

PROVENANCE RESEARCH AND THE ART TRADE

Ed. Peter Wehrle

KETTERER  KUNST

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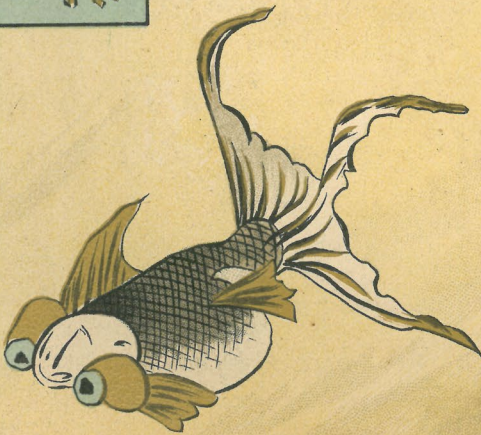
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THE ARCHIVAL SOURCES OF GALERIE FISCHER, LUCERNE

Auction catalogs, contracts and invoices, correspondence with consignors, buyers, dealers and public authorities, customs documents, inventories, appraisals, photos, commission books, accounting records and ledgers, and so much more: countless files and a rich specialist library in the archives of Galerie Fischer in Lucerne bear witness to around 110 years of art trading. Between 1921 and 2016, the family business organized around 400 auctions of paintings, sculptures, prints, decorative art objects, furniture, silver, porcelain and jewelry, as well as arms and armor. Over the decades, hundreds of thousands of objects changed hands there.

Today, Galerie Fischer Auktionen AG, Lucerne, is active in the private art trade, in art consulting, and in appraisals as well as cataloguing of entire collections. The firm also manages a vast art trade and auction archive. It is privately owned by the Fischer family and is also entirely privately funded. Due to the fragility of the documents and its specific structure, an aspect that will be discussed later, the archive is not open to the public. However, requests for information can be submitted to the archive and will be handled in a scholarly manner.¹ Currently, the historical material is only in the early stages of exploration and research. Hence, this report must be read as a work in progress.

After a brief section on the history of the company, this article will discuss the difference between a sale of art objects at auction and in a private sale. This will allow a better understanding of the different types of sources and the archive's structure, which will be expounded subsequently.

Fig. previous page: Binding (back) of catalog of the Aloys Revilliod de Muralt Collection, *Collection de Porcelaines anciennes de la Chine et du Japon*, Geneva 1901. The collection was sold at Fischer in July 1923.

© Archive of Galerie Fischer, Lucerne

On the History of Galerie Fischer, Lucerne

In 1907, Galerie Fischer in Lucerne was founded by Theodor Fischer (1878–1957) as an art and antiques business and quickly evolved into one of the leading auction houses in Switzerland and beyond. Shortly after holding his first auction, currently thought to have taken place in 1921, Fischer already auctioned renowned collections, some from aristocratic families. With auctions held at short intervals and catalogs that extensively described and illustrated the objects, he set new standards in the Swiss art trade. International dealers and collectors found their way to Lucerne. Galerie Fischer became known to a wider public through the auction on June 30, 1939 of 125 paintings and sculptures that the German Reich had confiscated from German museums as ‘degenerate’ art.²

Most of the inquiries from provenance researchers addressed to the archive today relate to the period of Nazi rule in Germany (1933–1945).³ At that time, Switzerland and Galerie Fischer in particular played an important role in the trade and exchange of looted art. Theodor Fischer – often in cooperation with Jewish dealers – also sold art objects brought to Switzerland by Jewish collectors who were subject to persecution and wanted to protect the objects from falling into the hands of the Hitler regime.⁴ After Theodor Fischer’s death in 1957, Galerie Fischer was run by his sons Arthur and Dr. Paul Fischer (1911–1976), later by Trude Fischer (born 1942), Paul Fischer’s widow, and by his grandson Dr. Kuno Fischer (born 1973) today.

Auction sales and private sales

The purpose of an auction is to sell an item at the highest price realized through competition between the bidders present on site. The sales contract is concluded when the item is knocked down to the bidder submitting the highest bid. Before, the auction house concludes a contract with the seller, known as the consignor, according to which it catalogs, advertises and offers the item at a public auction. The parties often agree that the object may not be knocked down below a predetermined price, the so-called limit. Third parties such as collectors, heirs or other art dealers are potential sellers; however, an auction house can also sell objects from its own inventory. Seller and commodity are certain before the auction; while the final price and the new owner are determined by the auction.

Public auctions were already heavily regulated by both federal and regional laws in Switzerland in the early 20th century, and they still are. The regulations in force at that time have basically remained unchanged until today.⁵ Anyone who wants to hold an auction requires an official permit (*fig. 1*). A catalog specifying the objects on offer must be prepared and published beforehand, and potential buyers must have an opportunity to view the original objects before the auction. The course of a public auction (also known as *Gant*) is monitored by a state-appointed supervisor (*fig. 2*) and a protocol of the auction must also be drawn up. A public auction therefore had and still has a high level of visibility, disclosure and therefore also transparency and verifiability.

However, an auction house can also sell objects to interested parties outside of auctions (‘private deal’ or ‘private sale’). In such cases, the auction house acts as an art dealer.

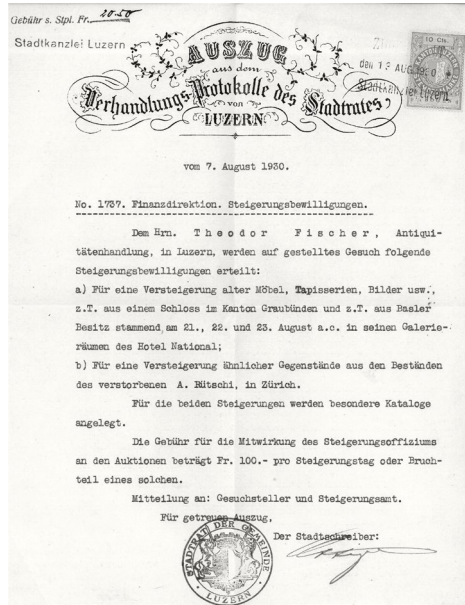


Fig. 1: Extract from the proceedings protocol of Lucerne City Council on granting Theodor Fischer an auction license, August 7, 1930.

© Archive of Galerie Fischer, Lucerne,
 Auction file for the auction in August 1930

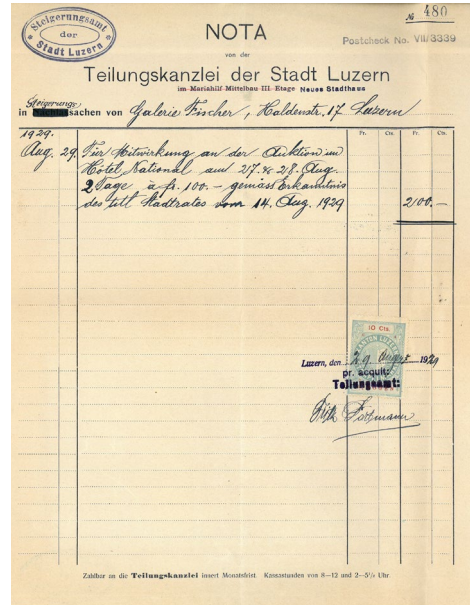


Fig. 2: Invoice from the auction office of the city of Lucerne (probate office of the city of Lucerne, which also supervised auctions) to Galerie Fischer "for participation in the auction at the Hotel National on 27 & 28 August 2 days at fr. 100 each [...]".

© Archive of Galerie Fischer, Lucerne,
 Auction file for the sale in August 1929

The items may come from the firm's own stock or may, for example, be offered 'on commission' for a third party, meaning that they are sold in the name of the auction house and then settled with the third party. In the times before the enactment of laws for the protection of movable cultural property, which by now have for some decades stipulated a comprehensive documentation requirement for the trade in cultural property,⁶ private sales could be informal, meaning they did not require written formalities. Additional regulations only applied when objects were to be exported.⁷ If an art dealer sold objects from his private ownership, this also only required declaration with tax authorities and, if applicable, the customs administration. Auction sales, private sales and the sale of private property therefore generated paper trails which differed in content and size, due to varying legal requirements.

The types of sources at Galerie Fischer

This is also reflected by the structure of the archive of Galerie Fischer, which follows the distinction between auction sales and private sales. More precisely: the focus of Galerie Fischer's file management was on the business-getting process, preparation, execution and settlement, as well as on the execution of the auctions and the documentation and authentication of the objects in the catalog. The documentation of these processes remained virtually unchanged for many decades. For the documentation of private sales, however, which could be concluded by verbal agreement, other types of sources must be consulted, in particular accounting records. And the way these files were kept changed considerably over the years, as will be shown later.

Sources for recording auction sales

Auctioneer's books are presumably the historically most valuable section of the Galerie Fischer archive. With few exceptions, they are preserved in their entirety since the first auction. Galerie Fischer internally refers to these as 'bibles'.⁸ They consist of the official auction catalogs, which were taken apart, supplemented with pages of ruled paper inscribed with numbered entries and bound in hardback.⁹ A typical example is a copy of the catalog for the auction on May 18, 19, 20 and 21, 1938 (*fig. 3*), which is marked at the top "Eigenexemplar Theodor Fischer" ("personal copy of Theodor Fischer") in his own hand and stamped. The numbers on the right-hand page refer to the printed catalog numbers on the left (*fig. 4*). This is followed in this example by the letters "La.", an abbreviation of the consignor's name, handwritten in ink in a wide column. With the help of a list of consignors inserted in the front of the auctioneer's book, the abbreviation can be identified as 'Larsen', the Old Master dealer Paul Larsen from London. Further down, for example at catalog no. 1954, we find the entry "250.- Alex Richlin, Lenzlingen" in thin script; this entry most likely specifies a written bid that was submitted to Fischer before the auction, referring to the abovementioned absentee bidder who was willing to bid up to 250 Swiss francs. Corresponding bidding forms have been preserved in the archive. In the next column, the header indicates the estimate of the object, followed by the limit. In the case of Paul Larsen, we see that the original agreed limit of 1,400 Swiss francs for object no. 1952 was reduced to 975 Swiss francs; whether this happened shortly before or after the auction remains unclear. In any case, the object remained unsold in this auction, as is indicated by the crossed-out "950" – possibly the final price that the auctioneer called out in the auction room – and the absence of a buyer's name. In contrast, no. 1954 was actually knocked down to the bidder Richlin for a price of 220 Swiss francs (plus a buyer's premium invoiced later).

The auctioneer's book had several functions. In the run-up to the auction, it served to clearly match consignor and object and to inform the auctioneer which objects had already attracted interest in the form of written bids; during the auction itself, the auctioneer knew the minimum limit that had to be reached and was able to call out the objects one after the other. After the hammer went down, he immediately noted whether, to whom and, if applicable, at what price the object was sold; the auctioneer's book was thus an auction protocol,

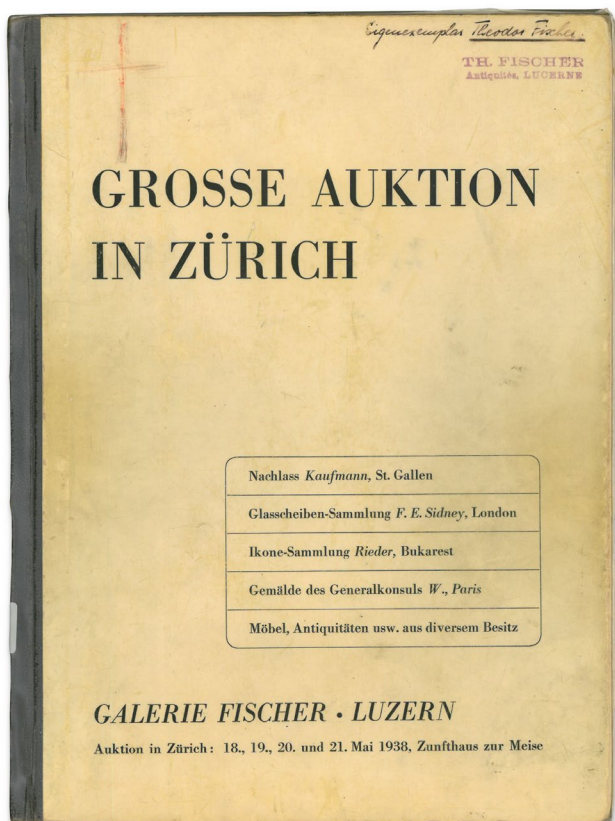


Fig. 3: Cover of the auctioneer's book of Theodor Fischer for the sale of Galerie Fischer, Lucerne, no. 61, *Grosse Auktion in Zürich: Nachlass, Kaufmann, St. Gallen, Glasscheiben-Sammlung F.E. Sidney, London, Ikonen-Sammlung Rieder, Bukarest; Gemälde des Generalkonsuls W., Paris; Möbel, Antiquitäten usw. aus diversem Besitz*, Auktion Zürich, 18., 19. und 20. und 21. Mai 1938 im Zunfthaus zur Meise, Galerie Luzern, Luzern, 1938.

© Archive of Galerie Fischer, Lucerne

with the official representative of the auction office of the city of Lucerne (probate office of the city of Lucerne, which also supervised auctions) also drawing up a protocol.¹⁰ After the sale, the auctioneer's book then provided the basis for settling accounts with consignors and buyers. After-sales were also frequently noted here. For today's provenance research, it is an indispensable tool for tracing correspondence, contracts and invoices relating to specific objects in the sometimes very extensive auction files. It is currently believed that these books have also been preserved in their entirety, with very few exceptions.

1952. SEITZ, GEORG. — 18. Jahrhundert.		1952		1953		1954		1955		1956		1957		1958		1959		1960		1961		1962		1963		1964		1965		1966		1967	
a) Blumenstillleben, auf einem Tisch Vase mit Blumen gefüllt, an der Tischkante Schmetterling. Rechts signiert. Holz. 63 x 49 cm.		1952		1953		1954		1955		1956		1957		1958		1959		1960		1961		1962		1963		1964		1965		1966		1967	
b) Blumenstillleben, auf einem Tisch Vase mit Blumen und Früchten, sowie Vogelweh mit Eiern. Rechts signiert. Holz. 63 x 49 cm.		1952		1953		1954		1955		1956		1957		1958		1959		1960		1961		1962		1963		1964		1965		1966		1967	
WINTERHALTER, FRANZ XAVER — 1806–1873.		61 x 51 cm.		1953		1954		1955		1956		1957		1958		1959		1960		1961		1962		1963		1964		1965		1966		1967	
1953. Porträt der Miss Kemble, an einem Tisch sitzend. Leinwand.		18 x 14 cm.		1954		1955		1956		1957		1958		1959		1960		1961		1962		1963		1964		1965		1966		1967			
WIENER MEISTER. — Anfang 19. Jahrhundert.		18 x 14 cm.		1954		1955		1956		1957		1958		1959		1960		1961		1962		1963		1964		1965		1966		1967			
1954. Bunter Blumenstrauß in Clavase. Monogrammiert. Holz.		25 x 18 cm.		1955		1956		1957		1958		1959		1960		1961		1962		1963		1964		1965		1966		1967		1968			
1955. Grosser Blumenstrauß in Bronzevase, im Vordergrund Vogel, im Hintergrund Nische. Monogrammiert F.X.P. Holz.		29,5 x 16 cm.		1956		1957		1958		1959		1960		1961		1962		1963		1964		1965		1966		1967		1968		1969			
1956. Bunter Blumenstrauß mit Schmetterling, in Clavase. Beschriftet: P. François. Holz.		29,5 x 16 cm.		1957		1958		1959		1960		1961		1962		1963		1964		1965		1966		1967		1968		1969		1970			
1957. Bunter Blumenstrauß. Pendant zu Nr. 1956. Holz.		29,5 x 16 cm.		1958		1959		1960		1961		1962		1963		1964		1965		1966		1967		1968		1969		1970		1971			
SPITZWEG geschrieben.		26,5 x 19 cm.		1959		1960		1961		1962		1963		1964		1965		1966		1967		1968		1969		1970		1971		1972			
1958. Felskapelle mit Quelle. Holz.		46,5 x 37,5 cm.		1960		1961		1962		1963		1964		1965		1966		1967		1968		1969		1970		1971		1972		1973			
BECKER, JAKOB. — Worms um 1850.		46,5 x 37,5 cm.		1961		1962		1963		1964		1965		1966		1967		1968		1969		1970		1971		1972		1973		1974			
1959. Dorfzene aus Hessen, im Vordergrund Personen in heisserer Tracht, die in die Kirche gehen. Öl auf Leinwand.		93 x 74 cm.		1962		1963		1964		1965		1966		1967		1968		1969		1970		1971		1972		1973		1974		1975			
1960. Stillleben mit Früchten und Silbergesten. Unten rechts signiert. Leinwand.		73 x 54 cm.		1963		1964		1965		1966		1967		1968		1969		1970		1971		1972		1973		1974		1975		1976			
1961. Stillleben, Feyencevase mit Blumen. Links unten signiert: M. Koche. Leinwand.		30 x 47 cm.		1964		1965		1966		1967		1968		1969		1970		1971		1972		1973		1974		1975		1976		1977			
ROCHE, M. — 19. Jahrhundert.		14 x 22,5 cm.		1965		1966		1967		1968		1969		1970		1971		1972		1973		1974		1975		1976		1977		1978			
1962. Ansicht von München. Leinwand.		13,5 x 27,5 cm.		1966		1967		1968		1969		1970		1971		1972		1973		1974		1975		1976		1977		1978		1979			
ROTMANN. — Schule des 19. Jahrhunderts.		13,5 x 27,5 cm.		1967		1968		1969		1970		1971		1972		1973		1974		1975		1976		1977		1978		1979		1980			
1963. Jesus regnet die Kleinen. Aquarell. Signiert. 1889. Karton.		198 x 81 cm.		1968		1969		1970		1971		1972		1973		1974		1975		1976		1977		1978		1979		1980		1981			
1964. Hirt und Vieh. Aquarell. Signiert. Karton.		90 x 72 cm.		1969		1970		1971		1972		1973		1974		1975		1976		1977		1978		1979		1980		1981		1982			
1965. Marktszene in Italien. Rechts unten signiert und datiert 1884. Leinwand.		56 x 44 cm.		1970		1971		1972		1973		1974		1975		1976		1977		1978		1979		1980		1981		1982		1983			
1966. Marktzene in Italien. Rechts unten signiert und datiert 1884. Leinwand.		56 x 44 cm.		1971		1972		1973		1974		1975		1976		1977		1978		1979		1980		1981		1982		1983		1984			
1967. Grosser Blumenstrauß, im Vordergrund umgefallene Steinvasen von vielen Blumen umgeben, oben Gimpel, links im Vordergrund roter Papagei mit blauen Flügeln, links Ausblick auf Gartenszene. Leinwand.		90 x 72 cm.		1972		1973		1974		1975		1976		1977		1978		1979		1980		1981		1982		1983		1984		1985			

Fig. 4: Extract from the auctioneer's book of the sale of Galerie Fischer, Lucerne, no. 61, from May 18, 19, 20 and 21, 1938 (as fig. 3).

Image credits: © Archive of Galerie Fischer, Lucerne

Sources documenting private sales

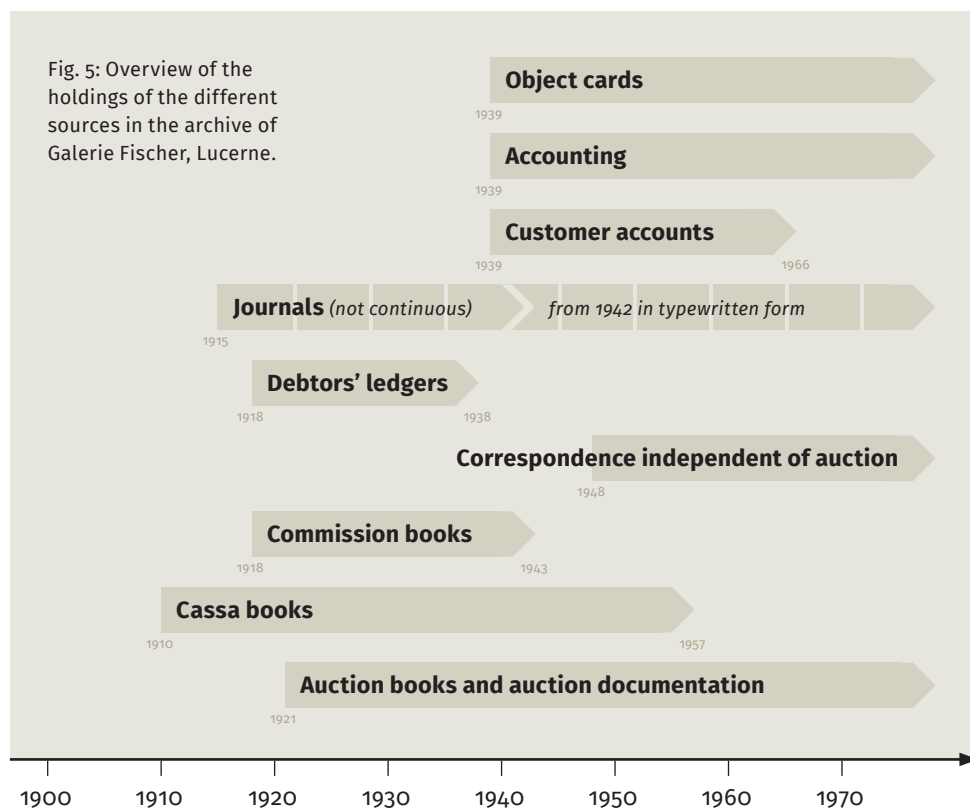
Research into objects that were sold outside of auctions is far more complex. At times, unsold artworks from an auction were placed 'on consignment' and were recorded in the alphabetically arranged consignment books listing owner and the date of receipt; later, the date of a sale and the price or the return to the owner were often added. When looking for a specific collector who frequently bought from Fischer, it can be helpful to consult the debtor's ledgers, which list, in addition to the objects sold, services such as insurance, framing, transportation, etc. After all, an auction house is both an art dealer and a service company that cultivates its valuable contacts with collectors and fellow dealers over generations. This can be easily traced in the mostly large-format, handwritten old folios, which often cover longer periods of time. Finally, cash or "cassa" ledgers provide a large number of references to business trips, operating costs and employees.

At the end of the 1930s, the folios were gradually replaced by other types of documentation, successively or 'overlapping', as the overview in fig. 5 shows. For the years from 1939 to 1968, handwritten accounting records exist, which list all accounting-relevant transactions for one year on loose sheets and in chronological order; for the years 1942–1982, there are

also typewritten 'journals' with more detailed entries. Objects sold in private sales from 1939 onward can be researched manually in these documents – an endeavor not always guaranteed to succeed. Especially research into sales from private ownership is a challenge.

In the 1930s, typewritten object cards in DIN A5 size were introduced for Galerie Fischer's own holdings, some of which contain highly detailed provenance information. Although more than 3,000 of these have survived, the number sequences suggest that many have been lost. There must also have been ledgers recording part ownership and the stock-in-trade, whose whereabouts is unknown. Correspondence and invoice documents for transactions not directly related to the auctions are also only available in the archive from 1948 onward.

Why the conventional folios were gradually replaced at the end of the 1930s will be subject to future research. In any case, the transition also marked the consistent change-over to double-entry bookkeeping¹¹ in multiple versions. The current working hypothesis: The changeover could be linked to the founding of Galerie Fischer Kommanditgesellschaft, which was entered in the commercial register on January 25, 1944. Previously, Theodor Fischer had operated his auction house as a sole proprietorship.



Outlook

The archive of Galerie Fischer is likely to be one of the most comprehensive and best-preserved art trade archives of the first half of the 20th century found in German-speaking countries. Although it also has considerable gaps, it is particularly important for provenance research into objects traded between Switzerland and its neighboring countries and within Switzerland. In addition, it also provides valuable insights into many other aspects, such as the auction system process, the logistics of the art market, the development of documentation standards and the professionalization from a small antiques business to an internationally active art trading company, which can be traced over decades. Research and interpretation have only just begun: The many linear meters in the archive of Galerie Fischer are a constant source of new discoveries.

ANNOTATIONS

- 1 Instructions, the current GTC and a questionnaire can be found on <https://www.fischerauktionen.ch/en/about/history-of-galerie-fischer/> (last access October 4, 2024).
- 2 See, among others, Jeuthe, Gesa: *Die Moderne unter dem Hammer. Die "Verwertung" der "entarteten" Kunst durch die Luzerner Galerie Fischer 1939*, in: Fleckner, Uwe: *Angriff auf die Avantgarde. Kunst und Kunstpolitik im Nationalsozialismus*. Berlin 2007, pp. 189–305; Barron, Stephanie: *Die Galerie Fischer Auktion*, in: exh.cat. "Entartete Kunst": *Das Schicksal der Avantgarde im Nazi-Deutschland*. Los Angeles, County Museum of Art, and Berlin, Deutsches Historisches Museum, 1991/92, pp. 135–170; and most recently Sykora, Sandra: *Gemälde und Plastiken moderner Meister aus deutschen Museen: Die Versteigerung "entarteter" Kunst in der Galerie Fischer 1939*, in: exh. cat. *Zerrissene Moderne, Die Basler Ankäufe "entarteter" Kunst*. Basel, Kunstmuseum, 2022, pp. 111–124.
- 3 Increasingly, however, museums and collections also request research into acquisition processes up to the recent past at Galerie Fischer.
- 4 On Fischer's role during the Nazi era, see, in particular, Tisa Francini, Esther/Heuß, Anja/Kreis, Georg: *Fluchtgut – Raubgut: der Transfer von Kulturgütern in und über die Schweiz 1933-1945 und die Frage der Restitution*. Zurich 2016 (2nd ed.). Fischer's role was subject of several Nazi plunder trials at the Swiss Federal Court after the war. For more information, see Anton, Michael: *Rechtshandbuch Kulturgüterschutz und Kunstrestitutionsrecht*, vol. 2. Berlin 2010, pp. 594ff.
- 5 The section on auctions, art. 229–236 CO in the Federal Law of March 30, 1911 on the amendment of the Swiss Civil Code (Fifth Part: Code of Obligations), remained unchanged; the same applies, for example, to the Gant-related law of October 8, 1936 (230.900), Canton of Basel-City, Switzerland.
- 6 Above all, there is the *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, which was concluded in Paris on November 14, 1970 and implemented in Switzerland, for example, in the *Federal Act on the International Transfer of Cultural Property (Cultural Property Transfer Act, CPTA or Kulturgütertransfergesetz, KGTG)* of June 20, 2003. In Art. 16 KGTG, it obliges the commercial art trade to provide comprehensive documentation of the trade in cultural property.
- 7 As soon as an object was or is brought across the country's borders, customs clearance and taxation was and still is generally required; for decades, trade between Germany and Switzerland was also subject to the Clearing System. Imports of works of art therefore had to be declared to the Swiss Clearing Office in Switzerland. In addition, from 1921 restrictions applied to the import of art objects in Switzerland to protect the domestic art industry. Of course, taxes were also due.
- 8 On the auction books of the Helbing auction house, referred to as 'Handexemplare', see the essay by Effinger, Maria/Sepp, Theresa: *Handexemplare des Auktionshauses Hugo Helbing als (digitale) Quelle für die Forschung*, in: Wasensteiner, Lucy/Hopp, Meike/Cazzola, Alice (eds.): *Wenn Bilder sprechen: Provenienzforschung zu Max Liebermann und seinem Netzwerk*. Heidelberg: arthistoricum.net, 2022, pp. 102–114.
- 9 With the introduction of modern data processing at Galerie Fischer, the company switched to printouts on prepunched paper.
- 10 In individual cases, the auction records of the auction office of the city of Lucerne have been preserved in the archives of Galerie Fischer. The auction records of the city of Lucerne from the "period in question were burned in the 1960s due to shortage of space. Therefore, unfortunately, no correspondence with Galerie Fischer has survived", information from the Stadtarchiv Luzern to the author dated March 21, 2021.
- 11 Rüegg, Rudolf: *Die Grundlagen der Buchhaltung*. Zurich 1927; and Penndorf, Balduin: *Geschichte der Buchhaltung in Deutschland*. Leipzig 1913; both publications provide information on accounting practices which were common at the time.

PROVENANCE RESEARCH AND THE ART TRADE

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