PROVENANCE RESEARCH AND THE ART TRADE

Ed. Peter Wehrle

Ketterer 🔂 Kunst

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Agnes Thum

CASE STUDY THE UNKNOWN BROTHER: FRITZ BENJAMIN AND HIS ART COLLECTION

Research into Fritz Benjamin began with a still life by Emil Orlik (*fig.* 1) and an art trade source. Almost nothing was known about the painting to be auctioned in the summer of 2023 as the result of a proactively reached "just and fair" solution.¹ It was only through a sale at auction in 1936 that the picture was identified as formerly in a Jewish collection: it had belonged to Fritz Benjamin's mother Therese.

Therese Benjamin: The mother and her collection

In 1936, the still life was listed in the catalog of an anonymous auction of the home furnishings of a woman named 'Th. B.' in Berlin.² As her address was specified, she was nevertheless easy to identify: Therese Benjamin, née Marcussohn (born in Bernstein in 1847).³ She had become very wealthy through her marriage to the banker Max Benjamin (1839 Bernstein – 1901 Berlin), who had passed away early. Just a few weeks after Therese died unexpectedly on Easter morning in 1936, the household effects from her second-floor apartment on Derfflinger Straße 8 were sold through the auction house Lepke – one might say the artworks were sold 'straight from the walls'.

According to family knowledge, Therese had a keen interest in art, even though there are hardly any traces of her as a buyer or lender.⁴ Nevertheless, we get a sense of her taste: Karl Stauffer-Bern's splendid 'Baroque' portrait of her four-year-old son Erich (*fig. 2*), still commissioned during her husband's lifetime, clearly demonstrates a self-perception as part of the upper bourgeoisie. In contrast, the selection found in the aforementioned estate catalog is more progressive, in particular with several works by the once scandalous 'Vereinigung der XI'⁴ with artists such as Walter Leistikow, Ludwig von Hofmann, Max Liebermann or Franz Skarbina, whose colorful pastel *Blumenkorso* (*fig. 3*) is now in a museum.

Fig. previous page: detail from fig. 1 © Ketterer Kunst GmbH & Co. KG



Fig. 1: Emil Orlik (1870–1932), Früchtestillleben mit geblümtem Stoff und Vase, 1930, oil on canvas, 58 x 120 cm. Image credits: © Ketterer Kunst GmbH & Co. KG



Fig. 2: Karl Stauffer-Bern (1857–1891), Knabenporträt Erich Benjamin, 1884/85, oil on canvas, Christoph Blocher Collection. Image credits: © Galerie Kornfeld Auktionen Bern (SIK-ISEA, Zurich)



Fig. 3: Franz Skarbina (1849–1910), Blumenkorso im Bois de Boulogne in Paris, pastel, Stiftung Preußische Schlösser und Gärten Berlin-Brandenburg, GK II (6) 231.

Image credits: © SPSG, photo: Wolfgang Pfauder

The 1936 estate auction and the subsequent auction of the lots that remained unsold in 1937⁵ – both at a time when the Jewish Benjamin family had already been severely affected by National Socialist persecution – are very easy to verify today thanks to corresponding archival records.⁶ At this point, Fritz Benjamin, who had inherited a quarter of Therese's estate and thus also a quarter of the art, becomes involved.⁷ It had obviously been the youngest son's task to organize the liquidation of his mother's apartment on behalf of the community of heirs.

Knowledge gaps

But who exactly was Fritz Benjamin? While a great deal of information on his brothers, the philologist Conrad Benjamin and the well-known pediatrician Erich Benjamin,⁸ is available today, the scant information about Fritz is based on the vague memories of a niece: "Fritz [...] unterschied sich von seinen Geschwistern charakterlich und äußerlich so stark, dass man in der Familie vermutete, er stamme von einem anderen Vater. Er war künstlerisch veranlagt, wurde Innenarchitekt und heiratete die Schweizerin Ilse Heine. Fritz und Ilse Benjamin überlebten die NS-Zeit ohne Verhaftung und siedelten nach dem Zweiten Welt krieg nach New York über. Nach der Scheidung von Ilse kehrte Fritz nach Europa zurück und starb vermutlich in der Schweiz – Datum und nähere Umstände sind nicht bekannt." ("Fritz [...] was so different from his siblings in terms of character and appearance, that the family assumed he must have a different father. He had an artistic talent, became an interior designer and married the Swiss native Ilse Heine. Fritz and Ilse Benjamin survived the Nazi era without being arrested and moved to New York after World War II. After he had divorced Ilse, Fritz returned to Europe and presumably died in Switzerland – date and exact circumstances are not known.").⁹

These memories only partially correspond to the actual events. This is another reason why the tragic biography of Fritz Benjamin will be examined in more detail below.

Fritz and Isolde Benjamin – an artist couple

Fritz Benjamin¹⁰ was born a typical 'Nachzügler' ('latecomer') in Berlin on October 13, 1888. His siblings Erich, Bertha Edel and Conrad were already eight, 16 and 19 years old when he was born.

Fritz was, according to the above-mentioned recollections, a "Künstlertyp" ("artistic type"), "von Natur ein zarter, feinfuehliger Mensch" ("with a sensitive nature").¹¹ His professional career therefore certainly corresponded to his predispositions: He studied architecture and art history at the polytechnic universities in Berlin and Munich, and graduated with a degree in engineering in Berlin in 1912. After the First World War, for which he had volunteered, Fritz (who stated "Kunstmaler" ("painter") as his profession on his marriage certificate) married Isolde Leonore Heine in 1919.¹² She was the adopted child¹³ of the well-known SPD politician Wolfgang Heine, then Prussian Interior Minister. She also was a trained actress, who studied at the Reinhard-Schauspielschule with Lucie Höflich from 1913 to 1919.¹⁴ According to the marriage certificate, the young couple apparently moved in with Therese Benjamin in her apartment on Derfflinger Straße 8, today known as Villa Wuttke.¹⁵ However, Fritz was not listed in the Berlin directory until 1922 when he started his own architectural practice. Isolde now worked with him.

By 1933, Fritz, who also made a name for himself through lectures and publications in technical journals, had laid the foundations for a promising career as an architect and interior designer.¹⁶ Photographs of his reconstructions of the ladies' hairdresser shop Busack on Meineckestraße 26 have been preserved (*fig. 4*). Some major commissions were particularly promising: Fritz was entrusted with various building projects by Dresdner Bank, including the remodeling of the largest depository bank. In 1932, the Charlottenburger Wasserwerke A.G. became another major client, and the Secretary General of the Reichsverband der Deutschen Automobilindustrie, Dr. Ing. Wilhelm Scholz, commissioned Fritz Benjamin with the conversion of his country house in Berlin-Dahlem (Hüttenweg 13).

Turmoil

As of 1933, however, he faced a decline in commissions. Dresdner Bank ended the collaboration in context of the Nazis' rise to power, and Fritz even had to resort to legal proceedings to obtain his fee for Dr. Scholz's country house.¹⁷ Isolde, who did not have a Jewish background, was threatened and pressured to divorce him even in 1933.¹⁸ Fritz and Isolde therefore wanted to leave Germany as early as 1933. Whatever personal belongings they had were sold for this purpose, and they moved into the Rosa Stössinger boarding house on Lietzenburger Straße as a temporary accommodation in the winter of 1933.¹⁹ However, they did not emigrate, not even when an official occupation ban was imposed on Fritz Benjamin on April 29, 1935. It was argued that as a 'non-Aryan' he did not possess the "erforderliche Zuverlässigkeit und Eignung" ("reliability and aptitude") required for the "Erzeugung deutschen Kulturgutes" ("production of German cultural assets").²⁰

From December 1, 1935, the Benjamins rented a two-room apartment on Fasanenstraße 38²¹ – the rent must have been cheaper than at the nearby boarding house. The 'Judenstern' was soon attached to the front door.²²

On Fasanenstraße

Years of terror followed. Fritz Benjamin was initially protected from the authorities through his 'mixed marriage', as Isolde withstood the threats from the Gestapo and did not file for divorce as demanded.²³ However, the case of Fritz Benjamin also provides an example of the roles that private individuals played in Nazi dictatorship. The shoemaker Willy Matschke, who was also responsible for Fasanenstraße 38 as the 'Blockwart' (block warden), lived in the house next to the Benjamins. Matschke was a "fanatischer Nazi" ("fanatic Nazi")²⁴ who threatened and attacked Fritz Benjamin at every opportunity, so that any step outside his apartment prompted deep-seated panic.²⁵

On February 27, 1943, Fritz Benjamin was arrested in context of the so-called 'Fabrikaktion'

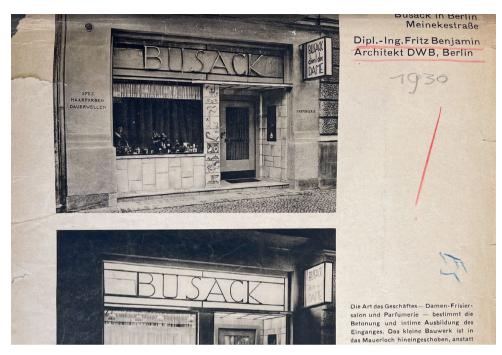


Fig. 4: Renovation of the ladies' hairdresser Busack by Fritz Benjamin (1929), publication source unknown, 1930.

Image credits: Landesamt für Bürger- und Ordnungsangelegenheiten Berlin (LABO), Entschädigungsbehörde, reg. no. 52812, fol. E5

('Factory Action') and taken to the Rosenstraße collection point, from which he was released on March 5 or 6, 1943 due to his "erwiesener Mischehe" ("proven mixed marriage") and was enrolled for forced labor.²⁶ At the 'Reichsvereinigung der Juden in Deutschland' (Reich Association of Jews in Germany), he was given the task of documenting the statistics on the decimation of the Jewish population, and the fear grew with every line on the blackboard: "jeden Augenblick konnte mich das Schicksal treffen, die Tuer zum Ausgang hinter mir geschlossen und mich einem Transport nach dem Osten eingereiht zu sehen." ("At any moment, I could meet the fate of seeing the exit door shut behind me and go on a transport to the East.").²⁷

It was probably thanks to a neighbor 'Dr. Buss' on Fasanenstraße 38 that this did not happen.²⁸ According to the directory, the SS and NSDAP member named 'Dr. Buss' mentioned in the files was the legal advisor Dr. Felix Buß, and it can even be assumed that this was the general counsel of the same name at Telefunken, a member of the Gerstein circle, a clandestine resistance group within the ranks of the National Socialists.²⁹ It was on the night of August 12, 1944, that Felix Buß, who had learned that Fritz Benjamin was about to be arrested, had Isolde brought to his apartment through another neighbor to warn her. That same night, Fritz and Isolde set off on foot for Nikolassee.



Fig. 5: Max Liebermann (1847–1935), Woods, black chalk and charcoal on paper, 17.5 x 25 cm, The Israel Museum, Jerusalem, inv. no. B75.0175. Image credits: © The Israel Museum, Jerusalem

Underground and in exile

Dr. Walther Heine, Isolde's adoptive brother, lived in an apartment building at Albiger Weg 8. He was a government councilor in the Reich Patent Office and was working in Silesia in the summer of 1944. He had given Isolde the key to the apartment – with the words: "für den Fall der höchsten Not!" ("in case of dire need!").³⁰

Fritz and Isolde went into hiding here without registering. Isolde henceforth called herself "Mrs. Benning" and tried to organize the bare necessities for survival, while Fritz tried to be invisible: "Wir hatten in der Mädchenkammer der Wohnung zu schlafen, durften uns nie am Fenster sehen lassen. Aber jedes Anschlagen der Glocke, jedes Klopfen an der Tuer versetzte uns in panikartige Aufregung. [...] Meine Frau hat diese unsagbar aufregenden Monate dieses gefängnisähnlichen Lebens mit mir geteilt, wohlwissend, dass ich als isolierter Jude verloren war, wenn ihr etwas zustieß." ("We had to sleep in the servants' quarters and were never allowed to be seen at the window. But every ring of the doorbell, every knock on the door sent us into a panic. [...] My wife shared these inexpressibly shocking months of this prison-like life with me, knowing full well that as a Jew I was lost if anything should happen to her.").³¹ Fritz and Isolde survived in Nikolassee until the end of the war. But anxiety and hardship had turned Fritz Benjamin into a broken man, both physically and mentally. He could not and did not want to stay in Berlin, in Germany. Isolde accompanied him to the US in 1948, where they both became naturalized citizens in 1956.³² They struggled to keep their heads above water by working as restorers, a trade that Fritz had been able to learn from Max Schweidler during his months underground³³ and that Isolde taught herself in order to have a job that would help her make ends meet. Fritz was largely unable to work due to his depression, so it was Isolde who took on hands-on responsibility for everything. The couple had no children. Fritz Benjamin died during a sanatorium stay in Salzburg in 1959.³⁴ Isolde did not return to the US.

Two drawings from the Jewish Museum Berlin

Provenance researchers are always faced with the need to investigate which works of art a Jewish owner possessed and possibly lost. In the case of Fritz and Isolde Benjamin, the largest known inventory to date is the inherited portion of their mother-in-law's home furnishings. While this auction is only mentioned in passing in the compensation proceed-ings,³⁵ Fritz Benjamin did attempt to file for the return of two drawings from Therese Benjamin's collection: Isaac Israëls's *Holländische Bäuerin* and the work *Allee* by Max Liebermann.³⁶

Therese Benjamin had once loaned both drawings to the Jewish Museum Berlin. The museum's holdings were confiscated by the Gestapo in 1938, and by the time private lenders to the Jewish Museum Association were asked to come forward on January 9, 1940,³⁷ Therese had long since passed away. In 1945, a large part of the once confiscated collection was discovered in the basement of the 'Kammer der Kulturschaffenden' on Schlüterstraße 45. And it was there that Fritz Benjamin saw the familiar drawing by Israëls hanging in a prominent position. This may also have been the reason for a documented visit on-site: On August 16, 1945, the 'Kammer der Kulturschaffenden' wrote to the Jewish community of Berlin: "Wunschgemäß erklären wir Ihnen nach einem Besuch Ihrer Herren Dipl.Ing. Benjamin und Dr. Grumach [...], daß sich aus dem Kunstbesitz der jüdischen Gemeinde eine ganze Anzahl von Bildwerken nach wie vor in unserem Hause befindet [...]." ("As requested, following a visit by your gentlemen Dipl.-Ing. Benjamin and Dr. Grumach [...] we confirm that a number of works of art belonging to the Jewish community are still held at our premises [...].").³⁸

Fritz filed claims with the restitution offices for the works by Israëls and Liebermann in 1952. However, they were not returned. With astonishing ignorance of the confiscation of 1938, no "seizure" could be recognized in the loan case. In a fiduciary restitution procedure with the 'Jewish Restitution Successor Organization Inc.' (JRSO), the majority of the confiscated museum holdings were eventually transferred to the Israel Museum in Jerusalem. It is very likely that the two drawings from Therese Benjamin (*Allee:* presumably *fig. 5*) can also be found there today.³⁹



Fig. 6: Margaret T. Muehsam, Ehe und Arbeit. Mann und Frau – im gemeinsamen Schaffen, in: Aufbau, December 15, 1950, p. 16 (detail).

Image credits: © Archiv Aufbau at JM Jüdische Medien AG, Zurich

The Fritz and Isolde Benjamin Collection

No specific works from Fritz and Isolde's own collection have yet been identified. However, both of them were also mentioned as print collectors in a 1950 issue of the Jewish magazine Aufbau (fig. 6).40 The article states that the apartment on Fasanenstraße contained a large collection of "kostbaren Meisterzeichnungen" ("precious master drawings"), which were partly lost in air raids and partly through looting during the occupation.

At this point we can only guess which works were affected. In any case, Fritz Benjamin is documented as the buyer of three Liebermann drawings from Paul Cassirer in 1922. The drawings in question are Dorfweiher, Haus im Park and R. 4. The first work presumably was a study for the oil painting Dorfteich in Etzenhausen – Dorfidyll (Eberle 1879/07), which may have been part of the Deutsche Kunst-Ausstellung in Dresden in 1899, while Haus im Park is currently unidentifiable and R. 4 appears to be a small sketch from a group of drawings entitled "R. ..." that Liebermann sold to Paul Cassirer in February 1916.41

In the compensation and restitution proceedings,⁴² Fritz had neither named any of the above nor any other works of art, with the exception of the two aforementioned works from his mother's collection. However, he had filed for compensation of artworks lost in air raids with the 'Lastenausgleichsamt', but withdrew the application when Isolde opened compensation proceedings under her own name for, among others, the same artworks in 1958.⁴³ Distress sales of artworks and a 2,500-volume art history library were declared in this context.⁴⁴ Isolde mentioned, in particular, a pencil drawing by Adolph von Menzel with the motif *Ballsouper*, which had been sold to a well-known industrialist in Breslau (today Wrocław), an oil painting by Heinrich von Zügel with the popular motif *Schwere Arbeit* had been sold to the art dealer "Reims" (that is Victor Rheins) on Kleine Mauerstraße, and a *Herrenbildnis* in oil by Charles Lebrun had also been sold.⁴⁵ Isolde's application for compensation was rejected in its entirety due to inconsistencies.⁴⁶

The author is not yet aware of any further records regarding Fritz and Isolde Benjamin's collection or the circumstances of its loss.⁴⁷ However, future research in this case will certainly provide new insights. Following the auction of the Orlik painting (*fig. 1*), the Holocaust Claims Processing Office (HCPO) is now supporting Fritz Benjamin's heirs in locating further works of art (see the article by Anna B. Rubin in this book) – another example of an effective cooperation in the spirit of the Washington Principles.

ANNOTATIONS

- 1 Ketterer Kunst, Munich: Auction 539 Modern Day Sale, June 10, 2023, lot 318.
- 2 Rudolph Lepke's Kunst-Auctions-Haus Berlin: Gemälde neuerer Meister. Wohnungseinrichtung der Frau Th. B. Möbel, Porzellan, Glas, Silber, Kleinkunst, Flügel u. a.; auction on June 6, 1936.
- 3 Landesarchiv Berlin (LAB), marriage records, 1874–1936, Charlottenburg Iii 1916 (retrospective first register), no. 438 and death records, 1874–1955, Berlin Iii 1936 (second register), no. 343; Oechsle, Susanne: *Leben und Werk des jüdischen Wissenschaftlers und Kinderarztes Erich Benjamin*, dissertation at Technical University of Munich 2004, pp. 8–10 (https://mediatum.ub.tum.de/doc/602446/document. pdf, last access on July 27, 2023).
- 4 Cf. Meister, Sabine: Die Vereinigung der XI. Die Künstlergruppe als Keimzelle der organisierten Moderne in Berlin, dissertation Albert-Ludwigs-University Freiburg im Breisgau 2005 (https://freidok.uni-freiburg.de/fedora/objects/freidok:2769/datastreams/FILE1/content, last access on July 17, 2023).
- 5 Rudolph Lepke's Kunst-Auctions-Haus, Berlin: *Gemälde alter und neuerer Meister*. Antiquitäten und *Kunstgewerbe*; auction on February 12/13, 1937.
- 6 LAB, A Rep 243-04, vol. 29. vol. 47. RKD, The Hague, Library, inv. nos. 202103808 and 201306217.
- 7 Amtsgericht Schöneberg, Therese Benjamin estate file.
- 8 Cf. Oechsle 2004, see note 3, Drecoll, Axel: Die Biografie eines Entwurzelten. Der Kinderarzt Erich Benjamin, in: Theresia Bauer et al. (eds.): Gesichter der Zeitgeschichte. Munich 2009, pp. 103–114.
- 9 Oechsle 2004, as note 3, p. 12.

- 10 Curriculum vitae: Landesamt für Bürger- und Ordnungsangelegenheiten Berlin (LABO), Entschädigungsbehörde, Reg. No. 52812, M5, B 27.
- 11 LABO, Reg. No. 52812, B13.
- 12 Born December 5, 1895 in Munich. LAB, Marriage Register, 1874–1936, Berlin I, Ii, 1919 (retrospective first register), no. 573.
- 13 Ibid., biological mother was the unmarried Emma Wägemann.
- 14 LABO, Reg. no. 82.813, B 32v.
- 15 Denkmaldatenbank Berlin, object 09050418 (https://denkmaldatenbank.berlin.de/daobj.php?obj_dok_ nr=09050418, last access on July 20, 2023). It can be assumed that Fritz and Isolde lived in the same residential unit as their mother, as they are listed in the telephone directory under the same number.
- 16 LABO, Reg. No. 52812, B27, E 2-E34.
- 17 Ibid., E3f.
- 18 LABO, reg. no. 52813, B12.
- 19 Ibid., M72.
- 20 LABO, reg. no. 52812, E 20.
- 21 Ibid., D51.
- 22 LABO, reg. no. 52813, C17v.
- 23 Ibid.
- 24 LABO, reg. no. 52812, M5v.
- 25 LABO, reg. no. 52812, C2, M5v., and LABO, Reg. No. 52813, C22.
- 26 LABO, reg. no. 52812, C1, C24, C 28. Cf. Gruner, Wolf: Widerstand in der Rosenstraße Die Fabrik-Aktion und die Verfolgung der "Mischehen" 1943. Frankfurt a. M. 2005.
- 27 LABO, reg. no. 52812, C23.
- 28 LABO, reg. no. 52813, C2, C22 and LABO, reg. no. 52812, C22.
- 29 Landeskirchliches Archiv der Evangelischen Kirche von Westfalen, 5.2 / Kurt Gerstein-Archiv, Gerstein-Report fol. 25 (http://www.kurt-gerstein.de/wp-content/uploads/dokument_026-scaled.jpg, last access on July 20, 2023). Cf. Friedländer, Saul: Kurt Gerstein oder die Zwiespältigkeit des Guten. Munich 2007; Schäfer, Jürgen: Kurt Gerstein – Zeuge des Holocaust. Ein Leben zwischen Bibelkreisen und SS. Bielefeld 1999.
- 30 LABO, reg. no. 52813, C23.
- 31 Ibid., C22f, LABO, reg. no. 52812, C2, C22f, quote C22f.
- 32 Soundex Index to Petitions for Naturalization filed in Federal, State, and Local Courts located in New York City, 1792–1989. New York, NY, US: The National Archives at New York City, no. 7607839 and 7607840. LABO, reg. no. 52812, B 36.
- 33 Ibid., E32.
- 34 Death Reports in State Department Decimal File, National Archives at College Park; NAI number: 302021, General Records of the Department of State, Record Group 59; Publication A1 205, Box 1102 (1955–1959 Austria A – N). Cf. LABO, reg. no. 52813, M68, M70.
- 35 Ibid., D29a.
- 36 Bundesamt für zentrale Dienste und offene Vermögensfragen (BADV), WGA Berlin 4-344/51.
- 37 Jüdisches Nachrichtenblatt, January 9, 1940, no.3, p.3, https://archive.org/details/jdischesnachrich19unse/page/n655/mode/1up?view=theater (last access on July 20, 2023), cf. Simon, Hermann: Das Berliner

Jüdische Museum in der Oranienburger Straße. Geschichte einer zerstörten Kulturstätte. Berlin 1988, p.90f. On the history of the museum collection ibid. and Schütz, Chana et al. (ed.): Auf der Suche nach einer verlorenen Sammlung. Das Berliner Jüdische Museum (1933–1938). Berlin 2011; Schütz, Chana et al. (eds.): Bestandsrekonstruktion des Berliner Jüdischen Museums in der Oranienburger Straße. Berlin 2011.

- 38 Schütz Sammlung 2011, as note 38, pp. 32f. with annotation 62.
- 39 https://www.lostart.de/de/Fund/572714 and https://www.lostart.de/de/Fund/572797 (both last accessed on July 20, 2023). Cf. list in LAB B Rep 025 (I–Kno) 5 WGA 36/51, here numbers 99 and 145, reprinted in Schütz *Bestandsrekonstruktion* 2011, as note 38, pp. 149–165. I am grateful to Shlomit Steinberg for her kind advice.
- 40 Aufbau, vol. 16, vol. 50, December 15, 1950, p. 16. I am grateful to Anna B. Rubin for the lead.
- 41 Cassirer numbers 7, 1.539 and 2.565. I am grateful to Petra Cordioli, Cassirer-Archiv, and Margreet Nouwen, Max Liebermann-Archiv, for their kind information.
- 42 LABO, reg 82.812, 82.813. LAB, B Rep 025-04, no. 17683–688/59; 1463/55, no. 8007/59. LAB, B Rep 025-04, no. 17683–688/59; 1463/55, no. 8007/59. BADV, WGA Berlin 4-1464/55, 4-1465/55, 4-1466/55.
- 43 Lastenausgleichsamt Berlin-Wilmersdorf, No. A 9 K 31 217 B, could no longer be consulted during the preparation of this article. According to LABO, reg 82.813, D17, an oil painting by Zügel, two Menzel drawings, copper engravings by Dürer and other Old Masters were registered.
- 44 LABO, reg 82.813, D. 7-11.
- 45 Photos referred to in the file are not enclosed; they may be in the files of the Lastenausgleichsamt, see note 43.
- 46 LABO, reg 82.813, D30-32.
- 47 LAB, A Rep 243-04: Matches only with regard to Therese's estate. No matches in the Brandenburgisches Landeshauptarchiv, Rep. 36A (Oberfinanzpräsident Berlin-Brandenburg). In-depth research into the files of the Berliner Zentralarchiv (kind information received on March 10, 2022) provided no matches.

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