

PROVENANCE RESEARCH AND THE ART TRADE

Ed. Peter Wehrle

KETTERER  KUNST

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ART TRADE DOCUMENTARY SOURCES AND THEIR BENEFITS FOR SCHOLARS AND THE TRADE

Weltkunst reported a “record price for a restituted Bronzino” on January 30, 2023. The portrait of a young man (*fig. 1*) had just been auctioned at Sotheby’s in New York for a hammer price of nine million US dollars.¹ It used to be part of the Ilse Hesselberger Collection (1888–1941), when it was still attributed to Francesco Salviati (1510–1563). During the National Socialist era it was acquired through the art trade for the so-called Führermuseum in Linz, and after the war eventually came into the possession of the Federal Republic of Germany via the Munich Central Collecting Point (CCP).² The ‘property card’ issued by the Central Collecting Point with the ‘Munich number’ 4058 first pointed to a provenance from a private collection in the name of Hesselberger.³ However, the final piece of evidence that the work in question was actually the same painting that had been in Hesselberger’s possession since 1927 was provided by the art trade instead of being found in historical documentation from the authorities. Ilse Hesselberger had purchased the painting from the Munich art dealer Julius Böhler in 1927. The firm created an index card for the painting, as it did for every object they traded, where transaction data and details of the listed object were meticulously noted (*fig. 2*),⁴ including a precise description, a label on the back of the painting with details of previous owners and also a reference to a poem on the back of the painting. Even though no image of the work could be found in the art dealer’s records, this information, supplemented by other sources, such as annotated auction catalogs, permitted a clear identification of the work and its restitution to the heirs of the collector who was murdered in Kaunas in 1941.

The abovementioned case is just one example of how crucial sources from the art trade are for provenance research. The potential of this type of source is obvious when considering the sheer mass of artifacts that were, and continue to be, traded. In the field of provenance research in the context of the Third Reich, there is also the fact that the art trade was a key factor in the monetization of objects or entire collections that were confiscated, seized or sold under duress. For objects coming from or ending up in private hands, it is

Fig. previous page: detail from *fig. 1*

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Fig. 1: Agnolo di Cosimo, known as Bronzino, *Portrait of a young man*, c. 1527/1529, oil on panel, 77.5 x 54.9 cm.

© Courtesy of Sotheby's

extremely difficult to trace these in retrospect. The in-house documentation of art dealers, antiquarian bookshops or auction houses therefore often provides the only evidence of a transaction and, in the best case, contains valid information about the object itself and those involved in the deal. But what about the accessibility of these sources?

Essential sources for research

The estate of the art dealership Julius Böhler is unusually extensive and has successively become part of public institutions since the mid-1990s, now being available for research.⁵ Apart from the fact that the documents allow for a reconstruction of ownership, they also offer extremely rare but all the more revealing insights into the usually discreet transactions between the art dealership and its clients, among them major industrialists, museums, famous collectors, public authorities or simply 'walk-in customers'. The index cards and correspondence can also be used to analyze meta-transactions between several art market players that are difficult to fathom from the outside, to trace customer and trading networks

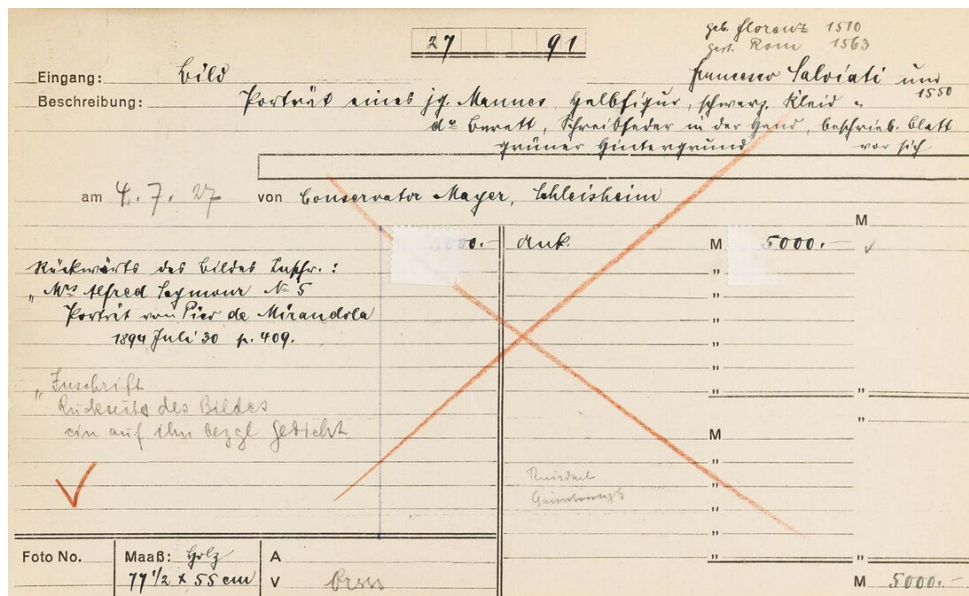


Fig. 2: ZI Munich/Photothek, Julius Böhler Archive, Munich card index system, M_27-0091, p. 1.
 © Zentralinstitut für Kunstgeschichte, Munich

or to study accounting practices.⁶ The value of these sources and their comprehensive accessibility cannot be overestimated, as they can be used to research and analyze practices and structures of trading, documentation and translocation. Based on these findings, assumptions can then be made in cases for which no sources have been identified.

As the following second example shows, art trade sources are also particularly suitable for the reconstruction of collections that were frequently dispersed due to the persecution of their former owners. When Galerie Hugo Helbing – primarily an auction house that had been operated successfully since the mid-1880s – had gradually been forced out of the market as a consequence of the persecution of its owners from 1933 on, the gallery’s remaining inventory was sold.⁷ Prior to this, the Gestapo had confiscated a group of objects from ‘non-Aryan ownership’.⁸ These items were on consignment at the gallery whose owners had been identified as Jewish, which is why their property could be confiscated by the state.⁹ The lists that were compiled in this process and which have been preserved in official records, give the names of the owners but only provide quite cursory information about the objects themselves, such as “2 Gem. ‘Petrus’ und ‘Magdalena’ or ‘1 Sideboard m. Marmorplatte’”.¹⁰

However, many of these objects had been offered at auction by Galerie Helbing before they were placed on consignment with the firm. For most of the auction catalogs there is a so-called ‘working copy’, that is a regular catalog copy with annotations by employees or the owners for auction documentation purposes. Some of the objects on the lists can be identified in these catalogs: On the one hand, because the catalogs contain many details about the objects and in some cases even illustrations, and on the other, because the same

names are mentioned as consignors for the objects as on the lists. A catalog from 1935, for example, reveals that a picture merely listed on the confiscation list as *Osterspaziergang* by Josef Flüggen from the ownership of Max Kahn, was actually a signed pencil drawing, and also provides a detailed description (fig. 3).¹¹ Another example is an object described on the list as *Heimkehr* from the property of Jakob Späth. In a catalog from 1933 it can be identified as the painting *Heimkehr* by Josef Wagenbauer.¹²

The ‘working copies’ thus provide proof that an object was owned by a specific person or company at the time of the auction, as well as sufficient information to trace the objects’ whereabouts after their 1942 confiscation. The fact that the ‘working copies’ of Galerie Helbing or the estate of the Böhler art dealership have been preserved and are accessible to scholars is a stroke of luck for research – but at the same time the great exception to the rule.

Just how the ‘working copies’ of the Helbing catalogs came into different public or private ownerships can, in most cases, no longer be reconstructed.¹³ With a great deal of communication and commitment on the part of the researchers and the catalog owners, they were digitized in a project completed in 2022, placed online on the platform German Sales, eventually becoming accessible for a wide range of users.¹⁴ Last, but not least, the

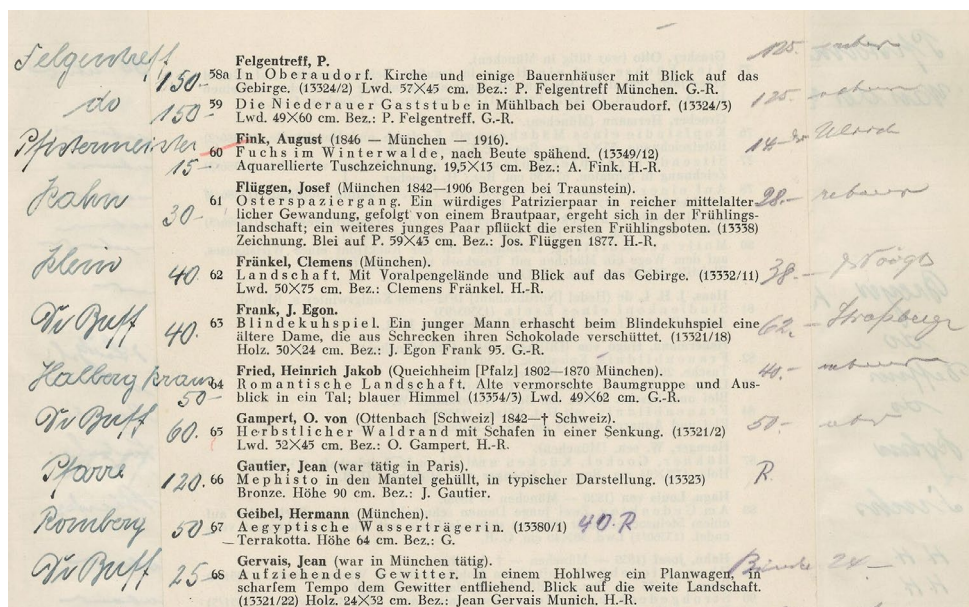


Fig. 3: Excerpt from the auction catalog *Gemälde neuerer Meister: Antiquitäten, alte Möbel, Skulpturen, Gemälde alter Meister, alte Bücher aus verschiedenem Privatbesitz, Versteigerung am 27. und 28. März 1935 in der Galerie Hugo Helbing*, p. 5 of Hugo Helbing’s personal copy, providing detailed information on the object. The hand-written note ‘Kahn’ to the left of the object description confirms that it is the same object; the note ‘28 ret’ right below the object description indicates that the lot remained unsold in this auction.

Image credits: DOI: <https://doi.org/10.11588/diglit.53260#0019>

The screenshot displays the 'GALERIE HEINEMANN online' website. The top navigation bar includes 'HINTERGRUND', 'RECHERCHE', 'DOKUMENTE', 'KOMMENTARE', 'KONTAKT', and 'IMPRESSUM'. Below this, there are search options: 'Volltextsuche', 'Erweiterte Suche', 'Kurztitel', 'Detailliste', 'Einzelansicht', and 'Hilfe'. The main content area shows search results for 'Wagenbauer, Max Josef (1774-1829) | PHD-Nr.: 118805886' with the title 'Auf der Alm'. A list of documents is provided, including 'Kartel verkaufte Bilder' (ID: 11915), 'Kartel Lagerbücher' (ID: 15066), 'Käuferkartel' (ID: 16908), and 'Einkaufsbuch' (ID: 21894). A detailed view of a document is shown below, with a thumbnail image of a handwritten document. The document contains the following information: 'Nr. 18531', 'NAME DES KUNSTLERS: Wagenbauer, Max Joseph', 'GROSSE: 23 x 27 cm', 'MATERIAL: Holz', 'PHOTO: Holz', 'DARSTELLUNG: Auf der Alm', and 'SIGNATUR:'. The document ID is '15066 | Kartel Lagerbücher | KL-2090'.

Fig. 4: The database 'Galerie Heinemann online', developed as a joint project of the Deutsches Kunstarhiv, Nuremberg and the Zentralinstitut für Kunstgeschichte, Munich, in collaboration with Facts & Files, Berlin, between 2009 and 2010, makes the business documents of the Munich-based Galerie Heinemann searchable in a structured format (see <https://heinemann.gnm.de>).

Image credits: Screenshot: Theresa Sepp

digitization and presentation of the sometimes quite unwieldy and by no means self-explanatory material required financial and human resources, i.e. third-party funding and the concomitant lengthy and time-consuming application process.

Accessibility vs. discretion

It is significant that a notable number of art trade resources which now form part of publicly accessible archives or institutions come from companies with Jewish owners that were persecuted by the Nazis and hence were liquidated or 'Aryanised'. Examples of such resources include the aforementioned 'working copies' of Galerie Helbing and the estates of the Munich-based Galerie Heinemann (fig. 4) and the Munich antiquarian bookshop of Jacques Rosenthal.¹⁵ Their once internationally thriving business activities were interrupted by the persecution of their owners, who were either deceased or did not return to Germany after the end of the war. As cynical as it may sound, it was precisely this lack of continuity, as well as the intended and completed suppression or eradication of these companies, that ultimately brought the archives to public institutions – which, in turn, is of benefit for provenance research today.

Unlike companies that no longer exist, it is much more difficult to access archives of art dealerships still active today. This can simply be due to the fact that the in-house documentation of business activities no longer exists as a consequence of war damages, changes in management, destruction of files or for other reasons. Even if, as in the cases

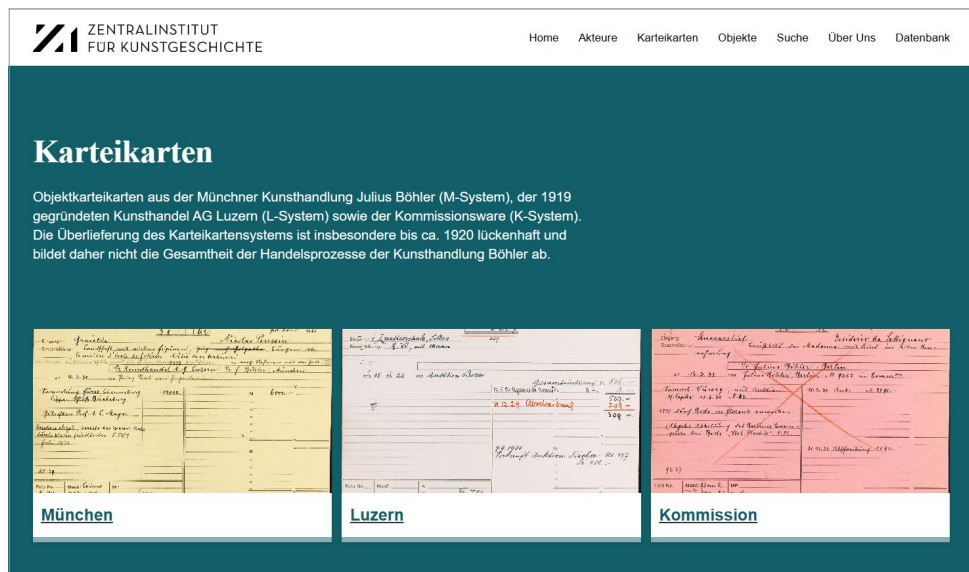


Fig. 5: The 'Böhler re:search' database, launched in summer 2022, provides digital copies of the index cards and photo files, as well as research data on the transactions of the Munich art dealer Julius Böhler from 1903 to 1948 (see <http://boehler.zigk.eu>).

Image credits: Screenshot: Theresa Sepp

of the Julius Böhler art dealership or the auction house Neumeister,¹⁶ exceptions prove the rule, today's owners often have reservations about opening their archives. This can be for strict legal data protection requirements or because they assure their clientele discretion and the protection of their data and personal rights, or simply because they wish to protect internal business intelligence.

These reservations are certainly understandable and justified, especially with regard to stock-in-trade from the post-war period, after all these sources contain personal data compiled in connection with financial transactions sometimes involving vast material assets. When dealing with such sensitive data, user of the material for research must be aware of their particular responsibility. It is undisputed that provenance research also has a profound interest in art trade resources from the post-war period, as the trade in cultural property seized in the context of Nazi persecution did not suddenly cease in 1945. In some cases, more recent stocks can already be accessed - whether by processing some rare archived estates through institutions (as was the case with the business records of Galerie Gurlitt in the Bundesarchiv or those of Galerie Ferdinand Möller in the Berlinische Galerie) or through direct inquiries sent to the current owners of galleries or auction houses. The latter requires a high degree of commitment and the use of resources (staff, time) to answer provenance-related questions on the part of the current owners, while scholars must be part of a 'research elite' disposing of in-depth knowledge about existing inventories and the right person to contact.

In the future, the nascent Böhler re:search database, developed by the Munich Zentralinstitut für Kunstgeschichte (ZI), will allow users to trawl through the data on people, institutions, objects and transactions found on index cards of the Böhler art dealership (*fig. 5*). In addition to the already freely accessible data from up to 1948,¹⁷ the project also aims to make data from the post-war period accessible, at least to a group of users with a legitimate interest. Processing research data obtained from the index cards and photo files will not only reveal the provenance of individual objects, but will also make sure that abovementioned research questions will be addressed on a macroscopic level. In addition, the ZI will accept the challenge of balancing academic freedom with the protection of personal rights and data privacy, gathering experience in the process. It is hoped that this transparent and responsible approach may possibly reduce reservations and motivate other art market players to open up their archives for research in the future.

Advantages for scholars and the trade

However, it is not only the research side that has an interest in the widest possible accessibility to art trade resources. The art trade itself also has a genuine interest in thorough provenance research, and by no means only for financial reasons, as the aforementioned example of the Bronzino picture shows. In contrast to public institutions or private persons, the art trade is the only actor in the German arena that is obliged by the Cultural Property Protection Act to scrutinize the provenance of its goods.¹⁸ For this reason alone, art dealers are also dependent on the accessibility of their colleagues' sources.

And it seems possible that efforts made to carefully process accessible sources can already yield even more results: In the context of the Helbing project, active until spring 2022, several owners of 'working copies' or other types of resources came forward to make their holdings available. For example, teams at the ZI and the Heidelberg University Library learned about a large collection of 'working copies' from the Frankfurt auction house Rudolf Bangel – closed down in 1928 – owned by the Frankfurt art dealer Christoph Andreas. Its digitization and indexing, along with that of other inventories, is currently subject to an application for funds from the DFG (German Research Foundation). If such mutual trust and willingness to co-operate sets an example, it would not only serve to satisfy genuine research interests, but would also be a sign of progress in the spirit of the Washington Declaration of 1998.

ANNOTATIONS

- 1 Sondermann, Simone/Preuss, Sebastian: *Rekord für restituierten Bronzino*, in: *Weltkunst online*, January 1, 2023, <https://www.weltkunst.de/auktionen/2023/01/rekord-fuer-restituierten-bronzino-raubkunst-ilse-hesselburger> (last access on June 8, 2023); Sotheby's, Auction Master Paintings Part I, January 26, 2023, lot 106, <https://www.sothebys.com/en/buy/auction/2023/master-paintings-sculpture-part-i/portrait-of-a-young-man-with-a-quill-and-a-sheet> (last access on June 8, 2023).
- 2 Kunstverwaltung des Bundes, Provenienzenbank.Bund, entry on Jacopino del Conte, *Bildnis eines jungen Mannes mit Schreibgerät* (allegedly Pico del Mirandolo), https://kunstverwaltung.bund.de/SharedDocs/Provenienzen/DE/4000_4999/4058.html (last access on June 8, 2023).
- 3 BArch B 323/655, restitution file, Munich no. 4058.
- 4 ZI Munich/Photothek, Archiv Julius Böhler, Munich card index system, M_27-0091.
- 5 In 1995, the Bayerisches Wirtschaftsarchiv acquired 35 metres of correspondence and various stock books from the Munich art dealer Julius Böhler and his Lucerne partner company Kunsthandel AG. In 2015, the Zentralinstitut für Kunstgeschichte (ZI) in Munich was able to acquire the object index cards, the photo files and the client index of the company Julius Böhler with the support of the Deutsche Forschungsgemeinschaft (DFG). Further inventories are located at Deutsches Kunstarhiv at the Germanisches Nationalmuseum, Nuremberg, and at Zentralarchiv des Deutschen Kunsthandels (ZADIK) in Cologne.
- 6 Insights into various research perspectives will be offered by the 2022 conference proceedings to be published by Fuhrmeister, Christian/Jooss, Birgit/Klingen, Stephan (eds.): *Die Kunsthandlung Julius Böhler als Akteur auf dem Kunstmarkt. Quelle und Kontext I* (forthcoming).
- 7 Hopp, Meike: *Kunsthandel im Nationalsozialismus: Adolf Weinmüller in München und Wien*. Cologne et al. 2012, pp. 82–98.
- 8 NARA M1946, CCP Munich, Restitution Claim Records, Jewish Claims, attachment to letter from Galerie an der Wagnmüllerstr. to Gestapo, Oct. 31, 1941, provided to the MFA&A by Max Schwägerl, Oberfinanzpräsidium Munich, list of goods from non-Aryan ownership on consignment with the company Hugo Helbing [...], <https://www.fold3.com/image/269979501ff>. (last access on June 8, 2023); StAM WB IN 8956, Proceedings for compensation of the heirs of Hugo Helbing against the Free State of Bavaria, list of the remaining stocks from non-Aryan ownership at the company Hugo Helbing u. A., [...] which were seized by the Gestapo, January 6, 1942.
- 9 The confiscation of so-called anti-state assets had already been regulated in 1933 in the 'Gesetz über die Einziehung volks- und staatsfeindlicher Vermögen' ('law on the seizure of unpatriotic and anti-state assets'), RGBll 1933, p. 479.
- 10 List of the [...] items on offer (see note 8).
- 11 Galerie Hugo Helbing: *Gemälde neuerer Meister: Antiquitäten, alte Möbel, Skulpturen, Gemälde alter Meister, alte Bücher aus verschiedenem Privatbesitz, Versteigerung am 27. und 28. März 1935*. Munich 1935, lot 61, Hugo Helbing's working copy, see DOI: <https://doi.org/10.11588/diglit.53260#0019>.
- 12 Galerie Hugo Helbing: *Ölgemälde, Aquarelle des 19. und 20. Jahrhunderts aus mitteldeutschem, Münchener und Adelsbesitz, Versteigerung am 3. Oktober 1933*, Munich 1933, lot 186, Hugo Helbing's working copy, see DOI: <https://doi.org/10.11588/diglit.49215#0045>.
- 13 In 2010, Michael Kauffmann gave 16 copies from the Frankfurt branch to Johannes Nathan, a great-nephew of Hugo Helbing, and Antoinette Friedenthal. Michael Kauffmann had received them from his father Arthur Kauffmann (1887–1983), managing director and later sole owner of the Frankfurt Helbing branch, who had managed to take them with him when he fled from Germany to England in 1938. The provenance of the remaining 962 working copies cannot be fully reconstructed. They came into the possession of the library at the Kunsthau Zürich and the Zentralinstitut für Kunstgeschichte, Munich, through the art trade as donations or permanent loans. See also <https://www.arthistoricum.net/themen/portale/german-sales/recherche> (last access on June 8, 2023).

- 14 For more information on the project, see the website 'Handexemplare der Kataloge des Auktionshauses Hugo Helbing' on arthistoricum.net, <https://www.arthistoricum.net/themen/portale/german-sales/helbing> (last access on June 9, 2023). The lot processed as part of the project also included 89 working copies or protocol catalogs from the art dealership Paul Cassirer, which were made available for the project by the Paul Cassirer & Walter Feilchenfeldt Archive.
- 15 Based on the business records of the Galerie Heinemann, which are located at the Deutsches Kunstarchiv (DKA) in the Deutsches Nationalmuseum, Nuremberg, the Galerie Heinemann database was launched online in 2010 in cooperation between the DKA and the Zentralinstitut für Kunstgeschichte, Munich, with the conceptual collaboration of Facts & Files, Historisches Forschungsinstitut Berlin, see <https://heinemann.gnm.de> (last access on June 9, 2023). The Rosenthal company and family archive has been housed in the Stadtarchiv München since 2014 and can be accessed under the shelfmark NL-ROS.
- 16 In 2013, a find of annotated catalogs from the auction house Weinmüller made it possible to create a database, which was realized in a public-private partnership between the ZI and the auction house Neumeister as the successor institution of Weinmüller, see <https://www.zikg.eu/forschung/projekte/projekte-zi/annotierte-auktionskataloge-weinmueller> (last access on June 21, 2023).
- 17 Zentralinstitut für Kunstgeschichte, Boehler re:search database, see <http://boehler.zikg.eu/> (last access on June 21, 2023). The database is created as part of a project that has been largely funded by the German Lost Art Foundation since 2019, see <https://www.zikg.eu/forschung/projekte/projekte-zi/kunsthandlung-julius-boehler> (last access on June 21, 2023).
- 18 According to Section 42 (3) of the Kulturgutschutzgesetz (Cultural Property Protection Act) of July 31, 2016 (BGBl I p. 1914), anyone who "places cultural property on the market [...] in the exercise of their commercial activity [...] is obliged [...] to check the provenance of the cultural property". Public institutions that own cultural property are merely asked to conduct provenance research as part of Germany's commitment to the Washington Declaration.

PROVENANCE RESEARCH AND THE ART TRADE

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