When it resurfaced on the art market, it was not only identified for the first time, but could also return to the museum it originally came from – today the Kunstmuseum Moritzburg in Halle (Saale). However, discoveries like this are by no means rare. On the contrary, they are practically part of the day-to-day business at auction houses trading in works of modern art. The reason for this is the well-known fact that the National Socialists had permanently ‘purged’ public collections of so-called ‘Degenerate Art’.

‘Degenerate Art’ – seizure and ‘utilization’

On May 31, 1938, Nazi German lawmakers passed a law that made the confiscation and simultaneous expropriation of ‘degenerate’ works of art from German museums legitimate. The ‘Säuberung des Kunsttempels’² had been organized by Goebbels’ Ministry of Propaganda as of July 1937. As early as in 1929, various previous types of defamation campaigns had been orchestrated by local groups of the ‘Kampfbund für deutsche Kultur’, which saw Modernism as a “Vergehen an deutscher Kultur” (“offense against German culture”).³ On June 30, 1937, Goebbels commissioned Adolf Ziegler, painter and president of the ‘Reichskammer der bildenden Künste’, to select and secure “die in deutschem Reich-, Länder- und Kommunalbesitz befindlichen Werke deutscher Verfallskunst seit 1910 auf dem Gebiet der Malerei und der Bildhauerkunst zum Zwecke einer Ausstellung” (“from state and municipal museums paintings and sculptures made as of 1910 that are documents of the Reich’s cultural decay, for the purpose of an exhibition”). On July 19, 1937, less than three weeks after the fateful commission, Ziegler opened the ‘Degenerate Art’ exhibition in Munich. Around

Fig. previous page: detail from fig. 1

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Fig. 1: Christian Rohlf, *Studie nach einem Baumstamm*, 1914, watercolor on vellum, 49 x 63 cm.

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600 paintings, sculptures, drawings and prints by around 118 artists were shown in an undignified and defamatory manner in the cramped rooms of the Hofgarten Arcades.⁴ Hitler, presumably inspired by the nature of the infamously staged exhibition during the preview, decided to have the museums scanned a second time, in order to – as stated in the justification for the abovementioned law from 1938 – “sämtliche Erzeugnisse entarteter Kunst zu erfassen und sicherzustellen” (“seize and secure all products of degenerate art”).⁵ In a diary entry from July 24, 1937, Goebbels wrote: “Die alte Kommission soll nun alle entarteten Bilder in den Museen beschlagnahmen” (“Now the former committee is to confiscate all degenerate paintings from the museums”).⁶

After Hitler and Goebbels inspected the depot of the confiscated works in a former granary on Köpenicker Straße in Berlin on January 13, 1938, plans were developed to expropriate the inventory under the aforementioned law and to consider further ‘utilization’. On the same day, Goebbels wrote in his diary: “Einiges wollen wir im Ausland gegen gute Meister austauschen.” (“We want to exchange some things abroad against good masters.”).⁷ Further entries by Goebbels reveal that Göring, who was known as a collector of Old Masters, certainly encouraged him to sell works abroad for foreign currency.⁸ On July 29, Goebbels stated with satisfaction: “Bilder aus der entarteten Kunst werden nun auf dem internationalen Kunstmarkt angeboten. Wir hoffen, dabei noch Geld mit dem Mist zu verdienen.”

("Pictures of degenerate art are now being offered on the international art market. We hope to earn some money with this crap.")⁹ The prospect of the National Socialists to procure increasingly scarce foreign currency with the enormous number of artworks is certainly a fateful and at the same time positive coincidence that saved the majority – probably two thirds of the holdings – from destruction.

From the fall of 1938, four main art dealers were commissioned to sell the works: Karl Buchholz and Ferdinand Möller from Berlin, Bernhard A. Böhmer from Güstrow – a close friend of Ernst Barlach – and Hildebrandt Gurlitt from Hamburg.¹⁰ The sales terms determined by the Ministry included, among other things, that the works could only be sold to buyers from abroad in exchange for foreign currency. A sale to domestic buyers was expressly forbidden.

Despite the explicit prohibition, the four art dealers also sold works to German private collectors or gallery owners, for example to Axel Vömel in Düsseldorf or Günther Franke in Munich, Fritz Carl Valentien in Stuttgart or Wolfgang Gurlitt in Berlin, while collectors such as Josef Haubrich could also increase their own collections (today Museum Ludwig, Cologne) under these circumstances. Bernhard Sprengel also began collecting under these circumstances and, with his foundation, laid the basis for the museum in Hanover that was later named after him.

However, most of the works found their way to other European countries, particularly to Switzerland, Belgium, France, and England, as well as, of course, to the United States. Alongside his Berlin head office, Buchholz, for example, also had a gallery in New York that was managed by Curt Valentin, a former employee of Alfred Flechtheim's gallery in Berlin. As early as September 18, 1939, the exhibition 'Contemporary European Art' opened there, offering eight works by Feininger, Klee, Lehmbruck, Modersohn-Becker and Nolde, naming the museums from which they had been taken. In spring 1940, another exhibition followed – 'Landmarks in Modern German Art' – with around 25 works formerly owned by German museums. Karl Nierendorf also started a gallery in New York in 1936, for which he obtained works from art dealer friends or bought at auction, as it was the case with two paintings by Feininger, which he acquired in Lucerne.¹¹ Meanwhile his brother Josef continued to run their Berlin gallery. These are just a few examples of the inventiveness of the art trade under the rule of the National Socialists.

Increased knowledge through the art trade

In many cases, however, the stream of information runs dry in the post-war period at the latest. In most cases, the 'Degenerate Art' database developed at Freie Universität in Berlin, which is based on the so-called Harry Fischer List¹² and other sources, can be used to determine which of the four above-mentioned art dealers acquired the respective work. Other sections contain acquisition data from museums, further literature, and exhibition histories; however, more recent provenance or even the current location of the works are listed less frequently. In the meantime, the art trade plays a special role in adding more information to the database, since most of the works confiscated and 'utilized' in the course of the 'Degenerate Art' campaign were scattered by the art trade and often ended up in

the hands of private owners. Only in the process of preparing a work for sale is its fate revealed. And it is often only at this point that a work that until then was only listed in the database with an 'EK number' and further rudimentary information, can be linked to an actual work of art.

How to identify 'Degenerate Art' today?

But how to tell whether a privately owned work of art offered at auction was once confiscated in the context of the 'Degenerate Art' campaign? Checking the 'Degenerate Art' database, which is a default procedure for all works by artists defamed as 'degenerate' at the auction house the author works for, cannot always provide a clear answer. To a certain extent, this is a genre-specific problem: Most of the confiscated works were works on paper, prints and drawings. The 'Degenerate Art' database lists 2,384 paintings, but no less than 15,525 prints and 1,664 drawings.¹³ These works on paper have one thing in common: most of them were never documented on historical photographs, which makes their identification extremely difficult. And when it comes to prints, which in some cases could be identified by title keywords even without a photograph, establishing a clear provenance for multiples from an edition is a challenge.

Thus, the works' reverse sides must be inspected, which can lead to astonishing discoveries, because unlike for most paintings, the Nazi 'Kunstsäuberer' ('art purgers') did not remove markings from works on paper. A provenance mark from its museum of origin, such as a stamp, a handwritten inventory number, or both together, provides an important clue (*fig. 2*). In addition, the so-called 'EK number', written in blue crayon on the works on paper, sometimes supplemented by the stamped red 'E', can assist with clarification (*fig. 3*).

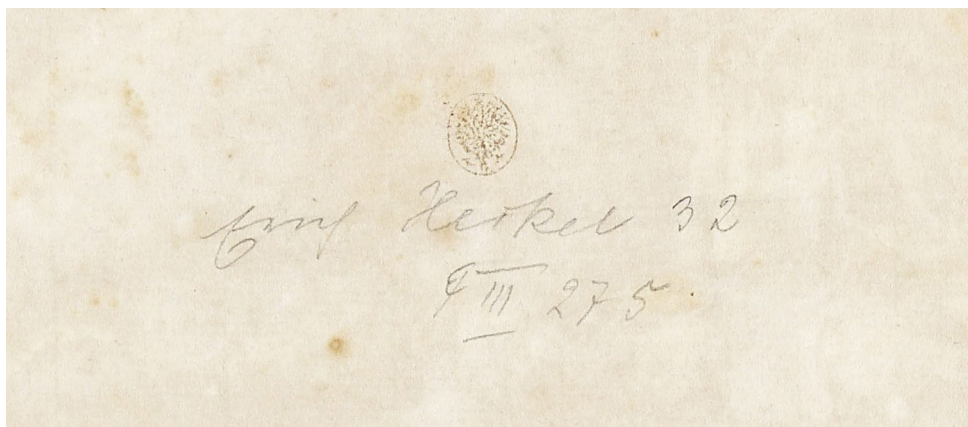


Fig. 2: Reverse of a watercolor by Erich Heckel (EK number: 12250): Stamp of the Nationalgalerie Berlin (Lugt 1640) and inventory number F III 275; no. 32.

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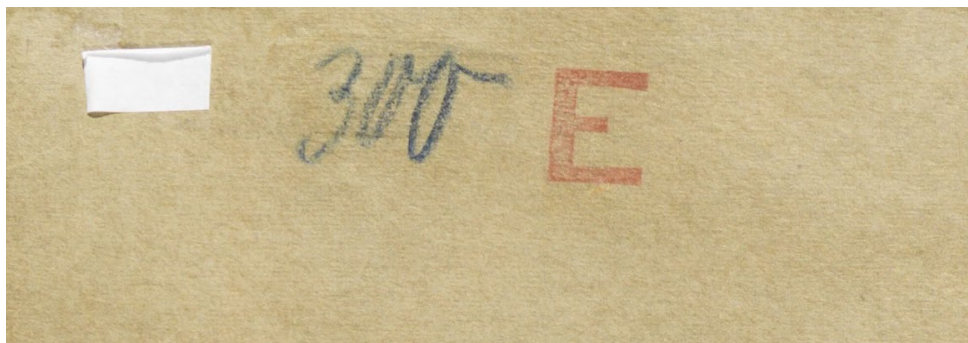


Fig. 3: Reverse of a lithograph by Otto Mueller: handwritten EK number '300' and stamped 'E'.

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In the case of works on paper, it is essential to include any surviving elements of the old frame, such as backing boards and mounts, in the examination. This is because the paper quality of the works in question is often so fragile that corresponding annotations are not on the back of the work itself, but on the supporting elements. The above-mentioned sheet by Rohlfs could only be identified by the stamp of origin and the inventory number on the old backing board inscribed with the 'EK number' 14438 – without this finding, we would not know anything else about the 'EK number' 14438 than the descriptive title and the sale to Hildebrandt Gurlitt, whose sales ledgers do not mention it.

Findings on the reverse in particular can therefore give a 'face' to previously unknown works from the body of confiscated works of 'Degenerate Art'.

Restitution of 'Degenerate Art'?

Once a work confiscated in context of the 'Degenerate Art' campaign has been identified, it is necessary to first run a background check whether the work in question was actually seized from public property or if it was on loan from a private owner. Only in the latter case – a popular example is Paul Klee's *Sumpflgende* (EK 15975) – do we actually speak of a loss due to Nazi persecution and thus identify a 'restitution case'. While there is occasional discussion about this distinction – in 2014, a corresponding proposal by Jutta Limbach was released¹⁴ – the confiscation of 'Degenerate Art' was in fact a "Diebstahl aus eigenen Eigentum" ("theft from one's own property") and therefore not an unlawful seizure.¹⁵ In addition, a different classification would trigger a major 'redistribution' of 'Degenerate Art', which would also make little sense for the museums. Hence, if a work confiscated from public property in the course of the 'Degenerate Art' campaign appears on the market, the source museum is usually informed and provided with up-to-date photos and information. The same applies to the 'Degenerate Art' database, to which the art trade constantly adds information.



Fig. 4: Otto Mueller, *Hockende (Kniender weiblicher Akt)*, around 1912, Monotype and brush on laid paper, 18 x 20 cm.

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New findings

The discovery of a monotype by Otto Mueller (*fig. 4, fig. 5*) that had been reworked with a brush, was particularly exciting. When this quite extraordinary, previously completely unknown work on paper was consigned to the auction house from a private collection, a standard check with the 'Degenerate Art' database yielded no matches. Nevertheless, the stamp of the Kunsthalle Mannheim on the back of the work was disconcerting. Neither mount nor backing board existed on which a supplementary 'EK number' could have been found. A visible light edge on the paper nevertheless suggested that the work had been framed with a mount for a long time.

In close collaboration with Mathias Listl, provenance researcher at Kunsthalle Mannheim at the time, as well as with other researchers, the mystery surrounding the museum stamp was unraveled.¹⁶ The unusual artwork was identified as 'EK number' 6129, which had previously been assigned to Otto Mueller's 1924 lithograph *Olympia*.

The inventory of the Mannheim collection never included a copy of *Olympia*. There were

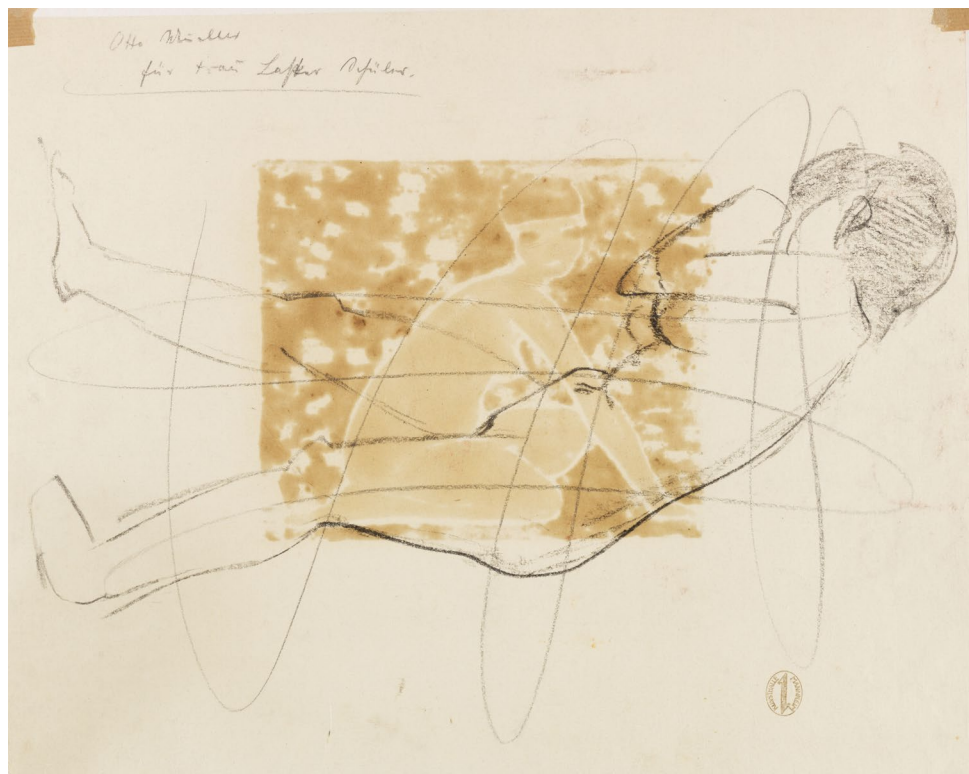


Fig. 5: Reverse of Otto Mueller's monotype, *Hockende (Kniender weiblicher Akt)*, circa 1912. With crossed out charcoal drawing, handwritten dedication 'Otto Mueller für Frau Lasker Schüler' and the stamp of Kunsthalle Mannheim.

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six Otto Mueller works in the Kunsthalle Mannheim that were confiscated as 'Degenerate Art' in 1937, namely the 'EK numbers' 6129, 6130, 6198, 6199, 6200 and 6201. Only the number 6129, mentioned as *Badende* on the Harry Fischer list, required closer inspection.¹⁷ It could not be Olympia, created in 1924, as the confiscated sheet with the number 6129 had already been purchased in 1913. The Mannheim inventory book states (transl.): "Müller Otto / 142 / L. Sch. / Kniender weiblicher Akt / 274 (alte Invnr.) / 30.- / Berlin / 13.VII. / Dr. Paul Ferd. Schmidt." ("Müller Otto / 142 / L. Sch. / Kneeling female nude / 274 (old inv. no.) / 30.- / Berlin / 13.VII. / Dr. Paul Ferd. Schmidt.")¹⁸ Furthermore, and this is rather unusual for Mueller, the technique is mentioned as "Linolschnitt" ("linocut") – a technique that could easily be confused with a monotype. As the work by Otto Mueller bears the authentic stamp of the Kunsthalle Mannheim, it had to be one of the six confiscated works on paper and could only be the *Kniender weiblicher Akt* purchased in 1913, that is the *Badende* from the Harry Fischer list with the 'EK number' 6129. Another important clue to the identification was found on the reverse, a dedication by Mueller's hand: "Otto Mueller für Frau Lasker-Schüler". Apparently, Mueller had donated the sheet for the Lasker-Schüler charity auction

organized by Paul Ferdinand Schmidt and Max Dietzel at the 'Neuer Kunstsalon' in Munich in March 1913. Again, this lined up perfectly with the fact that the Kunsthalle Mannheim had purchased the work in question from none other than Paul Ferdinand Schmidt on July 13, 1913. Soon after the Lasker-Schüler charity auction, the 'Neue Kunstsalon' was dissolved and Schmidt sold the 'Restbestände' (remaining stock).

Everything about this case suggests that the hitherto completely unknown unique work by Otto Mueller can be identified as 'EK number' 6129. The entry in the 'Degenerate Art' database was updated according to the new findings.¹⁹ In 2021, the artwork returned to its original museum: the Kunsthalle Mannheim.

Both the popularity of and academic attention to the art of the 1910s and 1920s have steadily increased since the 1980s. This is evidenced not only by increased research into the events of the years 1933–1945, but also by numerous publications such as the *Schriftenreihe der Forschungsstelle Entartete Kunst* published by Freie Universität in Berlin, and a rising number of national and international exhibitions on this topic.²⁰ This article demonstrates that the art trade can frequently contribute relevant details to this field of research through its direct contact with the artworks.

ANNOTATIONS

- 1 <https://www.faz.net/aktuell/feuilleton/kunst-und-architektur/von-nazis-geraubtes-aquarell-bei-auktion-in-muenchen-wiederentdeckt-16519252.html> (last access on August 8, 2023).
- 2 Title of the eponymous book *Säuberung des Kunsttempels* by Wolfgang Willrich with the subtitle: *Eine kunstpolitische Kampfschrift zur Gesundung deutscher Kunst im Geiste nordischer Art*, Munich 1937.
- 3 Cf. Rave, Paul Ortwin: *Kunstdiktatur im Dritten Reich*. Hamburg 1949; Brenner, Hildegard: *Die Kunstpolitik des Nationalsozialismus*. Reinbeck 1963; Lüttichau, Mario-Andreas von: *Deutsche Kunst und Entartete Kunst*, in: *Die Kunststadt München 1937*, ed. by Peter-Klaus Schuster. Munich 1987, pp. 92–118; with further literature.
- 4 Cf. Lüttichau, Mario-Andreas von: *Rekonstruktion der Ausstellung "Entartete Kunst", Munich 1937*, in: *Die Kunststadt München 1937*, as note 3, pp. 120–181.
- 5 Quoted from a transcript by Kurt Reutti, in: *Bericht über meine in den Jahren 1945–1950 für den Magistrat Berlin (Ost) ausgeübte Tätigkeit*, typescript dated June 19, 1955, Archive Nationalgalerie Berlin-West.
- 6 *Die Tagebücher von Joseph Goebbels*, Sämtliche Fragmente, Teil 1, Aufzeichnungen 1924–1941. Munich 1987, Vol. 3, p. 211.
- 7 *Ibid.*, p. 400.
- 8 *Ibid.*, p. 445 – Right at the beginning of the sales campaign in 1938, Göring had taken possession of 13 top-quality paintings for himself with an estimated value of almost 1 million RM – 1 Cézanne, 4 van Goghs, 3 Franz Marcs, 4 Edvard Munchs, 1 Signac – and probably sold them through his art agent Angerer or exchanged them for other works of art for his residence 'Carinhall'. The Ministry of Propaganda had tried in vain to have them returned. The Nationalgalerie, from which 10 of the paintings came, then received 165,000 RM in compensation from Göring.
- 9 *Ibid.*, p. 494.

- 10 Since 2007, the research center Forschungsstelle 'Entartete Kunst' at Freie Universität in Berlin has published a series of books examining art policy in National Socialism and its protagonists.
- 11 Cf. exhibition catalogs of the Buchholz gallery in New York, in: Curt Valentin Archive, Museum of Modern Art, New York.
- 12 <https://www.vam.ac.uk/articles/entartete-kunst-the-nazis-inventory-of-degenerate-art> (last access August 8, 2023).
- 13 Accessed on August 8, 2023.
- 14 For example *Süddeutsche Zeitung*, November 20, 2014.
- 15 Cf. Kunze, Hans Henning: *Restitution Entarteter Kunst, Sachenrecht und internationales Privatrecht*. Berlin 2000.
- 16 2020: E-mail correspondence of Mathias Listl, Agnes Thum, Meike Hoffmann, Tanja Pirsig-Marshall and Mario-Andreas von Lüttichau.
- 17 Vol. 2, p. 145, https://www.vam.ac.uk/___data/assets/pdf_file/0003/240168/Entartete_Kunst_Vol2.pdf (last access on August 8, 2023).
- 18 Kind information from Mathias Listl to Agnes Thum.
- 19 <http://emuseum.campus.fu-berlin.de/eMuseumPlus?service=ExternalInterface&module=collection&objectId=120056&viewType=detailView> (last access on August 8, 2023)
- 20 Examples include the publications by Fleckner, Uwe (ed.): *Das verfemte Meisterwerk*, in: *Schriftenreihe der Forschungsstelle Entartete Kunst, volume IV*. Berlin 2009; Hoffmann, Meike (ed.): *Ein Händler "entarteter" Kunst. Bernhard Böhmer und sein Nachlass*, in: *Schriftenreihe der Forschungsstelle Entartete Kunst*, vol. III. Berlin 2010; and Tiedemann, Anja: *Die "entartete" Moderne und ihr amerikanischer Markt. Karl Buchholz und Curt Valentin als Händler verfemter Kunst*, in: *Schriftenreihe der Forschungsstelle Entartete Kunst*, vol. VIII. Berlin 2013.

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