

A detailed oil painting of a man with dark hair, wearing a brown suit jacket, a white shirt, and a dark tie. He is holding a lit cigarette in his right hand. The background is a solid teal color. The man's expression is neutral and serious.

PROVENANCE RESEARCH AND THE ART TRADE

Ed. Peter Wehrle

Provenance research in the art trade? It does exist, that much is known, but what is taking place in essence? What is or was subject of research, by whom, for what purpose and what are the results?

To date, only a few 'insiders' have had the opportunity to obtain answers to these questions. This is largely because research results from the art trade are only published to a very limited extent: they are mentioned in the catalog with just a few lines. The efforts behind the in-depth research are hard to recognize for outsiders.

This is the first publication of an 'inside view' from the provenance research department at a major German auction house, with the aim of making research into previously unknown Jewish collections and dealers accessible to an academic community. At the same time, this publication also wants to demonstrate how provenance research is or can be carried out in the auction trade.

Renowned guest authors from research institutions, museums, the international restitution system, private archives and the art trade provide a framework and superstructure for the specific case studies. The articles address the often uneasy relationship between the art trade and the academic world. However, they also illustrate the opportunities that a close exchange in the field of provenance research can and should offer. Thus, 25 years after the adoption of the Washington Principles, which provided guidelines for public handling of Nazi plunder, but by no means for the private and commercial sector, this publication is also an appeal: for transparency, for cooperation, and for a common goal.

Cover illustration: Ilona Singer, *Bildnis Robert von Mendelssohn*, 1928 (detail), oil on canvas, 55 x 46 cm. © Ketterer Kunst GmbH & Co KG. After provenance research and the tracing of heirs, the work was sold subject to an amicable settlement with the heirs of Margit Hahn in 2019 (Ketterer Kunst Munich, auction 487, June 8, 2019, lot 810).

PROVENANCE RESEARCH AND THE ART TRADE

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This publication unites academic contributions from renowned authors from research institutions, museums, the international restitution sector, private archives and the art trade, as well as from employees of the Provenance Research Department at Ketterer Kunst auctions in Munich. It is intended to provide both colleagues in research and the art trade as well as interested members of the public with current case studies and information on important archives, databases and institutions, in addition to informative insights into the latest provenance research and further suggestions.

Concept and editors: Agnes Thum, Sabine Disterheft, Sarah von der Lieth

**The original German version of this book was published in 2023 under the title 'Provenienz-
forschung und Kunsthandel' to mark the 25th anniversary of the Washington Principles.**

PROVENANCE RESEARCH AND THE ART TRADE

Ed. Peter Wehrle

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Lovis Corinth (1858–1925), *Die Lesende*, 1911, oil on canvas, 45 x 70 cm.
Sold subject to a settlement after a "just and fair" solution was reached with the heirs
of Emil and Sophie Kaim. Ketterer Kunst, auction 535 on December 9, 2022, lot 5.
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INTRODUCTORY NOTE

‘Provenance Research and the Art Trade’, the title of this book, outlines the challenging field in which we as an auction house have operated for a long time and on a daily basis. Our employees carry out fundamental research on specific works of art, efforts that often go unnoticed by the public. There is a good reason why we decided to publish some of the results our provenance research department has achieved in recent years along with contributions from renowned guest authors: It has been a quarter of a century since the Washington Declaration – intended to regulate the handling of Nazi plunder – was adopted. Although its principles are only binding for public institutions in Germany, they were also created to provide a procedural basis for both the reputable art trade and private art collections. In the auction trade in particular, increased research into the provenance of individual works can yield results of considerable interest to scholars elsewhere.

With this essay collection we aim at providing insight into the profound academic work done by the expert staff of our provenance research department, and at the same time we would like to give a wider perspective on the topic of ‘Provenance Research and the Art Trade’ through guest contributions that show how diverse the points of contact between the art trade and the academic world can be today. Additionally, it also becomes clear how an intensified exchange and the use of possible synergies can create fertile ground for both sides. Only through collaboration can we live up to our historical responsibility when handling artworks with an onerous past.

Robert and Gudrun Ketterer

Ketterer Kunst



Ilona Singer (1905–ca. 1944), *Bildnis Robert von Mendelssohn*, 1928, oil on canvas, 55 x 46 cm.

A "just and fair" solution was reached with the heirs of Margit Hahn. Ketterer Kunst, auction 487 in Munich on June 8, 2019, lot 810.

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PREFACE

We are familiar with the elaborate sales catalogs, annual reports and glossy brochures produced by the art trade. They exist in large numbers and are rather ephemeral in character.

This book is different – deliberately so. It is a purely academic publication, because academic research is also undertaken by those working in the art trade. Even more so when research is conducted into Nazi provenance, that is when works of art are inspected with view to a history of seizure due to persecution, when ‘just and fair solutions’ are devised and communicated. Scholarly methods must be applied here with greatest possible care, as this is the only way to guarantee buyers and sellers a secure transaction in the art trade.

The art trade therefore also contributes a great deal to research into so-called Nazi-looted art and to the implementation of ‘just and fair solutions’ in line with the Washington Principles. The sheer numbers demonstrate just how much work is actually being done: according to a recent internal survey, the eight largest German auction houses combined managed to achieve around 25 ‘just and fair solutions’ in just one year. A comparison with the restitution rates of German museums and the recommendations of the Advisory Commission on Nazi-looted property, shows just how efficient and effective provenance research in the art trade has become.

All of this usually runs in the background. But we would like to give you an insight into our day-to-day business. The anniversary of the Washington Principles, which were passed 25 years ago in December 1998, was the impetus for a first purely academic publication by the art trade.

We present case studies from the regular activities of our in-house provenance research department. The contributions by Sabine Disterheft, Carolin Faude-Nagel, Agnes Thum, Katharina Thurmair, Sarah von der Lieth and Mario-Andreas von Lüttichau provide deep insights into previously unexplored Jewish collections and art trade inventories, and also deal with the historical question of ‘degenerate art’ in the trade. It is to be hoped that researchers outside the art trade will also find important points of reference here.

These case studies alternate with guest contributions from renowned experts. Christian Fuhrmeister and Stephan Klingen begin by shedding light on the challenging relationship between the art trade and academia – also and especially in the field of provenance research. Susanne Meyer-Abich, contributing her own experiences from the auction trade, provides a rare ‘insider’s view’ into the genre ‘auction catalog’ and its peculiarities, thus highlighting the ‘counterpart’ of this publication so to speak. Anna B. Rubin presents the many ways in which the art trade cooperates with the Holocaust Claims Processing Office (HCPO) in New York – an astonishing but effective and mutually beneficial relationship. The question regarding art trade sources is, of course, also raised. Theresa Sepp provides the framework of the ‘big picture’ and demonstrates the relevance of making this source category accessible. Christina Feilchenfeldt and Sandra Sykora provide first-hand reports on specific inventories whose importance for researchers can hardly be overestimated: the archive of the Paul Cassirer art dealership and the archive of Galerie Fischer. Last, but not least, Stefan Pucks has a say, who, as a well-known expert on ‘reverse side autopsies’, not only solves a few labeling puzzles, but also provides a humorous and personal insight into the work of a researcher in the art trade.

In the anniversary year of the Washington Principles, this volume, in its variety and diversity, aims to reveal how the art trade and the academic world can and should mutually support each other in the field of provenance research, where synergy effects can arise and be utilized and how the ‘research field of provenance research’ can be jointly addressed.

It has, quite inevitably, become a substantial book. May it find many interested readers and prompt a wealth of further research.

Peter Wehrle

Managing Director Ketterer Kunst



Karl Hagemeister (1848–1933), *Birken im Herbst am Bachlauf*, circa 1908–1913,
mixed media on canvas, 100 x 70.1 cm.

A "just and fair" solution was reached with the heirs of Fritz and Käthe Pringsheim:
Ketterer Kunst, auction 498 in Munich on July 18, 2020, lot 569.

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K Hagemeister



Max Liebermann (1847–1935), *Die Nétzflickerinnen*, 1887, oil on canvas, 46.4 x 62.5 cm (detail).
A "just and fair" solution was reached with the heirs of Mary Münchmeyer, née Schmitz and Friedrich (Fritz) Münchmeyer: Ketterer Kunst, auctión 498 in Munich on July 18, 2020, lot 530.

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THE GAP BETWEEN THE ACADEMIC ART WORLD AND THE ART TRADE – ON THE STATUS QUO AND THE FUTURE OF AN UNEASY RELATIONSHIP

According to an etymological dictionary, a gap – an incision or a crevice – indicates “un-überbrückbarer Gegensatz, scharfe Trennung” (“unbridgeable differences, a sharp divide”).¹ Traditionally, such divides can be overcome by taking lengthy detours or by building bridges; bridges between scholarship and the art market in the operating system art are commonly built through ‘connoisseurship’ and ‘money’. After all, scholarship can both destroy as well as create value,² then again, the art trade can give direction to scholarship; as it seems to be the rule that most kinds of objects are initially prone to collecting and trading before they become the subject of academic attention or even research. A liaison is typically provided by, on the one hand, “öffentlich bestellten und vereidigten Sachverständigen” (“publicly appointed and sworn experts”) with a university degree (often a doctorate), who dispose of ‘comprehensive special knowledge’ as ‘certified experts’ to be valuers and advisors,³ and art historians who compile catalogues raisonnés on the other, as gatekeepers, funnels and validation authorities (such as Sibylle Groß/Lesser Ury or Werner Spies/Max Ernst). So far, so good, so general, so academic – with the term ‘academic’ also to be read in its sense of ‘removed from practicality’.⁴

The fundamental question raised in this article is not particularly original: Isn’t there a good reason for a strict division between art history and art trade? Or are they not from the outset in an osmosis, which would make any “fear of border guards” (Aby Warburg)⁵

Fig. previous page: Eugène Flandin (1809–1889), *Gorge of the mountain Kuh-e Pir Zan in Iran*, c. 1843/54, lithograph on clay, 58.6 cm x 41.7 cm.

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entirely inappropriate? Or is the idea of a peaceful coexistence itself nothing but an illusion, as the interests (intellectual versus material profit) are so obviously divergent, even incommensurable, and hence can never be linked and certainly never compared? Is the scholarship-trade-relationship best illustrated by the image of a DNS or DNA double helix (*fig. 1*), since the complementary chains are intertwined in many ways?

So how can the relationship – the gap – be explored, fathomed, differentiated and nuanced? This article is dedicated to the many aspects of this historical and present coexistence. The objective is to focus on the relationship in order to identify convergences and fundamental differences. Neither taxonomy nor an encyclopaedical course are at the forefront, rather a survey and a reflection aimed at developing a basis to set a future course.

In any case, the tense relationship of different perspectives, approaches and objectives ventilated here has a history that goes beyond the scope of this paper, yet must be mentioned: From the relationship between the art historian Wilhelm Bode and the artist/restorer/dealer Stefano Bardini⁶ to the collector/art historian Frits Lugt and the curator/expert Max J. Friedländer and the proximity of the museum director/private collector Hermann Voss to the trade,⁷ from the disputes of the early 1930s on expertise⁸ and the allegations against August Liebmann Mayer⁹ to the art forgery scandal around Wolfgang Beltracchi, who fooled both academic and market experts – there was always a whiff of something potentially unsavoury, about 'liminal processes' and hence ultimately about blurring the lines between the spheres of scholarship and trade – a process which was deemed to be problematic, at least temporarily and in part.

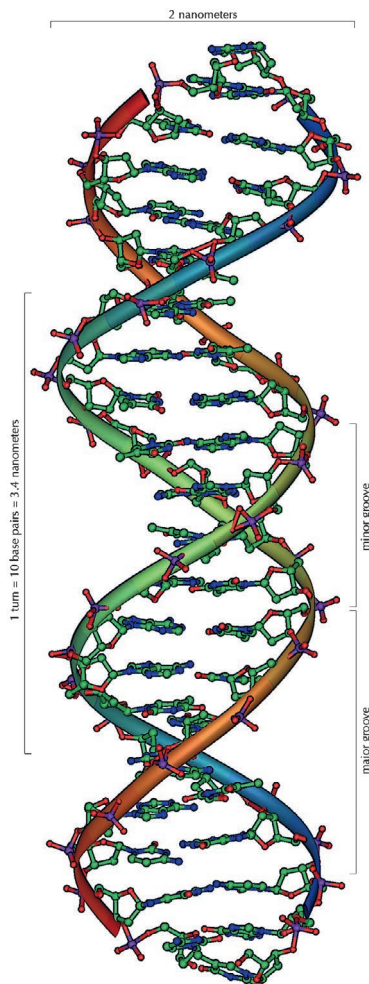
Indeed, overlapping and intersecting interests and needs of scholarship and the art trade, both historical and current¹⁰, must be diagnosed as well as accordances and cooperations. At the same time, determined separation efforts are apparent, also in both directions: the way that businesspeople and managers, dealers and auctioneers shake their heads in disbelief about the unworldliness of art historians in their ivory towers, who believe to acquire their universal wisdom through literature without a visual inspection of the originals, or indeed any practical experience with business procedures and trade conventions; conversely, art historians (be they civil servants or on permanent or fixed term contracts) turn up their noses when faced with expressed mercantile interests. Last, not least, there is arguably the most radical – since categorial – refusal of the academic world in the field of ancient art and archaeological artefacts to even consider objects on the market for an expert discourse or to establish contact with the respective dealers.

A forced alliance?

Particularly over the past two decades, all these concrete sensitivities – animosities, antipathies and aversions – in both fields, groups and spheres, have increasingly been driven into a sort of forced alliance, converging in the area of provenance research. As a consequence of deliberate political initiatives and guidelines (from the 'Joint Declaration' of 1999 to the 'Act on the Protection of Cultural Property' of 2016) the clarification of past changes in ownership has become a socio-political litmus test for both the art trade and the academic art world – and above all for those who work in collections and museums.

Fig. 1: Section of 20 base pairs from the DNA double helix (structural model of the dextrorotatory B-form)

Image credits: https://upload.wikimedia.org/wikipedia/commons/f/f0/DNA_Overview.png (last accessed on October 18, 2023). Created by Michael Ströck. Copied to Commons from en.wikipedia.org



After all, scholarship and the trade are equally affected by the moral-ethical accord arising from international politics of dealing with the past, as stipulated in the ‘soft law’ of the Washington Declaration.

Provenance research carried out by the trade is clearly commissioned research, and can in a best-case scenario clarify the conditions for the option of processing certain sales or even the tradability of art objects in general. Henrik R. Hanstein expressed this quite trivial fact in promotional terms as follows: “Mit der Provenienzforschung bietet das Auktionswesen Käufern und Verkäufern Sicherheit auf mehreren Ebenen” (“With provenance research, the auction system offers buyers and sellers security on several levels”)¹¹ – a statement which, however, smoothly turns a blind eye on the victims’ perspective.

In a museum context, the safekeeping or disposal of objects from state or municipal collections ultimately depends on results produced by government-imposed provenance

research. It should be emphasized that the politically defined social mandate of investigation and evaluation of legitimate or illegitimate changes of ownership, especially during the National Socialist era, also applies to the area of fundamental research at universities or research institutes, as well as archives and libraries. Provenance research is thus declared a civic duty for art history in general – and therefore for each researcher. However, this well-meant impetus for investigation can also cause problems: when, for example, issues of provenance and art market research become the subject of academic qualification papers presented in the course of university education. As the publication of the individual research achievements carried out in this context – as part of a bachelor's or master's exam – is solely at the discretion of the authors, a paradoxical situation arises: An exercise in cultivating personal research interests (be it the proverbial hobbyhorse or hard-won narrative control in a chosen field) generally considered unproblematic and perfectly legitimate in other (art) historical spheres, has a counterproductive effect in the case of provenance and art market research, because the burial of the research papers in the filing cabinets of examination offices is diametrically opposed to the ubiquitous credo of transparency.

Another difficult area is a disqualification of the research concepts of 'object biography' and 'loss due to Nazi persecution' as too particular and too narrow: from a perspective of academic and research 'freedom', the concrete application of provenance research results is an almost inexcusable original sin. Just like an – allegedly – 'free artist', who indulges in autochthonous creativity without ever allowing himself to be harnessed, acting completely autonomously and without requiring inspiration from the muses, a condescending view of traditional art history insinuates that provenance research is inferior precisely because it fulfils a non-scholarly but a political-moral mandate. At worst, the complex and knowledge-rich research into changes of ownership is thus considered a subordinate service that can never claim a place at the table of the *Septem Artes liberales*.

In this overview, a recent and very concrete example of the insistence on categorial differences should not go unmentioned: the heated discussion as to whether art dealers should be able to become members of the *Arbeitskreis Provenienzforschung e. V.*¹² The discussions were ambivalent in so far as bridges were built on the one hand, and the irreconcilability and incompatibility of private sector and state or municipal perspectives was insisted upon on the other. The art trade, it seems, views membership in the research group primarily in terms of networking with researchers and participating in research discourse. Yet the chasm between the interests of trade and scholarship widens precisely at the point where (research data) infrastructures come into play. In a recent article published in the *Süddeutsche Zeitung*, Cana Hastik, an expert on research data at the Technische Universität Darmstadt, addressed the problem in categorical terms: "Das Prinzip der Forschungsfreiheit fordert, dass niemand mit kommerziellem Interesse Zugriff auf die Daten haben darf." ("The principle of freedom of research demands that no one with a commercial interest may have access to the data.")¹³ But who owns research data? Who sets up barriers and why, who benefits from Open Access?

Who does what, and why?

Either way, provenance research is thus to be situated in the tense relationship between art history and the art trade, and at the same time amid concepts and conceptualisations that must be described as bipolar and dichotomous. The gap between academia and the art trade is certainly clearly expressed in the demands for clarification, transparency and disclosure on the one hand, and discretion and the protection of trade secrets on the other. For the field of public collections, Gilbert Lupfer explicitly confirmed a specific objective in the history of ownership, that it is “kein Selbstzweck, sie ist keine Forschung im wissenschaftlichen Reinraum. Vielmehr ist sie im engen Zusammenhang mit den ‘Washingtonter Prinzipien’ von 1998 zu verstehen: Sie soll zu ‘gerechten und fairen Lösungen’ beitragen und den Nachfahren der vom NS-Regime Verfolgten zu ihrem Recht verhelfen.” (“not an end in itself, it is not research in a detached scholarly sphere. Rather, it is to be understood in close connection with the ‘Washington Principles’ of 1998: It should contribute to reaching ‘just and fair solutions’ and to help the descendants of those persecuted by the Nazi regime to obtain justice.”)¹⁴

With regard to art history, it can be said that the discipline was not necessarily prepared for the direct social impact associated with the politically induced cognitive interests of provenance research. To this day, the discipline is still at odds with the urgency of an encroachment of real life and memory politics.¹⁵ At least, a somewhat infrastructural upgrade of art history becomes apparent in preparation of this research, i.e. in the field of published art trade sources – as in the shape of ‘German Sales’ at the Heidelberg University Library. In addition, a short-lived bloom of junior professorships of different denominations and focal points in research and teaching could be observed as of 2017 – short-lived, because only two of formerly four posts currently persist (at Technische Universität Berlin and at Rheinische Friedrich-Wilhelms-Universität Bonn). The Hamburg post was liquidated some time ago, the one in Munich in winter 2023/24. Hence, it does not really require prophetic competence to predict the imminent end of university-based provenance research – notwithstanding a *nota bene* unbroken interest among students and the Bonn Research Centre for Provenance Research, Art and Cultural Property Protection Law.

Against this background, the question as to ‘Who does what and why?’ is not a rhetorical one. Instead, it is actually a social and pragmatic necessity to render an account of tasks, resources and objectives that is free from any bias.

In any case, both factually and technically, state institutions and the art trade are likewise obliged to adhere to the same basic moral and ethical disposition. For the trade, this is stipulated in section 42 of the Cultural Property Protection Act (2016), the “Sorgfaltspflichten beim gewerblichen Inverkehrbringen” (“Due diligence in establishing commercial circulation”), paragraph 1, item 3, which specifies the task of “die Provenienz des Kulturgutes zu prüfen” (“checking the provenance of cultural property”).¹⁶ According to the corresponding commentary, “erhöhte Sorgfaltspflichten” (“increased due diligence”) must be exercised pursuant to § 44, especially in the case of cultural property seized as a result of Nazi persecution; in that case, there is “grundsätzlich ein erhöhter Recherchebedarf zur Herkunftsgeschichte und Provenienz. Es kommt daher nicht auf die wirtschaftliche Zumutbarkeit des Aufwandes der Recherchen an.” (“always an increased need for research into the history

of origin and provenance. It is therefore not a question of the economic reasonability of the research effort.“).¹⁷ For museums, libraries and archives, as well as other institutions on a national, state or local level, the general commitment to the ‘Washington Principles’ and the principles of the ‘Joint Declaration’¹⁸ provide the guidelines for research. The fact that trade and scholarship should align in this regard seems to make some representatives of both groups uneasy. To put it bluntly, one might hazard that the academic guild of art history invented art market research – or at least attempted to revive it with considerable effort – in order to avoid this unwanted alliance.

For these investigations and studies are rarely, if ever, about individual objects, but much more often about structures, frameworks, networks and tendencies, often also about individual collector personalities and their ‘exquisite taste in art’¹⁹. In order to reconstruct company histories, the ‘art detectives’, as provenance researchers were occasionally called from a popular educational perspective in the early 2010s, swapped Sherlock Holmes’s magnifying glass for a bird’s-eye view and the abstracting construction of models, something traditionally within the domain of art history.

All in all, this conflict situation can be described as confusing, complex and partly contradictory. For example, a 2023 ‘explanatory film’ made by the Deutsches Zentrum Kulturgutverluste (DZK, German Lost Art Foundation) entitled “Was ist Provenienzforschung?” (“What is provenance research?”) asserts that it is carried out “von Museen, Bibliotheken, Archiven, Auktionshäusern oder Personen betrieben, die Kulturgüter besitzen oder mit ihnen handeln” (“by museums, libraries, archives, auction houses or persons who own or trade in cultural property”).²⁰ However, academic art history at universities and research institutes is not included here. So which definition is taken as a basis, what exactly are we talking about? When we talk about provenance research at museums, does this include fundamental and contextual research, too? Are collection history and institutional historiography at all interested in ownership changes of artefacts? And how circular is research into the history of collection and art market research if they merely reiterate the canon without critically questioning it?

What is particularly difficult?

In view of a present situation characterised by fear of contact and friction losses, as well as by best practice models, win-win constellations and fruitful dialogue, addressing specific problem areas in concrete terms seems a sensible thing to do.

The fact that the Art Historical Institute in Florence recently removed more than 20,000 auction catalogues from its reference library to the effect that they will no longer be accessible for the foreseeable future seems to be characteristic of ‘academia’s’ above-mentioned contempt for market affairs. This decision by the Max Planck Institute, a measure certainly taken for pragmatic reasons, is even more regrettable as the holding also includes unique copies. Perhaps the removal is also owed to the different status of such transaction documentation in Italy.

Looking at it that way, the intensive use of a similar collection stored in the northern sister institute in Munich for decades, virtually represents a bridging of the ‘gap’ discussed

here. As is well known, art historians working in the art trade as well as museums and universities use auction catalogues for reference, as they rely on various other art trade resources, which also becomes evident in the high number of inquiries received about past changes of ownership.²¹ Dealing with these questions is laborious because the sources are complex.²² As far as can be seen, responses are provided irrespective of status and constitution: public museums, independent freelance provenance researchers, lawyers, authors of catalogues raisonnés and international auction houses are provided with answers to the best of the institute staff's knowledge, in the same way as the State Criminal Police Office or the Holocaust Claims Processing Office are.²³ However, feedback on the actual use of the information communicated or supplied is only given in exceptional cases.

This (information) asymmetry, which varies in intensity but is always present, fundamentally characterises everyday life. For in the trade, especially the auction market, provenance research plays a significant role today; many objects are efficiently scrutinised in short periods of time and at a high cadence. However, this is always about specific individual pieces or the genesis and dissolution of a certain collection; the research results enter the business of monetization and are possibly used internally, but they are not published independently of the concrete utilisation contexts and are certainly not made available as raw research data. The data, which is often compiled with great effort and an immense degree of expertise, reaches its final purpose in the transaction on the scheduled auction date, and a small part of these results is published as a provenance chain in the analogue or digital auction catalogue. All other data is not researchable by the public. This prevents sustainability, because there are no overarching structures. In other words: duplication is inevitable, because the status of a lost work of art must be researched again and again from scratch, including the reconstruction of a collector's or dealer's fate and including the elucidation of a history of loss. It is unclear why the innovative power of Germany's small and medium-sized enterprises, and the creativity of the liberal market economy have not yet found ways to develop other models of generating and distributing information: Must the door of one's office become a barrier to provenance research in a globalised art market?

The Deutsches Zentrum Kulturgutverluste funds research in public museums, but the results can only be accessed through its Proveana database, with some delay and not yet very conveniently; the trade sometimes forgoes in-house examinations of objects and instead commissions the Art Loss Register in London, a commercial enterprise which for its part neither discloses its sources nor provides insight into how the results were produced. Here, too, are no sustainable structures that may even be used by the public in future. Other than for the former Soviet occupation zone (SBZ) and the GDR, where the Deutsches Zentrum Kulturgutverluste carries out indisputable fundamental research expressly as a service to the community, the modus operandi in the field of racially motivated National Socialist confiscation of cultural property – that was indeed deemed crucial to 'fight the enemy' – is far less structured, in the shape of the Proveana database which is being fed with information. Which authority assumes responsibility for fundamental or contextual research on National Socialism that is unanimously required by provenance research in museums and in the trade?

What remains? The gap? "Es waren zwei Königskinder, die hatten einander so lieb, sie konnten beisammen nicht kommen" ("There once were two royal children, whose love was

like none ever seen, but they couldn't come together, there was too much water between")? Objectively speaking, the basic parameters of the relationship between scholarship and commerce will (or can) hardly undergo any decisive modifications in the short or medium term, due to the high momentum of their respective internal logic. However, through and with provenance research, a perspective of common interests opens up – even if the goals ultimately remain different. It may therefore be time to both carefully and energetically modernise the 'circle of friends' model²⁴ and to reassess the scope for reshaping it, especially in the area of resource allocation (who invests how much for what?). This would create a resonance space in which the state funding provided by the German Lost Art Foundation for the reconstruction of lost Jewish collections and art trading companies could develop the momentum needed to bridge the gap.

However, a lasting connection could only be established if the trade continued to provide resource materials and, perhaps for the first time, made funds available to ensure the continuity and intersubjective re-usability of the research results generated in different places and for different tasks. For part of the nature of the divide is that it had better not be bridged single-handedly.

ANNOTATIONS

- 1 "Kluft", in: Pfeifer, Wolfgang et al.: *Etymologisches Wörterbuch des Deutschen* (1993), digitalized version revised by Wolfgang Pfeifer in *Digitales Wörterbuch der deutschen Sprache*, <https://www.dwds.de/wb/etymwb/Kluft> (last access on July 10, 2023).
- 2 Here are just two examples of such mercantile implications of academic work: When the Rijksbureau voor Kunsthistorische Documentatie (RKD) at The Hague downgraded a painting previously classified as from "Ruben's workshop" to "Rubens circle", the market value went down by more than tenfold, that was from 1.5 million to only 120,000 euros. In contrast, research has brought about a significant price increase for Lotte Laserstein (1898-1993): First exhibitions in the 1980s were followed by Anna-Carola Krause's dissertation in 2002 (published in 2003), and by major exhibitions at the Städel Museum, Frankfurt a. M., and the Berlinische Galerie, Berlin in 2018/19 - a 2018 appeal for donations states quite succinctly "Laserstein ist viel wert" ("Laserstein is worth a lot"), https://berlinischegalerie.de/assets/downloads/presse/Pressetexte/Pressearchive/2018/PM_Lotte-Laserstein__Spendenaufwurf_10.12.18_Berlinische-Galerie.pdf (last access on July 10, 2023).
- 3 <https://www.ihk-muenchen.de/de/Service/Sachverst%C3%A4ndige/> (last access on July 10, 2023); for a list of nationwide certified experts in the field of 'art and antiques' visit: <https://svv.ihk.de/svw-suche/4931566/suche-extern?sachgebietsnummern=4950&suchbegriffe=Kunst%20und%20Antiquit%C3%A4ten> (last access on July 10, 2023).
- 4 "akademisch" in German, provided by the *Digitales Wörterbuch der deutschen Sprache*, <https://www.dwds.de/wb/akademisch> (last access on July 10, 2023).

- 5 Warburg, Aby M.: *Italienische Kunst und internationale Astrologie im Palazzo Schiffanoja zu Ferrara. 1912/1922* [Vortrag Kunsthistorikerkongress Rom 1912], published in: Venturi, Adolfo (ed.): *L'Italia e l'arte straniera: atti del X Congresso Internazionale di Storia dell'Arte in Roma (1912)*. Rome 1922 (reprint from 1978), pp. 179–193, plates XXXVII–XLVII, online: https://archiv.ub.uni-heidelberg.de/artdok/1628/1/Warburg_Italienische_Kunst_und_internationale_Astrologie_1922.pdf (last access on July 10, 2023), here p. 191 (*The Renewal of Pagan Antiquity: Contributions to the Cultural History of the European Renaissance*, Getty Publications, 1999, p. 585). It should be noted that Warburg does not mean the boundaries between scholarly disciplines (as his phrase is often understood and quoted), rather, he criticises the strict division of historical processes into “Antiquity, the Middle Ages and Modern Age”.
- 6 In greater detail: Catterson, Lynn (ed.): *Florence, Berlin and Beyond. Late Nineteenth-Century Art Markets and their Social Networks*. Leiden & Boston 2020; idem, *Stefano Bardini and Wilhelm von Bode: A Case of Collaborative Contamination of the Canon and the Scholarly Literature?* Lecture via Zoom on April 28, 2021, available on <https://www.zikg.eu/aktuelles/veranstaltungen/2021/the-hugo-helbing-lecture-2021> (last access on July 10, 2023); see also https://www.handelsblatt.com/arts_und_style/kunstmarkt/geschichte-des-kunstmarkts-renaissance-haendler-stefano-bardini-hoch-kompetent-aber-skrupellos/28971422.html (last access on July 10, 2023).
- 7 Iselt, Kathrin: “Sonderbeauftragter des Führers“. *Der Kunsthistoriker und Museumsmann Hermann Voss (1884–1969)*. Cologne/Weimar/Vienna 2010, pp. 26, 42, 61, 127, 202 and passim.
- 8 Gramlich, Johannes: “Jedem der Experten einen Judenhut aufstülpen“: Der “Expertisenkrieg“ und die “Sammlung Schloss Rohoncz“ in der Neuen Pinakothek 1930, in: *Jahresbericht der Bayerischen Staatsgemäldesammlungen 2017*. Munich 2018, pp. 182–192.
- 9 Posada Kubissa, Teresa: *August L. Mayer y la pintura española: Ribera, Goya, El Greco, Velázquez*. [Madrid] 2010; Fuhrmeister, Christian / Kienlechner, Susanne: *August Liebmann Mayer (1885–1944). Success, failure, emigration, deportation and murder*, in: Rotermund-Reynard, Ines (ed.): *Echoes of exile. Moscow archives and the arts in Paris 1933–1945*. Berlin 2015, pp. 139–159.
- 10 Cf. Hubertus Butin: *Uneinsichtig*, *Frankfurter Allgemeine Zeitung* on October 14, 2023, p. 13.
- 11 Hanstein, Henrik R.: *Geschichte muss nicht auf Treu und Glauben angenommen werden* [insert], in: *LEMPERTZ Bulletin 2/2023*, unpaginated; online: https://www.lempertz.com/fileadmin/user_upload/bulletin/Lempertz-Einhefter-deutsch-Einzelseiten-Doppelseiten-150dpi.pdf (last access on July 10, 2023). See also [p. 3] this consideration: “Der Staat gibt gemäß der Washingtoner Prinzipien die in Staatsbesitz befindlichen Kunstwerke zurück, so es sich um Raubkunst handelt. Müsste er nicht auf haften für die nach dem Kriege auf öffentlichen Auktionen und Kunstmessen gutgläubig erworbenen Kunstwerk?“ (“According to the Washington Principles, the state returns works of art in state ownership if they are looted art. Shouldn't it also be liable for works of art acquired in good faith at public auctions and art fairs after the war?“).
- 12 Thum, Agnes: *Kunsthandel, Kommerz, Provenienzforschung: Washington und die Folgen*, in: *Kunstchronik*, volume 76, July 2023, issue 7 (Special issue ‘Provenienzforschung und Kunstgeschichte – eine Autopsie’), pp. 357–362, here p. 360: “The membership of the trade in the Provenance Research Association – that is the very professional group legally obliged to conduct provenance research – which is not yet possible, would be just as important a signal as an increased and deliberate cooperation at conferences, publications or teaching courses. [...] Because (provenance) researchers also work in the trade, and many colleagues who occupy key posts in the public sector have previously also worked for or in the art trade. Permeation, moreover, is not only a matter of staff, but also a matter of structure: Academic quality is possible within the free market economy, and conversely, the rules of the free-market economy determine scholarship in many places. Perhaps the dividing gap is not that big after all?“ (translated from German. In the fall of 2024, the Provenance Research Association decided to amend its statutes. The trade will now have the opportunity to apply for membership).
- 13 Quoted from Meier, Christian J.: “Wir ertrinken in Daten“. *Forschungsdaten sollen besser zugänglich werden*, in: *Süddeutsche Zeitung*, no. 157, July 11, 2023, p. 12.
- 14 Lupfer, Gilbert: *Zum Geleit*, in: *Provenienz & Forschung*, 1/2018, pp. 1–3, here p. 1.

- 15 Detailed: Fuhrmeister, Christian: *Auf einmal spielt die Welt eine Rolle? Zum Verhältnis von Kunstgeschichte und Provenienzforschung*, in: *Kunstchronik*, vol. 76, July 2023, issue 7 (special issue 'Provenienzforschung und Kunstgeschichte – eine Autopsie'), pp. 330–336.
- 16 <https://www.gesetze-im-internet.de/kgsg/BJNR191410016.html> (last access on July 10, 2023).
- 17 The Federal Government Commissioner for Culture and the Media (ed.): *Das neue Kulturgutschutzgesetz. Handreichung für die Praxis*. Frankfurt a. M. 2017, p. 213 (online on https://www.kulturgutschutz-deutschland.de/SharedDocs/Downloads/DE/HandreichungKGSg.pdf?__blob=publicationFile&v=3, last access on July 10, 2023).
- 18 <https://kulturgutverluste.de/sites/default/files/2023-04/Gemeinsame-Erklaerung.pdf> (last access on July 10, 2023).
- 19 As an example, we refer to Herzog, Katharina Christiane: *Mythologische Kleinplastik in Meißener Porzellan 1710–1775*. Dissertation University of Passau 2008, pp. 152f. (online on https://opus4.kobv.de/opus4-uni-passau/frontdoor/deliver/index/docId/168/file/herzog_katharina.pdf, last access on July 10, 2023).
- 20 <https://kulturgutverluste.de/mediathek/erklaerfilme>, 0:14 to 0:21 (last access on July 10, 2023).
- 21 As stated in *Jahresbericht des Zentralinstituts für Kunstgeschichte 2022*. Munich 2023, pp. 12f.
- 22 As is the assessment of Fuhrmeister, Christian/Jooss, Birgit /Klingen, Stephan: *Was braucht die Provenienzforschung? Worin besteht der Auftrag für bestandshaltende Institutionen?*, in: *Der Archivar. Zeitschrift für Archivwesen*, vol. 75., February 2022 (special issue *Provenienzforschung*, for the Arbeitskreis Provenienzforschung e. V., ed. by Meike Hopp and Sven Haase), pp. 13–15.
- 23 Cf. Fuhrmeister, Christian/Klingen, Stephan: *Immer noch prekär – Provenienzforschung am ZI*, in: Augustyn, Wolfgang/Lauterbach, Iris/Pfisterer, Ulrich with the assistance of Krista Profanter (ed.): *ZI 75 – Das Zentralinstitut für Kunstgeschichte in München: Zum 75-jährigen Bestehen*. Munich 2022, pp. 283–301, here pp. 293f. and 296f.
- 24 In the 'Verein der Freunde des Zentralinstituts für Kunstgeschichte e. V.' CONIVNCTA FLORESCIT (Association of Friends of the Central Institute for Art History), founded in 1983, the trade is historically prominently represented, also and especially on the board, cf. <https://www.zikg.eu/institut/foerderverein> (last access on July 10, 2023).



Fig. 2: Wilhelm Morgner (1891–1917), *Landschaft mit kleiner Brücke bei Soest*, 1910, oil on canvas, 75 x 85 cm.
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CASE STUDY

THE MENGERS FAMILY – COLLECTORS AND TRADERS

Prelude

The greatest potential of provenance research in the art trade – from a purely scholarly point of view – lies in the large number of known owners of artworks. On the one hand, this concerns privileged knowledge about a firm's own transactions (cf. articles by Christina Feilchenfeldt, Theresa Sepp and Sandra Sykora), and on the other hand, knowledge about historical ownership, which the trade also needs to proactively establish first. In this respect, the sheer volume of works undergoing scrutiny in the auction industry offers a tremendous potential for discoveries. However, unlike publications by museums and research institutions, auction and art trade catalogs, which have a designated use (cf. article by Susanne Meyer-Abich), do not offer a publication framework for this purpose. Thus the idea for this book was born: Wouldn't it be desirable for the future of provenance research if the art trade also began to share the knowledge it has acquired with the research community? The case studies presented in this publication, which accompany the comprehensive contributions on the subject of 'Provenance Research and the Art Trade', are intended to take a first step in this direction.

Art trade sources as research triggers

Personal experience gained in the trade shows that in-depth research hardly ever starts with Lost Art database matches and even less often with concrete claims. In most cases it is a finding on the back and/or a historical ownership note that gets the ball rolling – the latter often enough from an art trade resource.

This was also the case with the Jewish Mengers family. The catalog of the 'Schmeil Auction' at Cassirer and Helbing in 1916 marked the beginning of the research on which this article is based. The buyer of three works by Spitzweg (*lot 112, fig. 1*), Zimmermann (*lot 141*)¹ and

Fig. previous page: Carl Spitzweg (1808–1885), *Lagernde Karrner*, oil on panel, 15.5 x 31.5 cm (detail).

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Habermann (*lot 34*) was identified here as ‘Dr. Alfred Mengers’ with the Berlin address ‘Buchenstraße 6’, as could be deduced from the annotations in copies of the catalog at the Zentralinstitut für Kunstgeschichte, Munich and the Cassirer Archiv (*figs. 2, 3*).² The identification was beyond doubt: He was the Jewish Berlin commercial judge Dr. jur. Alfred Mengers (1859–1923), co-owner of the large ‘Berliner Velvet-Fabrik M. Mengers & Söhne’.³

Olga Mengers

However, the actual collector seemed to be Alfred’s wife Olga (1869–1948), daughter of Sigmund Aschrott (*fig. 6*),⁴ known as a real estate investor who founded a district of Kassel. She had taken over a large number of works of art from her father’s estate in 1915.⁵ Both her sons Heinz and Kurt, who will be discussed later, also followed the family tradition.⁶ They were able to afford their passion for art: the Mengers⁷ and Aschrott⁸ families were extremely wealthy.

Alfred Mengers passed away in 1923 and did not live to see how severely the National Socialists persecuted his family, destroying everything that had been built up over generations. The property on Buchenstraße 6 had to be sold,⁹ the sons had to flee, Olga Mengers was forced to pay almost 400,000 Reichsmark in ‘Judenvermögensabgabe’ (‘Jewish property tax’),¹⁰ and more than 100,000 Reichsmark for a ‘Heimeinkauf’ (‘retirement home’) in Theresienstadt. In the summer of 1941, Olga Mengers was 70 years old, severely visually impaired and alone as she had decided not to flee,¹¹ like so many others of her generation. That summer, the State Economic Office decreed that she would only be allowed to use two rooms of her rented apartment on Bregenzer Straße 5. The four front rooms were confiscated in favor of the architect Franz Heinrich Sobotka.¹²

The janitor Grete Drachholz supported Olga Mengers, who was almost blind, in her everyday life. She was also an eyewitness on the day when the ‘Judenauto’ (‘Jews’ car’) pulled up. Olga Mengers had just returned from a hospital stay when she was arrested on October 4, 1942 as part of the third large transport campaign of the elderly. She was taken to Theresienstadt. Mrs. Drachholz had prepared a meal for the old lady, but was no longer allowed to enter the apartment. Standing in the vestibule, she said goodbye to Olga Mengers. The latter was lucky to survive the camp until it was liberated and then returned to Berlin, where she died weak and impoverished in 1948.¹³

Confiscation and ‘monetization’

When Olga Mengers was arrested in October 1942, it is reported that there were still around 50 paintings in her apartment:¹⁴ “die Wände waren vollständig mit Bildern behangen, und zwar mit den besten, die sie besaß. Die größeren Stücke konnte sie nicht aufhängen, sondern hatte sie auf dem Korridor verwahrt.” (“The walls were completely covered with paintings, the finest ones she owned. She could not put up the larger pieces and kept them in the hallway instead”).¹⁵ The path of the loss of the collection is nonetheless diffuse. Initially, Olga’s remaining living spaces were sealed and the air-raid luggage stored in the



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Fig. 1: Carl Spitzweg (1808–1885), *Lagernde Karrner*, in the catalog of the 'Schmeil Auction'.

Image credits: Helbing, Hugo/Cassirer, Paul: *Sammlung Schmeil, Dresden, Versteigerung am 17. Oktober 1916 in der Galerie Paul Cassirer, Berlin*, lot 112. <https://doi.org/10.11588/diglit.48615#0214>



Fig. 2: Helbing, Hugo/Cassirer, Paul: *Sammlung Schmeil, Dresden, Versteigerung am 17. Oktober 1916 in der Galerie Paul Cassirer, Berlin*, lot 34, working copy of Marie Ducrue (1875–?), Zentralinstitut für Kunstgeschichte, Munich

Image credits: <https://doi.org/10.11588/diglit.56110#0030>

cellar was confiscated.¹⁶ The files of the Oberfinanzpräsident (OFP) show that on November 24, 1942, a bailiff used a lock pick to get access to her place in order to record and evaluate her possessions.¹⁷ The inventory also included 28 paintings and works on paper with an estimated value of 23,410 Reichsmark (*fig. 4*).¹⁸ There is evidence of rapid sales of the household effects to high-ranking military officers, but works of art are not mentioned.¹⁹ On January 6, 1943, a large stock of paintings and works on paper was handed over to Edgar Lach for auction on January 12 and March 11, 1943.²⁰

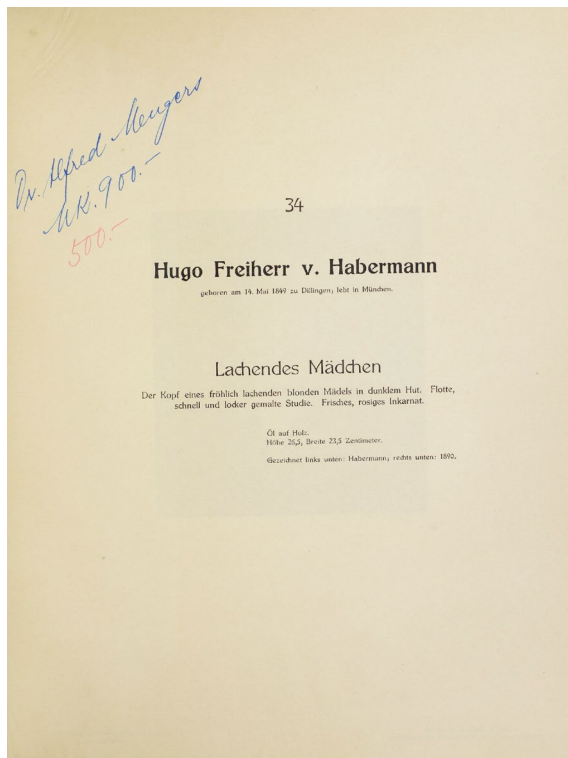


Fig. 3: Helbing, Hugo/Cassirer, Paul: *Sammlung Schmeil, Dresden, Versteigerung am 17. Oktober 1916 in der Galerie Paul Cassirer, Berlin, lot 34, protocol catalog Kunstsalon Paul Cassirer, Paul Cassirer & Walter Feilchenfeldt Archive, Zurich.*

Image credits: <https://doi.org/10.11588/digit.48615#0079>
(last accessed on July 11, 2023)

As is usually the case, the information in the inventory and auction records relating to specific artworks remains rudimentary. Further sources needed therefore to be consulted for identification, such as the illustrated catalog of the ‘Schmeil Auction’. Going forward, future research could attempt to identify the losses by comparing them with the works that had already been purchased by Sigmund Aschrott (who, incidentally – and this may also be a helpful clue – was usually advised in his purchases by Max Friedländer).²¹ Last but not least, the files of the restitution and compensation proceedings contain several scattered references to individual works. For example, only “1 Gemälde von Leon Richet” (“1 painting by Leon Richet”) appears on the inventory list, valued at the high amount of 3,000 Reichsmark.²² The painting does not appear in the auction records,²³ so that another ‘disposal’ can be assumed. Scattered references from the restitution files provide clues as to the identity of the work: *Landschaft mit Wasser* is mentioned once, then “Richet (dunkle Landschaft mit Wasser), 1 m lang und 60 cm hoch” (“Richet (dark landscape with water), 1 m long and 60 cm high”), finally “signiert, ca. 1 m x 60 cm, ein grosses repräsentatives Bild

Obgleich in einer Wohnung mehrere
 Schätzgegenstände, so sind hier, oben rechts
 jedoch zu nummerieren

Schätzungsblatt Nr. 1
 Mithraschen des ODP
 H. Strohschilde 27/18562

Berlin: 15 Straße: Bergensstr. Nr. 5, Lage: III

Früherer Mieter bzw. Untermieter: Mengers, Olga Konstantine
 Früherer Eigentümer der Gegenstände:

Inventar und Bewertung

Ab. Nr.	Stück	Gegenstand	Nähere Beschreibung	Bewertung in RM	Bemerkungen
1	1	Weggen lde: auf Holz, Abendstimmung		500	
2	1	Fastell, Leistikow		500	
3	1	Landschaft, Ruhe u. Schafe	19. Jahrh	300	
4	1	von Zimmermann		500	
5	1	Klasse, Ruhe an der Traube		500	
6	1	Fastell von Cassiase		300	
7	2	kl. Bilder von Rosemann		1600	
8	1	Gem lde, holl. indisch		500	
9	1	Miniaturlastell v. Harburger		60	
10	1	1 Bild auf Kupfer	Frank.	600	
11	1	Gem lde von Jordan		600	
12	1	" " stilleben	hellias	1500	
13	1	" " Kopie v. de Keyser	Frauenbild	600	
14	1	" " holl. 18. Jahrh.		600	
15	2	" " Tierbilder		1000	
16	1	" " von Harmann		2000	
17	1	" " von Hargermann		500	
18	1	" " holl. 18. Jahrh.		1500	
19	1	" " v. Halligau		600	
20	1	Fastell v. Kappes		300	
21	1	Quarill v. Achenbach		1000	

zu übertragen Seitensumme: RM 26720
 C 2540. ODP. 204-11

Fig. 4: Inventory of the home furnishings of Olga Mengers, November 24, 1942.

Image credits: Brandenburgisches Landeshauptarchiv (BLHA), Potsdam, Rep. 36A Oberfinanzpräsident Berlin-Brandenburg (II), no. 26214, fol. 27

dieses französischen Meisters, mehrfach abgebildet in Sammelwerken" ("signed, approx. 1 m x 60 cm, a large representative painting by this French master, illustrated several times in literature"). And last, but not least, the 'subtenant' Sobotka stated that he had seen the work at Hans W. Lange's.²⁴

Losses without traces

Heinz and Kurt Mengers both stated in the context of the restitution and compensation proceedings²⁵ that the inventory list drawn up on behalf of the Oberfinanzpräsident could not be complete.²⁶ Here and there, numerous missing works were specifically mentioned, for example by Frans van Mieris and Franz von Stuck, Spitzweg, Leistikow, Grützner and many other artists.²⁷

When and how these works, which are not mentioned in the OFP files, left Olga Mengers's

collection remains completely unclear. Sales, about which the sons, who had already fled, could not have known, are, of course, possible. There is evidence that Olga Mengers sold at least one painting and other furnishings to Sobotka when she was forced to cede four rooms of her apartment to him.²⁸ Other pieces of furniture were also sold in the process²⁹ – perhaps even works of art? It is also possible that the most valuable items were set aside before the bailiff's first evaluation, after all taking place more than seven weeks after the deportation. And what was in those pieces of air-raid baggage that were not discovered during the deportation and which Grete Drachholz and her husband secretly took to Bavaria later?³⁰ Were other valuables possibly brought to safety in southern Germany in 1942, as Olga Mengers's will seems to indicate?³¹ There were more questions than answers.

Liebermann's "Gemüseschälerinnen"

In 1957, some of the works from the Mengers Collection not listed in the OFP files were (unsuccessfully) requested by the Berlin restitution chambers from the 'Treuhandverwaltung für Kulturgut' (TVK).³² Among them was a painting by Max Liebermann, erroneously listed in the singular as *Gemüseschälerin* (*Vegetable Peeler*). In 1955, Heinz Mengers stated that the OFP list was short of "ein grosses Bild von Max Liebermann, *Die Gemüseschälerinnen*, bei der Erbaseinsetzung nach meinem Grossvater, mit Mk. 20.000,- in Rechnung gestellt" ("a large painting by Max Liebermann, *Die Gemüseschälerinnen* (*The Vegetable Peelers*), invoiced at Mk. 20,000 in the inheritance dispute after my grandfather's death").³³ However, according to the catalogue raisonné, the *Gemüseschälerinnen* from the Aschrott Collection (Eberle 1873/15, fig. 5) were already in the possession of the Jewish collector Max Meirowsky from Cologne in 1917, who gave the work to Paul Cassirer on consignment in 1926/27. Accordingly, the Liebermann catalogue raisonné assigns two versions of the motif to Max Meirowsky.³⁴ However, correspondence and a photograph of the work from the archive in Römerholz, which Harry Joelson-Strohbach analyzed, show that the Ludwigs-Galerie in Munich had the Liebermann painting (Eberle 1873/15) "direkt aus der Familie Aschrott bis zum Oktober d.J. [1933] fest an der Hand" ("directly from the Aschrott family until October of that year [1933]"), meaning that there must have been a commission agreement with the Aschrott family.³⁵ It can therefore be assumed that the findings from the Cassirer Archiv, which suggest a provenance of 'Meirowsky' for the Aschrott painting (Eberle 1873/15), should rather be attributed to the work Eberle lists under no. 1872/9³⁶ – a version of the same motif with only slightly different dimensions, which was also dated 1873 and was demonstrably auctioned from the Meirowsky Collection by Hans W. Lange in 1938.³⁷

The "Portrait Aschrott" by Anders Zorn

Among the missing works, the portrait of Sigmund Aschrott by Anders Zorn is also mentioned several times.³⁸ According to the sons, a copy of the picture in Aschrott's office was destroyed during the war, but the original was owned by Olga Mengers. The portraits of the family members – of which there were several³⁹ – were of particular value to the testator:



Fig. 5: Max Liebermann (1847–1935), *Konservenmacherinnen*, oil on canvas, 1873, 50.5 x 61.5 cm, private collection, Switzerland.

Image credits: Eberle, Matthias: Max Liebermann 1847–1935. Werkverzeichnis der Gemälde und Ölstudien, 2 vols., vol.1 (1865–1899), Munich 1995–1996, p. 66

“ich wünsche, dass von den Ölbildern der Familienmitglieder wenigstens die meiner Eltern, Grosseltern und Schwiegereltern, das meiner Frau, die meinigen und das meiner Tochter Marie in der Familie verbleiben und in Wohnräumen stets aufgehängt bewahrt werden mögen. Ich mache die Durchführung dieses meines Wunsches meinen Kindern zur Ehrenpflicht und ersuche, die Verteilung der Bilder in den Testamentsakten zu registrieren.” (“I wish that of the oil paintings of family members at least those of my parents, grandparents and parents-in-law, my wife’s, those of me and that of my daughter Marie should remain in the family and will always adorn living quarter walls. I make it a duty of honor for my children to carry out this wish of mine and request that the distribution of the paintings be registered in the documentation of the will”).⁴⁰

It would therefore be easy for future research to check whether it fell to Olga to keep the portrait of Anders Zorn. And in the same way it might also be possible to find out whether it was the portrait of Sigmund Aschrott that had to be taken down when Sobotka moved in in 1941, whereby Mrs. Mengers had urged special care, because the work was of outstanding value.⁴¹ Is it true that this painting was then taken abroad before Olga Mengers was deported – or was it also just a copy, as Heinz Mengers suspects?⁴² In any case, a

portrait of Sigmund Aschrott by Anders Zorn is now in the Länsmuseet Gävleborg (*fig. 6*). According to the museum, it was donated by the circle of friends (Gävle musei vänner) in 1944, came from the art dealer N. Hammarström (Gothenburg) and had already arrived in Sweden between 1915 and 1927 through Olga's brother Paul Felix Aschrott.⁴³ Again: more questions than answers.

Forgotten art dealer: Heinz Mengers

The essential information about Olga Mengers's collection was provided by her sons Heinz Günther (1894–1969) and Kurt Victor Mengers (1893–1977) after the war. Both were 'expert witnesses', as they had worked as art dealers, a fact entirely in oblivion today.

Heinz Mengers, the younger brother, pursued his passion after he had completed an apprenticeship in the export business. From 1917 to 1923, he worked as an art dealer in New York; after returning to Berlin, he later stated that he had a cooperation with Karl Feyerabend of the 'Blumen- und Kunsthandlung Otto Möhrke'⁴⁴ since 1928 and that he had also been active for the 'Internationales Kunst- und Auktions-Haus Berlin'⁴⁵ as an antiques buyer and expert, and as partner, since 1927.⁴⁶ As he was denied membership in the 'Reichskulturkammer' due to his Jewish origins, from 1936 at the latest he was reduced to doing business unofficially from his apartment.⁴⁷ Heinz parted with some of his household effects and works of art – not a very large collection – as early as in 1936/37.⁴⁸ It was only in March or June 1938 that he finally fled Germany. The immediate cause for this is not entirely clear, but the departure came abruptly.⁴⁹ With nothing but a small suitcase, Heinz Mengers travelled via Amsterdam and London to Stockholm, where he tried to keep survive without a work permit.⁵⁰ He left his apartment on von der Heydt-Straße 5 behind. He had entrusted its management to the business consultant Eberhardt Kurtz,⁵¹ who, according to Heinz Mengers, consigned items for sale to Möhrke and the auction house 'Union' (Leo Spik) and who also took over some of the items from the inventory himself.⁵² In an inventory listing of the apartment furnishings, which Heinz submitted to the compensation office, he named ten paintings by artists such as Paulus Brill, Lucas von Uden, Gabriel Metsu and Gerard Terborch, a library and stock-in-trade consisting of antiques, antique Chinese decorative arts, and paintings, which he had stored in chests and in the attic and basement rooms of his apartment.⁵³ As the OFP file only attests to the forfeiture of the assets for a bank balance of 3,000 Reichsmark, a loss was not recognized.⁵⁴ Heinz was completely impoverished after the war and eventually returned to Germany, where he died in 1969.⁵⁵

Kurt Mengers: important dealer in non-European art

The slightly older brother Kurt Victor Mengers (1893–1977) also lost his entire livelihood as a result of persecution. Trained as a banker,⁵⁶ he also became an art dealer, apparently with internationally success.

From an early age, Kurt had been particularly interested in African and Southeast Asian artefacts and assembled a collection. In the 1920s, he became one of the leading dealers



Fig. 6: Anders Zorn (1860–1920), *Sigmund Aschrott*, 1911, oil on canvas, 99 x 78 cm, Läns museet Gävleborg, XLM.11023.

© Läns museet Gävleborg

in non-European art.⁵⁷ He added to his collection on numerous trips abroad, storing it in bank safes and with shipping agents. He sold to private buyers directly and in cooperation with the art dealer Heinz Hagen (Greifenhagen), with whom he organized several exhibitions.⁵⁸ Above all, he consigned large parts to auction, for example at ‘Hôtel Drouot’ in Paris.⁵⁹ Between 1922 and 1939, Kurt Mengers was recently found to have consigned almost 270 objects of African origin to auctions in Paris alone. As such, he was identified as one of the main players on the market for African objects about whom apparently nothing further was known.⁶⁰ This is an example how provenance research on cultural objects from colonial contexts can provide important information for Nazi-era provenance research – and vice versa.

When Kurt Mengers was threatened with arrest in the summer of 1936, he fled to Belgium.⁶¹ However, he was arrested in Brussels in May 1940, and after 16 months of imprisonment in

the Le Vigeant and Gurs internment camps, he managed the almost impossible feat of escaping. He told his family about what had happened in more detail than the compensation office: Kurt's girlfriend Anita had managed to smuggle a box of dried figs into the camp, among which she had concealed some money. This enabled Kurt to bribe a supplier to help him escape. With a lot of luck and constantly in danger, he was able to return to Brussels, where he bought a passport from a street beggar. In the summer of 1942, he had to go into hiding again and stayed with Anita with various private individuals and finally in the Ardennes, sometimes sleeping in the forest. He only returned to Brussels after the end of the war.⁶²

In Brussels, his adopted home, Kurt Mengers was considered a 'prominent personality' among the refugees,⁶³ but he was no longer able to pursue his profession as an art dealer without capital.⁶⁴ He died in Brussels in 1977.

The 'Mengers case' shows how an art trade source from long before 1933, the 'Schmeil catalog' from 1916, can provide valuable insight into forgotten collections, losses and networks. And it shows one thing above all: a lot remains to be done.⁶⁵

ANNOTATIONS

- 1 <https://www.lostart.de/de/Fund/576047> (last access on August 1, 2023). I would like to thank the Museum im Kulturspeicher Würzburg for the cordial exchange in March 2021.
- 2 Helbing, Hugo/Cassirer, Paul: *Sammlung Schmeil, Dresden, Versteigerung: Dienstag, 17. Oktober 1916 in der Galerie Paul Cassirer, Berlin*, cf. DOI: <https://doi.org/10.11588/digit.48615> and <https://doi.org/10.11588/digit.56110>.
- 3 Landesamt für Bürger- und Ordnungsangelegenheiten Berlin (LABO), Entschädigungsbehörde, Reg. No. 67841 fol. B61. Landesarchiv Berlin (LAB), A Rep. 342-02, No. 47806, 50531, 58450 (Berliner Velvetfabrik M. Mengers & Söhne AG).
- 4 Demme, Roland: *Der jüdische Kaufmann, Verleger und Stadtplaner Sigmund Aschrott – eine Persönlichkeit des 19. Jahrhunderts*, Dissertation at Kassel University in 2006, https://kobra.uni-kassel.de/bitstream/123456789/2006110715503/3/demme_120706.pdf (last access on August 1, 2023).
- 5 LAB, B Rep 025-07, no. 2721/51, fol. 193.
- 6 Two other sons died young: Otto (June 5, 1900–April 18, 1920) and Fritz Mengers (January 22, 1896–October 31, 1914).
- 7 Johannesson, Albert (ed.): *Deutsches Millionär-Adressbuch*. Berlin 1894, p. 104, https://digital.staatsbibliothek-berlin.de/werkansicht?PPN=PPN1800258488&PHYSID=PHYS_0110&DMDID=DMDLOG_0001 (last access on August 1, 2023).
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- 9 LAB, B Rep. 025-07 No. 2716/51.
- 10 LABO, Reg. no. 67840, fol. D5, D9, D97.
- 11 *Ibid.*, fol. D22.
- 12 <https://deu.archinform.net/arch/31374.htm> (last access on August 1, 2023). No private estate documents in: Berlinische Galerie Berlin, Österreichischer Ingenieur- und Architektenverein Wien, Technische Universität Wien, as kindly confirmed by the institutions.
- 13 Holocaust Survivors and Victims Database, https://www.ushmm.org/online/hsv/person_view.php?PersonId=1486077 (last access on August 1, 2023), LABO, Reg. No. 67840, fol. C8.
- 14 LABO, Reg. no. 67840, fol. D2.
- 15 Bundesamt für zentrale Dienste und offene Vermögensfragen (BADV), archive file 7 WGA 2721/51, fol. 63.
- 16 BADV, 7 WGA 2721/51, fol. 62f.
- 17 Brandenburgisches Landeshauptarchiv (BLHA), Potsdam, Rep. 36a Oberfinanzpräsident Berlin-Brandenburg (II), no. 26214, fol. 13.
- 18 *Ibid.*, fol. 25–28; BADV 7 WGA 2721/51, fol. 3, 4.
- 19 BLHA, Rep. 36a II, No. 26214, fol. 26–43. BADV, 7 WGA 2721/51, fol. 2f.
- 20 BLHA, Rep. 36a II, No. 26214, fol. 45–59. BADV, 7 WGA 2721/51, fol. 5–7.
- 21 LAB, B Rep 025-07, no. 2721/51, fol. 193, 252. BADV, 7 WGA 2721/51, fol. 107.
- 22 BLHA, Rep. 36a II, no. 26214, fol. 28v.
- 23 Cf. *ibid.*, fol. 47–50.
- 24 LAB, B Rep 025-07, no. 2721/51, fol. 16, 122, 171, 242.
- 25 On May 18, 1961, a settlement in the amount of DM 121,000 for the loss of furnishings, carpets and works of art: BADV, 7 WGA 2721/51, fol. 152–156.
- 26 BADV, 7 WGA 2721/51, fol. 57r. and v., 107–116, 132–138.

- 27 BADV, 7 WGA 2721/51, fol. 65, 97, 106f., 137.
- 28 LAB, B Rep 025-07, no. 2721/51, fol. 108, 240. BADV, 7 WGA 2721/51, fol. 10. BLHA, Rep. 36a II, no. 26214, fol. 11. Cf. LAB, B Rep. 025-07, no. 143/52.
- 29 BADV, 7 WGA 2721/51, fol. 132.
- 30 Ibid., fol. 62f.
- 31 “Sollten meine durch Frau Drachholz, Bregenzerstr. 5, im Jahre 1942 nach Bayern verlagerten Sachen je wieder nach Berlin kommen, so sind dieselben ebenfalls zwischen meinen beiden Söhnen zu teilen.” (“Should those of my belongings moved to Bavaria in 1942 by Mrs. Drachholz, Bregenzerstr. 5, ever return to Berlin, they are also to be divided between my two sons.”) LABO, Reg. no. 67840, fol. M38, M46.
- 32 Liebermann, Zügel, Graff, Koppay and Hercommer: Bundesarchiv Koblenz, B 323 Treuhandverwaltung von Kulturgut bei der OFD München, no. 384, fol. 32–35.
- 33 LAB, B Rep 025-07, no. 2721/51, fol. 125.
- 34 Eberle, Matthias: *Max Liebermann 1847–1935. Werkverzeichnis der Gemälde und Ölstudien*, 2 vols., vol. 1 (1865–1899), Munich 1995–1996, nos. 1873/15 and 1872/9, p. 51 and pp. 64f., with references; cf. also Leo Baeck Institute, Max Liebermann Collection, AR 847 / MF 683, Folder 8: Short story about Max Liebermann, written by Julius Elias 1918, typescript, pag. 30, <https://ia800909.us.archive.org/28/items/maxliebermannooreel01/maxliebermannooreel01.pdf> (last access on August 1, 2023). <https://www.lostart.de/de/Verlust/311759> and <https://www.lostart.de/de/Verlust/311773> (last access on August 1, 2023).
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- 36 Hans W. Lange Berlin: *Gemälde, Plastik, Kunstgewerbe: aus einer Berliner Privatsammlung (nichtarischer Besitz)*, November 18, 1938, lot 26, illustrated, see DOI: <https://doi.org/10.11588/diglit.6037#0035>.
- 37 I am grateful to Petra Cordioli, Cassirer Archiv, and Imke Gielen, representative of the heirs of Max Meirowsky, for their kind advice. The search listing <https://www.lostart.de/de/Verlust/311759> (Eberle 1873/15 for Coll. Meirowsky) has been deleted due to the new research results.
- 38 BADV, 7 WGA 2721/51, fol. 64, 67f., 107. LAB, B Rep 025-07, no. 2721/51, fol. 102f., 121, 193.
- 39 Donation of a portrait to the Stadtmuseum Kassel, <https://frizz-kassel.de/kultur/kunst/ein-portr%C3%A4t-von-sigmund-aschrott/> (last access on August 1, 2023).
- 40 LABO, Reg. no. 67840, fol. M21f.
- 41 BADV, 7 WGA 2721/51, fol. 64.
- 42 Ibid.
- 43 <https://digitaltmuseum.se/021046615189/siegmund-aschrott-portratt> (last access on August 1, 2023).
- 44 See Flick, Caroline: *Verwertung der Umzugsgüter Georg und Martin Tietz*, August 2018, <https://carolineflick.de/publikationen/Verwertung-Umzugsgueter-Tietz.pdf> (last access on August 1, 2023).
- 45 See Enderlein, Angelika: *Der Berliner Kunsthandel in der Weimarer Republik und im NS-Staat. Zum Schicksal der Sammlung Graetz*. Berlin 2006, p. 90. Pucks, Stefan: *Die Kunststadt Berlin 1871–1945. 100 Schauplätze der modernen bildenden Kunst, insbesondere der Expressionisten, im Überblick*. Berlin 2007, p. 16; Bähr, Astrid: *German Sales 1930–1945 Bibliographie der Auktionskataloge aus Deutschland, Österreich und der Schweiz*. Berlin 2013, pp. 22, 35, 124–153, 206–211, https://archiv.ub.uni-heidelberg.de/artdok/2251/1/Baehr_German_Sales_1930_1945_2013.pdf (last access on August 1, 2023).
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- 48 Mandelbaum and Kronthal, November 25, 1936: decorative arts, three paintings, etchings by Hans Baluschek, a group of works on paper and two miniatures. Leo Spik, April 28/29, 1937: four paintings, a group of engravings, household effects). Leo Spik, June 1, 1937: no works of art and July 14, 1937: an unsold display table from the aforementioned auction. LAB, A Rep. 243-04, nos. 30, 40, 67; no printed catalogs known.
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- 51 Life data: 27.1.1882 Stettin–1.3.1952 Berlin, cf. LAB, death register, Schöneberg 1952 (first register), no. 424.
- 52 LABO, Reg. no. 262.344, fol. M22, D6 r and v. Cf. LAB, B Rep. 025-07 no. 2722a/51.
- 53 LABO, Reg. no. 262.344, fol. D8–D12.
- 54 Ibid., fol. D20f. Cf. BLHA, Rep. 36a II, no. 26211.
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- 56 On the curriculum vitae LABO, reg. no. 67841, fol. B19, B61.
- 57 Ibid., fol. B70 (Wilhelm Weick on Kurt Mengers).
- 58 Ibid., fol. B53, B61.
- 59 Ibid., fol. B61.
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- 61 LABO, Reg. no. 67841, fol. M22f., C37v.
- 62 I would like to thank the family of Kurt Mengers for their kind support. LABO, Reg. no. 67841, fol. B19, C9, C17–29, M10.
- 63 Ibid., fol. M59. Cf. Algemeen Rijksarchief – Archives générales du Royaume, Brussels, foreigners’ file no. A215.916. I am grateful to Filip Strubbe and Gert Seels, Brussels, for their kind advice.
- 64 LABO, reg. no. 67841, fol. B75, active after the war as a ‘Modeliste’ for a company for travel accessories.
- 65 The heirs of the Mengers family will in future be supported by the HCPO. Cf. article by Anna B. Rubin.



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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*

© Courtesy of Sotheby’s



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

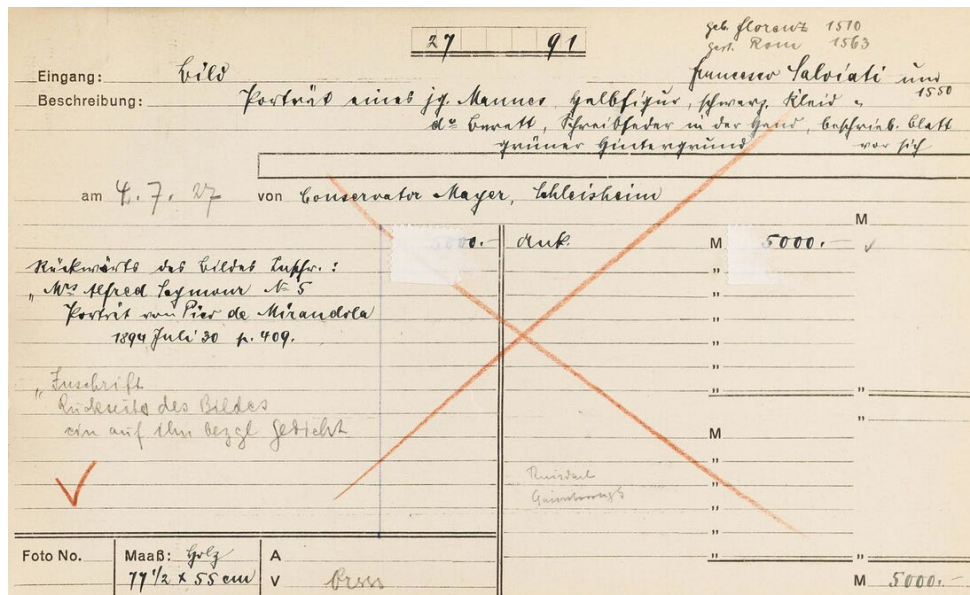


Fig. 2: ZI Munich/Photothek, Julius Böhler Archive, Munich card index system, M_27-0091, p. 1.
© Zentralinstitut für Kunstgeschichte, Munich

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

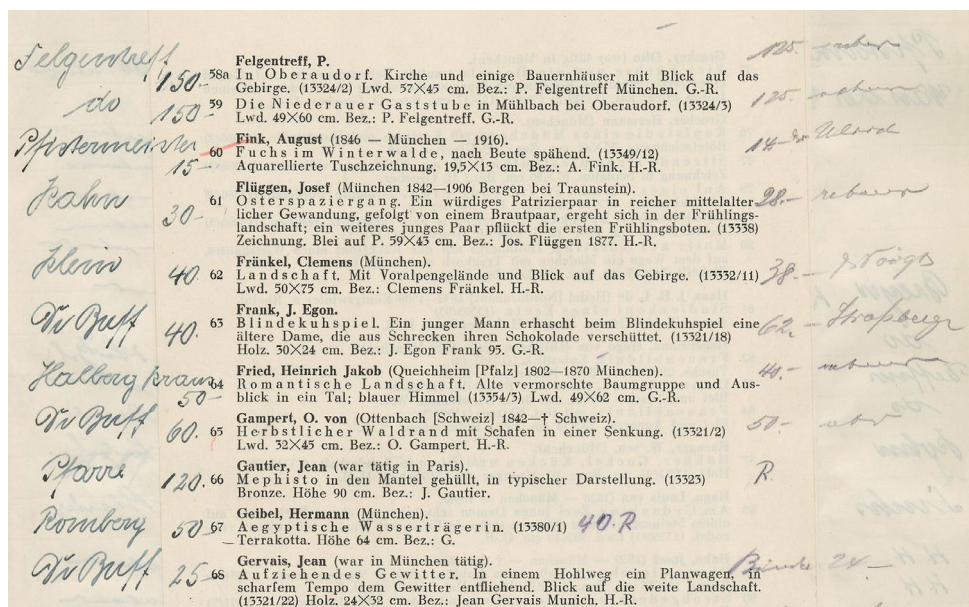


Fig. 3: Excerpt from the auction catalog *Gemälde neuerer Meister: Antiquitäten, alte Möbel, Skulpturen, Gemälde alter Meister, alte Bücher aus verschiedenem Privatbesitz, Versteigerung am 27. und 28. März 1935 in der Galerie Hugo Helbing*, p. 5 of Hugo Helbing’s personal copy, providing detailed information 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>

GALERIE HEINEMANN online

HINTERGRUND RECHERCHE DOKUMENTE KOMMENTARE KONTAKT IMPRESSUM

[Volltextsuche](#) | [Erweiterte Suche](#) | [Kurzbilder](#) | [Detailbilder](#) | [Einzelansicht](#) | [Hilfe](#)

Wagenbauer, Max Josef (1774-1829) | PHD-Nr.: 118805886
Auf der Alm

Direktlink: <http://heinemann.gnm.de/de/kunstwerk/11915.htm>

Dokumente:
 Kartel verkaufte Bilder
 Dokument-ID: 11915 | [Scan\(s\) ansehen](#) -
 Kartel Lagerbücher
 Dokument-ID: 15066 | [Scan\(s\) ansehen](#) -
 Käuferkartel
 Dokument-ID: 16908 | [Scan\(s\) ansehen](#) -
 Einkaufsbuch
 Dokument-ID: 21894 | [Scan\(s\) ansehen](#) -

Material: Holz
 Maße (h x b): 23 x 27 cm
 Eingangsdatum: 12.05.1937
 Ankaufspreis: 145,60
 Ausgangsdatum: 03.07.1937
 Verkaufspreis: 300
 Typ: Heinemann-Kunstwerk
 Heinemann Nr.: 19521

Kunde(-n): Hugo Helbing, Frankfurt/Main, Verkäufer | Dr. R. Hutzel, Erwin Bodestr. 2, Heidelber., Käufer
 Bemerkungen: Aktion Helbing, Frankfurt 11.05. Nr. 89. Einkaufspreis mit Rahmen.

Dokument-ID: 15066 | Kartel Lagerbücher | KL-2090

p 40%

Nr. 18531	NAME DES KUNSTLERS: Wagenbauer, Max Joseph
GROSSE: 23 x 27 cm	DARSTELLUNG: Auf der Alm
MATERIAL: Holz	SIGNATUR:
PHOTO:	EXPERTISEN:

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

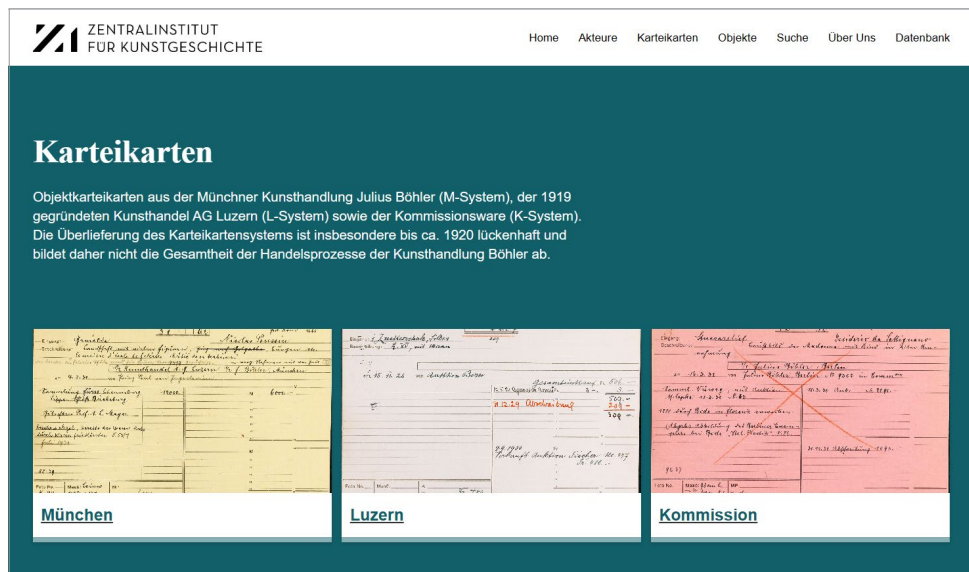


Fig. 5: The 'Böhler re:search' database, launched in summer 2022, provides digital copies of the index cards and photo files, as well as research data on the transactions of the Munich art dealer Julius Böhler from 1903 to 1948 (see <http://boehler.zigk.eu>).

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

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- 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 Kunstarthiv 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.



CASE STUDY

THE KÜHNS ART DEALERSHIP – AN APPROXIMATION

Research reveals little knowledge of the Berlin art dealership Kühns and its Jewish owner Malwine Kühns, née Weiß (February 1, 1874 Vienna – October 16, 1941 Berlin).¹ To date, no research has been carried out into the firm's business volume and its artworks, and nothing has been published on the family's persecution history. An investigation was originally prompted by research into a painting depicting Falstaff by the artist Eduard von Grützner, consigned for auction, which had been sold by Galerie Heinemann to Friedrich Kühns from Berlin (August 20, 1864 Prague – March 13, 1925 Berlin)² in August 1916 (*fig. 1*).³ This study provided first insights into Malwine Kühns's persecution and the forced dissolution of her art business, as can be reconstructed from preserved files.⁴

An art gallery on the move

Born in Vienna on February 1, 1874, Malwine Weiß was brought up in a family of Mosaic faith.⁵ It is not known when she gave up Austrian citizenship in exchange for a German one,⁶ and the exact date of her marriage with Friedrich Kühns is not certain either. It certainly was before 1897, possibly in Breslau (today Wrocław). Four of their seven children were born in this Silesian city between 1897 and 1902⁷ where Friedrich Kühns already ran a business selling art.⁸ His passion for art and culture also showed in his initial profession as a theater actor. Even as a youth, Friedrich Kühns was engaged for starring and supporting roles at theaters in Bremen, Düsseldorf, Strasbourg, Hanover and Breslau.⁹ It is not known whether he continued to pursue his acting career in Berlin parallel to his art dealer activities, and it also remains unclear whether the Kühns family was living in Heringsdorf on the Baltic Sea at times – the place where their two daughters Charlotte and Gertrud were born between 1905 and 1908.¹⁰ Their relocation to Berlin can be verified in 1909 at the latest.¹¹ Documents prove a registration at the Berlin address from April 1910 to 1941 at the latest.¹²

Fig. previous page: detail from fig. 1

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Fig. 1: Eduard von Grützner (1846–1925), *Falstaff mit Zinne und Weinglas*, 1914, oil on canvas, 40 x 50 cm.
© Ketterer Kunst GmbH & Co. KG, Munich

While their residence on Friedrichstraße 248 is confirmed from as early as 1910, sources regarding the location of the art dealership paint a very mixed, even contradictory picture. Between 1909 and 1938, no fewer than 17 different locations of the Kühns art dealership can be found in the Berlin address and business directories, initially registered in Friedrich Kühns's name, and as of 1933 under Malwine Kühns, who continued to run the business after her husband's death in 1925.¹³ The address changes are not evaluated as part of this paper. However, the location can be assessed in general terms, as the Kühns art dealership was located on Friedrichstraße and on Leipziger Straße, particularly in the 1920s and 1930s. From the 1920s to the early 1930s, there were many medium-sized art dealers on Friedrichstraße, so it would have made sense for Kühns to set up shop there, too. Running parallel to the grand boulevards Unter den Linden and Leipziger Straße, which were also lined with art dealers and auction houses, the Kühns business address on Friedrichstraße was located in the heart of the Berlin art trade, in the immediate vicinity of, for example, Arthur Dahlheim's art shop (see Carolin Faude-Nagel's article in this book).¹⁴

Information on business volume and private assets is of equally mixed quality and incomplete. Here, too, further research is needed, which should take possible correlations with address changes into account.¹⁵

Business closure and auction

From 1933, Malwine Kühns was among the victims collectively persecuted by the National Socialist regime for their religious affiliation, and the measures taken against her also had a massive impact on her work as an art dealer. She was able to keep her store, ‘quite large’ business rooms¹⁶ on Friedrichstraße 160 until 1936. When she signed the lease in 1934, Malwine Kühns was wealthy enough so that her landlord Dr. Curt Radlauer did not have any concerns about concluding the contract with her.¹⁷ However, when persecution measures became more severe, boycotts led to declining sales, so that Malwine Kühns had to move her business to smaller premises on Friedrichstraße 105 in early 1936. The new location also had a large storage cellar, and she hoped she would be able to keep the art shop despite the losses. This hope was also reflected by the fact that she had business cards printed for the new address (fig. 2), for which she did not spare costs. On the card Malwine Kühns advertised “ständige Gelegenheitskäufe”¹⁸ (“regular bargain sales”) and “Gemälde anerkannter Meister”¹⁹ (“paintings by recognized masters”).

But in November 1936, her hopes were crushed. Forced to “give up her ‘Pictures and Cultural Objects’ department as a result of a ban imposed by the Reichskulturkammer”,²⁰ Malwine Kühns had to sell the stock-in-trade. Initially, the Berlin auctioneer Edgar Lach on Oranienburgerstraße 2 was commissioned to hold the auction of some 650 items with a total estimated value of 19,669 Reichsmark. On top of 13 pieces of furniture, lighting and various other pieces from her shop fittings, 571 paintings, 14 watercolors, two drawings and one pastel, as well as five reproductions were listed. In addition, 65 smaller unframed works from the storage cellar were offered as a job lot with an estimate of 100 Reichsmark.



Fig. 2: Business card of the Kühns art dealership, from the legal proceedings of Malwine Kühns's grandson against the German Reich (sheet 23).

Image credits: Archive shelfmark: Landesarchiv Berlin, B Rep. 025-06, no. 2977/50

7 !

Nr. 1081. des Geschäftsbuches

(Stempel-
marke)

Versteigerungs-Auftrag

Ich, 10 unterzeichnete..... Auftraggeberin

Vve. Frau Malvine Kühns, Berlin, Friedrichstr. 105b. geb. Weiss
(Vorname, Name, Ort, Straße, Hausnummer)

erteilt hierdurch dem unterzeichneten Versteigerer

Philo W ü e s t , i/Fr. Dr. Walther Achenbach, W.50., Hardenbergstr. 29a-e.
(Vorname, Name, Ort, Straße, Hausnummer)

den Auftrag, die in anliegender Liste unter laufender Nr. 1..... bis 650..... enthaltenen Sachen zu versteigern.

Die Versteigerung soll am 2.u.3.12.36. ab 11 Uhr in Berlin,
Friedrichstr.105b., die Befichtigung daselbst am 2.u.3.12.36. um 9Uhr stattfinden.
(Straße)

Der Auftraggeber ist Eigentümer der genannten Sachen.

oder

Eigentümer der genannten Sachen ist - sind -
.....
(Vorname, Name, Ort, Straße, Hausnummer)

der Auftraggeber ist aber verfügungsberechtigt, weil

.....

Das Eigentumsrecht - Die Verfügungsberechtigung - hat der Auftraggeber glaubhaft gemacht, indem er auf den tatsächlichen Besitz Bezug nahm. (§ 1006 BGB.)

.....

Die Sachen sind gebraucht - nicht gebraucht.

Anlaß der Versteigerung:
Aufgabe der Abtlg. »Bilder u. Kulturguts« infolge Verbots der Reichskammer der bildenden Künste.

.....

Die Sachen befinden sich **in den Geschäftsräumen Friedrichstr.105b und stammen aus der aufzulösenden Abtlg. dieses Geschäftes.**

.....

Vordruck a für den Versteigerungsauftrag ohne Sonderbestimmung der Notizen und Beilagen des Versteigerers - § 88 Versteigerungsverordnungen -

Nr. A 1. 36. VI. 376. Nachdruck verboten!
 Carl Seymanns Verlag zu Berlin 308

Fig. 3: Malvine Kühns's auction order.

Image credits: Brandenburgisches Landeshauptarchiv (BLHA), Potsdam, Rep. 36A Oberfinanzpräsident Berlin-Brandenburg (II), no. 20705, fol. 7

- 11 -					
Nr.	Bezeichnung der Gode Nr.	Name und Erklärung des Bieters, wie bei Erklärung nicht ist über bei der ersten Erklärung an das Gebot geboten wird	Datum während der Versteigerung		Umsatzfänger, Inventar a) Gebot zu übernehmen b) Gebot zu übernehmen c) Gebot zu übernehmen d) Gebot zu übernehmen e) Gebot zu übernehmen f) Gebot zu übernehmen g) Gebot zu übernehmen h) Gebot zu übernehmen i) Gebot zu übernehmen j) Gebot zu übernehmen k) Gebot zu übernehmen l) Gebot zu übernehmen m) Gebot zu übernehmen n) Gebot zu übernehmen o) Gebot zu übernehmen p) Gebot zu übernehmen q) Gebot zu übernehmen r) Gebot zu übernehmen s) Gebot zu übernehmen t) Gebot zu übernehmen u) Gebot zu übernehmen v) Gebot zu übernehmen w) Gebot zu übernehmen x) Gebot zu übernehmen y) Gebot zu übernehmen z) Gebot zu übernehmen
			1936	1936	
1	2	3	4	5	6
		Uebertrag	1077,-		110,-
212	1 Gemälde "Landschaft"		21,-	225	
213	1 " " "Landschaft"	kein Gebot	-	224	
214	1 " " "Kellereileiter"	kein Gebot zu	17,-	225	
215	1 " " "Kuh"	kein Gebot	-	226	
216	1 Gemälde "Rahmchen"	kein Gebot	-	227	
217	1 " " "Landschaft"		3,-	228	
218	1 Gemälde "Dorfkirche"	kein Gebot	-	229	
219	1 " " "Landschaft"	entfällt	-	230	
220	1 " " "Landschaft"	kein Gebot	-	231	
221	1 Zeichnung	kein Gebot	-	232	
222	1 Gemälde "Lantenspieler"	kein Gebot	-	233	
223	1 " " "Schullehrer"	kein Gebot	-	234	
224	1 " " "Ferdemarkt"	kein Gebot	-	235	
225	1 " " "Ferdemarkt"	kein Gebot	-	236	
226	1 Gemälde "Rosen"		8,-	237	
227	1 " " "Ferdemarkt"	kein Gebot	-	238	
228	1 " " "Geistlicher"		92,-	239	
229	1 Gemälde "Hädechenkopf"	kein Gebot	-	240	
230	1 " " "Kuh"	kein Gebot	-	241	
231	1 Gemälde "Fischer"		7,-	242	
232	1 " " "Landschaft"	kein Gebot	-	243	
		Uebertrag	1170,-	110,-	

- 12 -					
Nr.	Bezeichnung der Gode Nr.	Name und Erklärung des Bieters, wie bei Erklärung nicht ist über bei der ersten Erklärung an das Gebot geboten wird	Datum während der Versteigerung		Umsatzfänger, Inventar a) Gebot zu übernehmen b) Gebot zu übernehmen c) Gebot zu übernehmen d) Gebot zu übernehmen e) Gebot zu übernehmen f) Gebot zu übernehmen g) Gebot zu übernehmen h) Gebot zu übernehmen i) Gebot zu übernehmen j) Gebot zu übernehmen k) Gebot zu übernehmen l) Gebot zu übernehmen m) Gebot zu übernehmen n) Gebot zu übernehmen o) Gebot zu übernehmen p) Gebot zu übernehmen q) Gebot zu übernehmen r) Gebot zu übernehmen s) Gebot zu übernehmen t) Gebot zu übernehmen u) Gebot zu übernehmen v) Gebot zu übernehmen w) Gebot zu übernehmen x) Gebot zu übernehmen y) Gebot zu übernehmen z) Gebot zu übernehmen
			1936	1936	
1	2	3	4	5	6
		Uebertrag	1170,-		110,-
233	1 Gemälde "Stall"				244
234	1 " " "Fischer"	kein Gebot	-	245	
235	1 " " "Wasser"	Haus		246	
236	1 " " "Landschaft"	kein Gebot	-	247	
237	1 Gemälde "3 Katzen"	kein Gebot	-	248	
238	1 Gemälde "Jannowitzbrücke"			249	
239	1 " " "Bauernhaus"	kein Gebot	-	250	
240	1 " " "Balkenauerhaus"	kein Gebot	-	251	
241	1 " " "Interieur"	kein Gebot	-	252	
242	1 " " "Bettler"	kein Gebot	-	253	
243	1 Gemälde "Allegorie"	kein Gebot	-	254	
244	1 " " "Marine"	kein Gebot	-	255	
245	1 " " "Biedemeier"		13,-	256	
246	1 " " "Hädechenkopf"	kein Gebot	-	257	
247	1 Gemälde "Foreingang"	kein Gebot	-	258	
248	1 " " "Alter Weintrinker"	kein Gebot	-	259	
249	1 " " "Grafenwälder Balden"	kein Gebot	-	260	
250	1 " " "Heidelandschaft"	kein Gebot	-	261	
251	1 " " "Königssee"		10,-	262	
252	1 " " "Itali. Hafen"	kein Gebot	-	263	
253	1 Gemälde "Hamburger Hafen"		16,-	264	
		Uebertrag	1219,-	120,-	

Fig. 4: Record of the auction on December 2/3, 1936

Image credits: Brandenburgisches Landeshauptarchiv (BLHA), Potsdam, Rep. 36A Oberfinanzpräsident Berlin-Brandenburg (II), no. 20705, fol. 16

The individual estimates ranged between 5 and 300 Reichsmark, with most of the paintings estimated between 10 and 50 Reichsmark. The listing mainly itemizes 19th century landscapes by German artists.²¹ This suggests a focus of the Kühns art dealership, which was evidently 19th century decorative pictures at a lower price point, although portraits by Anton Kaulbach and an allegory by Franz von Stuck were also among the auction lots.²²

The auction by Edgar Lach never materialized. Philo Wuest, an employee of the auction house Dr. W. Achenbach, put forward an objection and argued that the “material to be auctioned significantly violated provisions as stipulated in §5 of the V.V.”²³ and that Edgar Lach “only had an auction permit in accordance with §5 of the V.V.”²⁴ So, Achenbach received the commission instead and held the auction on December 2/3, 1936 (fig. 3, fig. 4). Philo Wuest took over Lach’s application to hold the auction and submitted it unchanged to the relevant authorities. The auction transcript shows that those works that remained unsold on the first day were reoffered on the second day. However, despite making several sales attempts, most of the paintings remained unsold. In the end, the auction had only grossed 3,695 Reichsmark, and lots worth 737 Reichsmark were bought in by the ‘house’.²⁵

From 1937 to 1941

Despite the persecution and the fear for life and limb, Malwine Kühns did not give up. In 1938, she rented a small store on Chausseestraße 120²⁶ and sold second-hand furniture and decorative items after she had been banned from selling art. Unfortunately, she was also forced to close this store the same year, as she did not make enough money due to boycotting measures.²⁷ Listed in the directory as a tradeswoman and no longer as an art dealer, Malwine Kühns is only listed on Friedrichstraße 248 by 1941.²⁸

Malwine Kühns did not cede her works of art even during this time. After the forced closure of the art dealership, she kept the storage cellar on Wilhelmstraße 2/3 – approximately 80 square meters – where she retained around 1,000 works of art until 1941. Her grandson, who was often on site between 1938 and 1941, described this stock in detail, albeit summarily due to the ‘mass-produced goods’ it contained.²⁹ In addition, Malwine Kühns had deposited the best and most valuable pieces in her apartment, some of them rolled up and hidden underneath the flooring, always hoping to be able to start again with these works after the war.³⁰

The seven-room family apartment, furnished with high-quality pieces and Persian carpets, also contained paintings from the private collection.³¹ Experts commissioned in the course of the compensation proceedings in the late 1950s estimated the value of the apartment at a total of around 90,000 Deutschmark, including 25 paintings and seven copies after works by Old Masters.³²

On October 16, 1941, the Gestapo raided the apartment on Friedrichstraße 248 in search of Malwine Kühns and her two children Otto Kühns (born February 20, 1920 in Berlin, pronounced dead on December 31, 1945) and Irmgard Kühns (born January 14, 1902 in Breslau, pronounced dead on December 13, 1945). The family was supposed to be deported to Łódź on transport I/450 on October 18, 1941.³³ Otto Kühns had already fled to France by this time; he was deported in 1944 and murdered in Auschwitz on May 30, 1944.³⁴ Irmgard Kühns was arrested and killed in the Kulmhof (Chelmo) extermination camp.³⁵ In despair and to avoid arrest, Malwine Kühns jumped out of a window to end her life.³⁶ The apartment and the storage cellar were sealed. A few days later everything was auctioned or confiscated by the Gestapo – the traces of hundreds of works of art disappear here.³⁷

The difficulties of securely identifying artworks

How to deal with the information found in the files on the seized artworks from the dealership and from Malwine Kühns’s private collection? The main problem in this respect is clearly a secure identification of the works. The rudimentary information provided by the auction records and the auction application is just as insufficient as the grandson’s recollections of the warehouse. Although the more extensive descriptions of the more valuable works in her apartment may make it easier to identify them, the time lag between the memories of the 1950s and the events of 1941 must be considered.³⁸

The attribution becomes even more complicated because of the dimensions specified by the daughter Olga van de Weyer in the compensation proceedings, as she largely referred

to rough standard sizes between 50 by 60 and 70 by 100 centimeters, which are certainly not the actual dimensions. It also remains unclear whether the frame was included or not.³⁹ Furthermore, claimants in compensation proceedings often generously ‘rounded up’ the dimensions – for good reason, as for unidentifiable works it was mainly the size of the painting, apart from the artist, which determined the compensation amount.

In the face of such a vast loss which is nevertheless lacking in detail, it would be even more important to establish the provenance markers of the Kühns art dealership. Were the reverse sides of the works in any way marked with inscriptions or labels? Any comparable works are not yet known to the author. However, it should be noted that the painting by Grützner mentioned at the beginning is inscribed “No 814 LUSS,-” in blue grease crayon on the reverse (*fig. 5*). This surely originated in an art trade context, as “LUSS,-” is probably a price code, as can be assumed from the comma and dash. Could this inscription perhaps be from the Kühns art dealership?

There still is a lack of further examples for comparison, and it will certainly be difficult to identify the lost works in the future without concrete findings on the reverse. Further research into the Kühns art dealership and the private collection of Malwine Kühns would therefore be urgently needed. Only rarely will it be possible to identify a work of art as clearly as the Falstaff painting. In fact, this was only possible thanks to a further source: the files handed down from the estate of Galerie Heinemann – with a historical photograph and the documented sale to Friedrich Kühns (*fig. 6, fig. 7*).⁴⁰ Might the *Mädchenportrait* showing a ‘young, blonde girl’⁴¹ by the artist Franz von Lenbach from Kühns’s private collection also be found in the same way?⁴²



Fig. 5: Eduard von Grützner (1846–1925), *Falstaff mit Zinne und Weinglas*, 1914, oil on canvas, 40 x 50 cm, reverse (detail).

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Kühns, Friedrich
Berlin

KATAL.-NR.	NAME DES KÜNSTLERS:	
12406	Ed. Brizner	3500.-
11348	J. v. Nees	3000.-
4430	H. v. Barsels	1500.-
11008	F. v. Lerbach	3500.-
9845	P. Salin	4000.-
	"Beim Zahnarzt"	3010.80

ENGLEDER & FINKENZELLER, BÜROBEDARF, MÜNCHEN

Fig. 6: Galerie Heinemann, Munich,
Entry in the buyer's card index:
Friedrich Kühns.

Image credits: Nuremberg, Germanisches
Nationalmuseum, Deutsches Kunstarchiv,
NL Heinemann, Galerie, KK-K-213

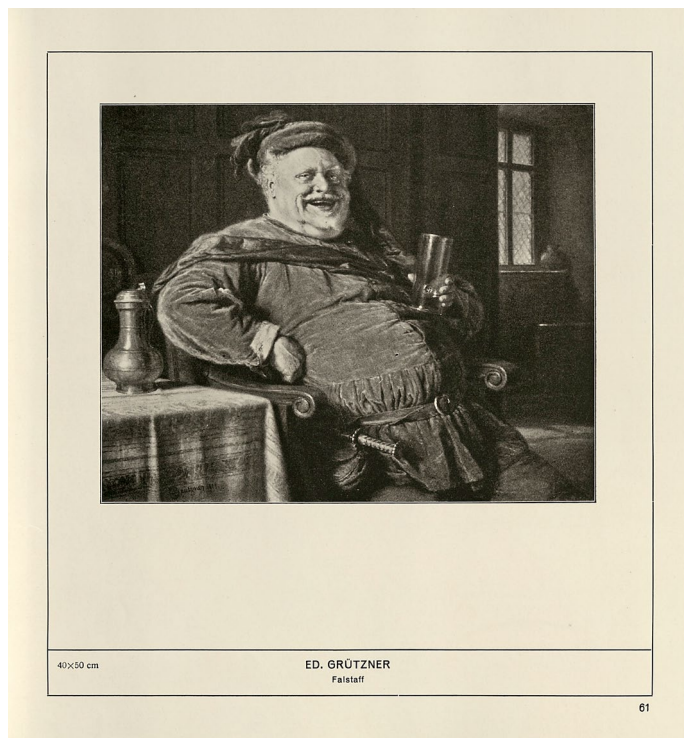


Fig. 7: Galerie Heinemann, Munich, *Permanente Ausstellung von Werken erstklassiger deutscher, französischer, altenglischer und altspanischer Meister*, inventory catalog 1914, p. 61.

Image credits: Library of the Zentralinstitut für Kunstgeschichte, Munich

ANNOTATIONS

- 1 Entry on Malwine Kühns, in: Death records C, Register Office Berlin-Kreuzberg, 1941, vol. 6, no. 3047.
- 2 Entry on Friedrich Kühns, in: Death records C1, Register Office Berlin-Grunewald, 1925, vol. 1, no. 18; Kosch, Wilhelm: *Deutsches Theater-Lexikon. Biographisches und bibliographisches Handbuch*, vol. 2. Klagenfurt/Vienna 1960, p. 1124.
- 3 Ketterer Kunst, Munich, auction 538, 19th Century Art, June 10, 2023, lot 622.
- 4 The files of the restitution and compensation proceedings initiated by the heirs of Malwine Kühns provide initial clues about the Berlin art dealer: Landesarchiv Berlin (LAB), B Rep. 025-06 No. 2977-2985/50, B Rep. 025-06 No. 11034/59. Landesamt für Bürger- und Ordnungsangelegenheiten (LABO), Reg.-Nr. 352082. In the Brandenburgisches Landeshauptarchiv (BLHA), a file on Malwine Kühns is preserved in the inventory Rep. 36A Oberfinanzpräsident Berlin-Brandenburg (II): BLHA, Rep. 36 A (II) No. 207095. This file lists the Kühns art dealership's holdings that were put up for auction on December 2 and 3, 1936. In addition, the auction record exists in the Berlin Landesarchiv holdings: LAB, A Rep. 243-04 No. 57.

- 5 Certificate issued by the Jewish community of Berlin, in: LABO, reg. no. 352082, fol. M8.
- 6 LAB, B Rep. 025-06 no. 11034, fol. 4v; LABO, reg. no. 352082, fol. M1.
- 7 Information from Olga van de Weyer, née Kühns, dated November 27, 1946, in: LAB, B Rep. 025-06 No. 2977/50, fol. 4. Born in Breslau: Margarete Kühns, born May 28, 1897; Olga Kühns, born September 12, 1889; Elisabeth Kühns, born December 30, 1899; Irmgard Kühns, born January 14, 1902. Born in Heringsdorf on the Baltic Sea: Charlotte Kühns, born October 21, 1905; Gertrud Kühns, born July 20, 1908. Born in Berlin: Otto Kühns, born February 20, 1920.
- 8 Address book Breslau and surroundings, 1900, p. 416. The art dealer Friedrich Kühns can be found on Gartenstraße 18.
- 9 Kosch 1960, as note 2, p. 1124.
- 10 LAB, B Rep. 025-06 No. 2977/50, fol. 4.
- 11 In October 1909, the art dealership Friedrich Kühns was registered on Umlandstraße 114/115, as well as with a second address on Jerusalemer Straße 32-35. Letter from the Berlin Landespostdirektion dated May 2, 1957, in: LABO, Reg. no. 352082, fol. M13r and M13v.
- 12 Letter from the Berlin Landespostdirektion dated May 2, 1957, in: LABO, Reg. no. 352082, fol. M13r and M13v.
- 13 Ibid. and Berlin address book 1909–1938.
- 14 Examples of art dealers on Friedrichstraße in 1927: Kunstauktionshaus Friedrichstadt, Kunst-Auktions-Haus Emma Riemann, Kunsthandlung Pulvermacher GmbH, the art dealer G. Pineus, the art dealer C. F. Schröder. The art dealer Arthur Dahlheim in the immediate vicinity on Kochstraße 6/7; Galerie van Diemen & Co. GmbH, Unter den Linden 17; Kunstsalon Rheinland Walter Louran, Unter den Linden 44 II. Berlin address book 1927, vol. 2, business directory, p. 384f.
- 15 According to the assessment of an art trade expert in the compensation file, the art dealership, with an estimated annual income of up to 15,000 Reichsmark in the years 1930 to 1933, is presented as a thoroughly prosperous business. The entry in the commercial register mentioned in the compensation file paints a different picture. Here, the Kühns art dealership is valued with a business capital of 15,000 Reichsmark for 1930 and a business total of 7,000 to 8,000 Reichsmark. The rent for the 7-room apartment on Friedrichstraße 248 is said to have amounted to 90 Reichsmark. LABO, reg. no. 352082, fol. E3 and M48.
- 16 Affidavit by Dr. Curt Radlauer, dated June 30, 1949, in: LAB, B Rep. 025-06 No. 2977/50, fol. 6.
- 17 Ibid.
- 18 LAB, B Rep. 025-06 No. 2977/50, fol. 23.
- 19 Ibid.
- 20 Quoted according to the reason for the auction given by Malwine Kühns, in: LAB, A Rep. 243-04 No. 57.
- 21 LAB, A Rep. 243-04 No. 57.
- 22 Ibid.
- 23 Quoted from: BLHA, Rep. 36 A (II) No. 207095, fol. 1.
- 24 Quoted from: *ibid.*
- 25 *Ibid.*, fol. 1–4, 10–35.
- 26 Letter from the Berlin Landespostdirektion dated May 2, 1957, in: LABO, Reg. no. 352082, fol. M13r and M13v.
- 27 Cf. LABO, reg. no. 352082, fol. M5 and fol. M13.
- 28 Incorrectly entered in the address book under Kühne instead of Kühns for the years 1940 and 1941. Berlin address book 1940, Part 1 – Heads of households, companies and tradesmen registered with

- the commercial court by name, p. 1652 and 1655; Berlin address book 1941, Part 1 – Heads of households, companies and tradesmen registered with the commercial court by name, p. 1664 and 1667.
- 29 The total sum of the works of art is said to have amounted to at least 1,000 paintings, 30 marble busts, at least 15 bronzes and picture frames; as an example, the grandson names several works of art summarized under the artists' names in an affidavit, in: LAB, B Rep. 025-06 No. 11034, fol. 22–25. Confirmed by affidavit of the daughter Olga van de Weyer, née Kühns, in: LAB, B Rep. 025-06 No. 11034, fol. 27.
- 30 LAB, B Rep. 025-06 No. 2977/50, fol. 109, statement by the grandson.
- 31 A detailed list of the furnishings, pieces furniture, carpets and paintings by the grandson of Malwine Kühns in: LAB, B Rep. 025-06 No. 2977/50, fol. 209–214 (furniture); fol. 214f. (carpets), fol. 216–218 (paintings); list of paintings by Olga van de Weyer, in: LAB, B Rep. 025-06 No. 2977/50, fol. 85f.
- 32 Cf. expert opinion from Dr. R. Parow on the value of the paintings of 43,840 D-Mark, in: LAB, B Rep. 025-06 No. 2977/50, fol. 225–229; cf. expert opinion from the furrier P. Erdmann on the value of the furs of 3125 D-Mark, in: LAB, B Rep. 025-06 No. 2977/50, fol. 237; cf. expert opinion from Fritz E. Croner on the jewelry value of 8,640 D-Mark, in: LAB, B Rep. 025-06 No. 2977/50, fol. 241–244; cf. expert opinion from K. Wittkowski on the value of the furniture of 32,580 D-Mark, in: LAB, B Rep. 025-06 No. 2977/50, fol. 249–257.
- 33 Documents on the deportation in the Arolsen Archives, here: <https://collections.arolsen-archives.org/de/document/11242262> (last access on July 19, 2023).
- 34 Declaration by Olga van de Weyer, née Kühns, in: LAB, B Rep. 025-06 No. 2977/50, fol. 3; entry in the Federal Memorial Book: <https://www.bundesarchiv.de/gedenkbuch/de1064015> (last access on July 20, 2023).
- 35 LABO, reg. no. 352082, fol. M10, fol. M45f.; declaration by Olga van de Weyer, née Kühns, in: LAB, B Rep. 025-06 no. 2977/50, fol. 3.
- 36 Cf. death register, as note 1.
- 37 LAB, B Rep. 025-06 No. 2977/50, fol. 206; LAB, B Rep. 025-06 No. 11034/59, fol. 22–25.
- 38 LAB, B Rep. 025-06 No. 2977/50, fol. 112f.
- 39 Ibid., fol. 85f.
- 40 <http://heinemann.gnm.de/de/kunstwerk-3942.htm> (last access on July 19, 2023).
- 41 LAB, B Rep. 025-06 No. 2977/50, fol. 113.
- 42 Friedrich Kühns acquired the painting *Weibliches Porträt mit Hut* by the artist from Galerie Heinemann on October 9, 1916: <http://heinemann.gnm.de/de/kunstwerk-6568.htm> (last access on July 19, 2023).



AUCTION CATALOGS AND PROVENANCE RESEARCH

“Property of a Lady”, “Property of a Nobleman”, “Property of a Gentleman”, “From an Important Private Collection”, such headers regularly appear, particularly in Anglo-Saxon auction catalogs, above individual lots (*see fig. 2*). Under ‘Provenance’, we often find the reference ‘Private Collection’, followed by the city or country. Places with a prominent collection history, such as the Rhineland and Switzerland, are particularly widespread, as they imply previous owners with serious interest in art.

Reading both the one and the other information, provenance researchers are torn between resentment and despair. They point out that information is clearly being withheld or concealed, and they are not entirely wrong. From the art trade’s perspective, however, such criticism is beside the point: an auction catalog is not primarily an academic publication, but a sales tool. It is only the more recent restitution departments in the art trade that take pride in compiling a complete provenance history that identifies all previous owners and respective changes of ownership. They would like to see equivalent standards applied to any object in the sales catalog.

On how to read auction catalogs

Information regarding the provenance of art objects provided in auction catalogs – apart from well-known previous owners whose names were traditionally referenced to increase the sale value – has specific objectives. On the one hand, interested readers indirectly learn whether an object comes from private ownership or from the trade. In other words, if the above-mentioned header is missing, the consignor is likely a dealer (and the object may well not be fresh to the market). In addition, from a historical perspective, an auction catalog is an ephemeral printed product and not a sustainable source of reference: once the auction is over, it is already out of date. It was only provenance research into the National

Fig. previous page: Detail from fig. 1.

Image credits: Rijksmuseum Amsterdam. Estate of Mr. S. Emmering, Amsterdam <http://hdl.handle.net/10934/RM0001.COLLECT.601166> (last accessed on July 20, 2023)



Abb. 1: Thomas Rowlandson (1757–1827), *Auction of Relics at Avignon*, 1818, aquatint etching, hand-colored, 12.7 x 19.4 cm (*Ackermann's Repository of arts, literature, commerce, manufactures, fashions, and politics*, London February 1, 1818).

Image credits: Rijksmuseum Amsterdam. Estate of Mr. S. Emmering, Amsterdam <http://hdl.handle.net/10934/RM0001.COLLECT.601166> (last accessed on July 20, 2023)

Socialist era which changed the perspective. The resulting need for historical catalogs with contemporary hand-written annotations shifted the focus on catalogs as archival sources.¹

Secondly, a complete provenance covering the years from 1933 to 1945 presented in a sale catalog is an indication that, based on the current state of research, the object in question is highly unlikely to be subject to a restitution claim resulting from persecution of its previous owners. Potential bidders can therefore largely rely on acquiring title in the event of a successful bid.

Provenance information in auction catalogs outside the context of Nazi plunder, on the other hand, raises no claim to completeness. Especially in the case of objects made centuries ago, a complete chain of provenance is the exception. An Old Master painting re-discovered under three thick layers of varnish that is attributed to a great artist after cleaning, will rarely be documented from creation to restoration. In such a case, there may well be a gap reaching from the 17th to the 21st century.

Hence the provenance mentioned in the catalog is just as much a part of the sales offer as the printed estimate. The latter is not an indication of the actual market value. It is determined on the basis of thorough considerations and accommodates current market conditions. It provides potential buyers with an approximate minimum price below which the consignor is not willing to sell, but it also fulfills the essential task of not putting off

prospective bidders. An 'estimate' is therefore a relatively vague, albeit carefully calibrated figure. For a more precise profit calculation, on the other hand, a 'will-make' (a non-public value that requires many years of market experience and precise knowledge of the target group) is necessary.

The purpose of the printed catalog is to make the object as attractive as possible, in order to tempt bidders. Gaps can certainly have strategic purposes (but not by default dishonest): If a picture was offered by the competition four times over the last three years, and on three occasions left unsold, there is no need to emphasize this information. After all, this would do a disservice to those for whom the firm acts as an intermediary: the consignors. With rare exceptions of financial self-interest, which must be indicated in the catalog, an auction house usually acts as an agent with a clear assignment to do everything required to fetch the best possible sales price for the consignor.

Individual supplements

When reading auction catalogs, both historical and contemporary ones, it is important to bear the strict purpose of this genre in mind, which may well result in a selective account of information – for reputable dealers this applies only in cases not connected with a possibly problematic provenance. Therefore, bidders should, of course, have their own diligence in mind. A reputable house will walk new clients through these questions. After all, the goal is to win them as long-term customers. It is also possible to browse past auctions online for the object of desire. On request, employees of such a company will supplement provenance information where possible. Enquiries can also be made about unspecified references to private collections. Where possible, concerns about potential problems arising from a provenance history will be taken seriously and resolved. The firm wants to still do business with the customer in ten- or twenty-years' time, when buyers may become consignors. Provenance researchers can also reach out to the auction house and inquire about the availability of further information on a lot that – due to the publication genre – was not shared.

Incidentally, it is also very rare that the provenance mentioned in a catalogue raisonné is without gaps.² Anyone working in cataloging in the art trade has experienced this at some point. In the art historical literature, however, an academic approach and a reflection of the state of research are desiderata. In trade publications, conversely, there is room for interpretation.

Provenance chains in the auction catalog

A great deal of information can also be derived from the way the provenance is presented, as it can be subject to different formats, even within one and the same auction house. When experts in Old Master paintings at international auction houses specify 'with Richard Green' in the catalog, they indicate a context in which the abovementioned dealer either purchased the respective object or had it on consignment. The exact financial structure of the situation – would other dealers have a share in the investment, or is the sale part

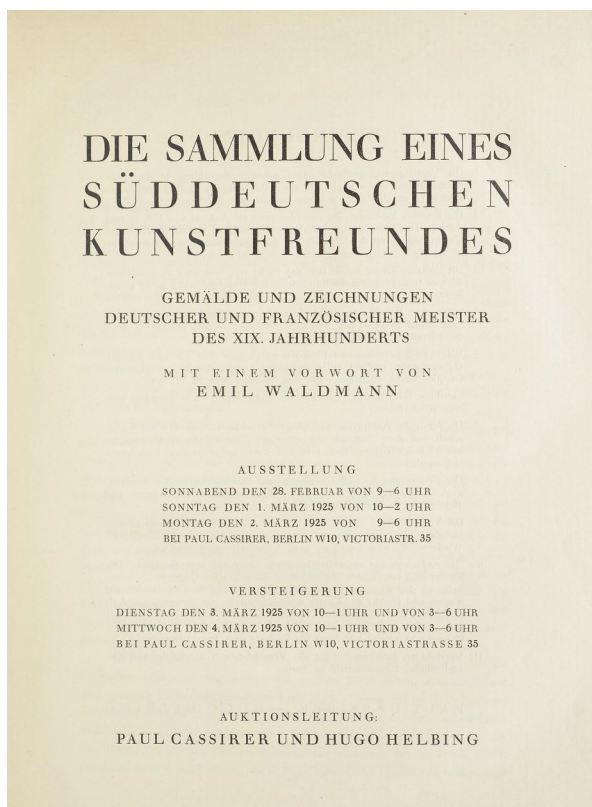


Fig. 2: Kunstsalon Paul Cassirer and Hugo Helbing, *Die Sammlung eines süddeutschen Kunstfreundes: Gemälde und Zeichnungen deutscher und französischer Meister des XIX. Jahrhunderts*, auction on March 3–4, 1925, title page [= Zitzmann Collection].

Image credits: <https://doi.org/10.11588/digit.53576#0005>
(last accessed on July 20, 2023)

of an exchange of objects – remains unknown. Anglo-Saxon catalogs for Impressionists and Modern art would however tend not to use ‘with’. They mention the name of a previous owner without making the distinction between a previous owner from the art trade and one without a trading background (such as ‘Ambroise Vollard, Paris’), which can give rise to another issue: the difficult distinction between stock-in-trade and the assumption of a private collection. Without the context of the procedures in the trade, one can get the impression that the provenance of a work of modern art offered in the catalog is a clear indication of a (private) ownership of a particular dealer – and thus potentially subject to a restitution claim if the named person was the victim of persecution and had lost his property. Extensive subsequent correspondence on the subject of goods on consignment and meta-transactions may be necessary.



Fig. 3: Thomas Rowlandson (1757–1827), *Christie's Auction Room*, 1808, etching and aquatint, hand-colored, 24 x 29.8 cm.

Image credits: Rijksmuseum Amsterdam, estate of Mr. S. Emmering, Amsterdam, <http://hdl.handle.net/10934/RM0001.COLLECT.625004> (last accessed on July 20, 2023)

Provenance research in the auction industry: pragmatic approaches

Naturally, reputable auction houses will do everything to make sure that a bidder actually acquires title once the hammer goes down. If an item was stolen in the past, this is not a given. In this context, statutory periods of limitation only play a limited role. For example, the Art Loss Register also reports past losses that do not have a Nazi plunder background but could nevertheless cause significant complications in a sale without prior agreement or legal clarification.

Today the art trade employs provenance research as a tool to increase value and to conduct risk management. Provenance research at auction houses is defined by the auction calendar and helps to make initial decisions: Can the object be put up for sale or are there any signs of a seizure and potential future title claims? At the same time, the trade identified an enormous potential here: the context of restitution claims gives objects that have

been in museums for decades a chance to be offered fresh to the market, albeit only at a price of considerable efforts in terms of time and staff for research and possible mediation between the parties involved: an endeavor certainly worthwhile for high-priced objects.

The downside was a resulting need to increase internal due diligence. An auction house that would shrug off a claim, referring to the legal statutes of limitation and thus publicly oppose the necessity of Nazi restitution, would certainly not be considered for an auction of restituted objects, which can reap benefits both in terms of proceeds and reputation. Hence employees were gradually hired or assigned to investigate possible conflicts arising from consignments with questionable provenances between 1933 and 1945. The art trade's handling of provenance research into heritage items that were seized in due to persecution is therefore part of its risk management, which has to be constantly adapted, and is reflected in contractual texts and internal compliance regulations on due diligence.

Thus, the Washington Principles had an indirect impact on the art market. Auction houses routinely react to changes in legislation, political initiatives and changes in society as a whole. In Germany, for example, it was the 2016 Kulturgutschutzgesetz (Cultural Property Protection Act) that redefined the rules for provenance research in the industry. Changes in legislation or sanctions can also have an impact on, for example, the sale of certain materials. The CITES regulations on the protection of species have an impact on cultural property that contains elements of animal and botanical species. In this context, marquetry on antique furniture, or butterflies on early works by Damian Hirst became subject to meticulous inspection. In some cases, the jewelry industry has maintained restrictions beyond the introduction and termination of political sanctions – this applies to, for example, rubies from Myanmar. Human remains from historical anatomical or ethnological contexts have not been offered for sale by international auction houses for decades as part of a tacit voluntary commitment (although continental European auction houses still handle this sensitive matter differently from time to time). For the most part, in dealing with provenances from the Nazi era, the art trade also goes beyond what is legally required and implements the Washington Principles with commendable pragmatism.

There is a fundamental reason behind such voluntary commitments: The company's reputation, particularly in the art industry and the related luxury goods industry, is crucial for sales. Customers may keep their money or spend it elsewhere if a company is criticized or its trustworthiness is in doubt.

Formal side effects

The practice of Nazi provenance research and potential restitution has also had an impact on consignment contracts, at least at international auction houses. In the meantime, the guarantee of ownership is no longer the only component of consignment contracts, which in the past already minimized the auction house's risk of offering unlawfully acquired items. There have also been variants of in-built consent to support the auction house in finding a solution in the event that a seizure due to persecution should be found.

It always makes sense to read the small print. International auction houses only guarantee two lines in the catalog (and only for five years): the name of the artist and the title of

the work. This means that an incomplete provenance in the catalog does not provide sufficient grounds to sue the company for insufficient information or lack of expertise. In the course of further research, a new owner's name – including the resulting restitution claim – can also fill an existing gap at a later date. If, on the other hand, indisputable proof is presented within five years of sale that the acquired Rembrandt is a forgery, compensation can be claimed from international auction houses.

Another positive side effect of the requirements of Nazi-era provenance research in retail is the routine photographic documentation of a picture's reverse side. Whereas decades ago, a request for such a photo meant that an employee had to be sent to the basement to take a blurred Polaroid in poor lighting, a photo of the reverse side shot by the professional in-house photographer is part of today's object file. This is a welcome development for research both within and outside the trade, even if traces such as numbers and labels on the reverse side of paintings may have become invisible due to historical relining or cradling.

In summary, it should be noted: The handling of provenance research is pragmatic and is adapted to political and social developments. Most auction houses have in-house legal staff with expertise in the field, which, owing to the 'soft law' of the Washington Principles that often makes the industry uneasy, enjoys a freedom of action that public collections can only dream of. In addition, negotiation skills are part of the art trade's DNA: usually directors of public cultural institutions neither have regular practice in advising actual or budding art owners, nor much experience in convincing them of a strategy.

Meanwhile, provenance research at museums and universities has become closely interlinked with provenance research in the art trade, not least thanks to the Washington Principles. Projects such as those of the Zentralinstitut für Kunstgeschichte in Munich or the digitization on the platform 'arthistoricum.net' broaden the view of the art trade's practices and promote a dialogue from which both sides should benefit, even if, owing to the sparse availability of data in a sector characterized by discretion, many questions regarding procedures and regulations of the historical art trade may remain unanswered.

ANNOTATIONS

- 1 The best known is the online project 'German Sales' initiated by the Getty Institute, <https://www.arthistoricum.net/themen/portale/german-sales/institutions> (last access on July 18, 2023).
- 2 On the catalogue raisonné and its current requirements, see Pérez de Laborda, Ingrid/Soika, Aya/Wiederkehr Sladeczek, Eva (eds.): *Handbuch Werkverzeichnis - Œuvrekatalog - Catalogue raisonné*. Berlin 2023.



CASE STUDY

THE ART COLLECTION OF KOMMERZIENRAT ISIDOR BACH – A RECONSTRUCTION APPROACH

While our main attention is naturally focused on the front of a painting, research into its provenance nevertheless begins with a look at the reverse. The wooden panel of Josef Wopfner's painting *Prozession am Walchensee* (fig. 1) shows fragments of a paper label from the Munich Galerie Heinemann on the back, a first indication of its provenance. The label includes the typographical numbering 11577 (fig. 2). Entering the so-called Heinemann number in the online database of Galerie Heinemann, which contains all the data found in the business ledgers and index cards of the former gallery (1872–1938), brings up a match with the entry for the Wopfner painting. In addition to technical details about the work and an illustration, the buyer of the work is recorded, namely Kommerzienrat Isidor Bach from Munich¹ (fig. 3). The date when it entered Isidor Bach's collection can thus be identified as December 22, 1916.²

Biographical information on Isidor Bach

Isidor Bach, born in Fischach on July 1, 1849, was famous as the 'inventor' of ready-to-wear clothing in Munich³ and as the founder of the eponymous men's clothing store on Sendlingerstraße in Munich. On December 25, 1874, the businessman, who was also known by his sobriquet 'Joppenkönig' ('Jacket King'), married Klara Selz, the daughter of rabbi Elkan Selz and Fanny, née Helbing, a Munich native. Klara, also called Claerchen, was Hugo Helbing's cousin; her mother Fanny was the sister of Hugo's father Sigmund.⁴ The Bachs

Fig. previous page: detail from fig. 1

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Fig. 1 : Josef Wopfner (1843–1927), *Prozession am Walchensee*, ca. 1895–1900, oil on panel, 15.7 x 28.3 cm.
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Fig. 2: Josef Wopfner (1843–1927), *Prozession am Walchensee*, ca. 1895–1900, oil on panel, 15.7 x 28.3 cm, reverse (detail).
© Ketterer Kunst GmbH & Co. KG, Munich

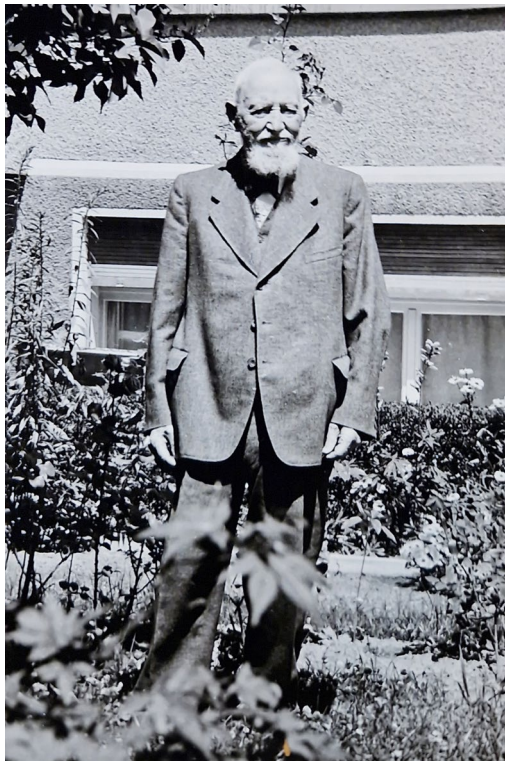


Fig. 3: Isidor Bach, undated.
Image credits: private photo



Fig. 4: The Bach family at the engagement party of their youngest daughter Paula on April 8, 1915. Seated from left to right: Lisa Bach, Selma Kohn, Klara Bach, Isidor Bach, Otto and Traudl Holzinger. Standing from left to right: Alfred Bach, Karl Kohn, Paula and Berthold Weiss, Ella and Emil Neumann.
Image credits: private photo

had six children⁵ (fig. 4), of whom the eldest son Hugo died at the young age of 35 in October 1910, having caught a cold on a skiing trip from which he never recovered.⁶

Initially based in Augsburg, the flourishing clothing factory, which Isidor Bach ran together with his brother Hermann, opened branches in Munich on Marienplatz and on Sendlinger Straße as of 1878. Both Prince Regent Luitpold, and later his son Prince Ludwig visited the stores and were particularly impressed by the company's electric cutting machine.⁷

The usury proceedings brought against Alfred Bach, Isidor's son, who had been charged with price gouging in January 1919 and convicted in January 1922 attracted a great deal of attention, particularly in the radical right-wing press.⁸ At the time, the prime target of agitation was Isidor Bach who was long retired, having retreated from the business in 1910. After Hugo's death, he had handed over the reins to his son Alfred and his nephew Carl, Hermann's son.⁹ The reasons why Isidor Bach became a target may have been the fact that the business still operated in his name and that his first name Isidor was widely perceived as Jewish.¹⁰ Owing to his high profile, Isidor Bach, at the age of 74, was among the hostages of the Beer Hall Putsch at Bürgerbräukeller in November 1923.¹¹

Isidor Bach was appointed Kommerzienrat (commercial counselor) on May 16, 1908.¹² He was one of 103 commercial counselors in Munich of Jewish denomination,¹³ as was Hugo Helbing and the brothers Hermann and Theobald Heinemann. The range of backgrounds

that commercial counselors could have was wide, but what the 1,850 Bavarian titulars had in common were the leading positions they held in their own companies.¹⁴ As businessmen, industrialists, manufacturers and wholesalers, the commercial counselors belonged to a bourgeois elite that was characterized not only by their economic success, but also by their generosity in form of donations to charity, and a good relationship with their employees.¹⁵ Prestigious residential buildings to demonstrate status were just as important to this group as collections of art objects for the interiors. The Munich art and antiques dealer Hugo Helbing was appointed Kommerzienrat on March 12, 1911 and was promoted to Geheimer Kommerzienrat on August 3, 1918.¹⁶ The passion for collecting art of his fellow counselors surely brought him many customers, many of whom bought and sold their art at Helbing auctions.¹⁷ Hand-written annotations in Hugo Helbing's auction catalogs also identify Isidor Bach as a buyer on several occasions. In addition, the businessman and his wife appeared as donors to a charity auction for the benefit of families of soldiers killed in World War I, which was held at the auction house Hugo Helbing on December 14, 1917 and the following days.¹⁸ Social commitment had always been important to Bach, even before his appointment as commercial counselor. As part of the celebrations of their businesses 25th anniversary in Munich on December 5, 1903, Isidor Bach and his brother Hermann announced the establishment of a foundation with the objective to offer people help and support in cases of illness, distress or death.¹⁹

The art collection – sources and state of knowledge

Sources on Isidor Bach's art collection are limited. As far as the author is aware, there is neither a collection inventory nor any documentation by the collector. The Gestapo's confiscation list from November 18, 1938, provides the best overview of the collection's volume.²⁰ According to the testimony of his daughter Paula, married Weiss, who witnessed the confiscation of the art objects, a removal van pulled up at the Bach's house on Mauerkircherstraße 29 in Munich the morning of the day of the confiscation. Two Gestapo officers carrying typewriters entered the apartment and took away numerous paintings, carpets and other works of art. Bach's daughter Paula objected to the confiscation of the property and demanded a copy of the confiscation list, whereupon, according to her own statement, she was threatened with violence should she make any further demands.²¹ The list of confiscated property includes 31 paintings and engravings, as well as numerous faience wares, pewter objects, guild jugs, around eight Persian carpets and wooden sculptures. According to the list, a total of 65 objects were confiscated from Isidor Bach that morning without compensation, and some further 17 objects were documented as 'remaining' in Bach's house. The confiscated objects were handed over to the Munich Oberfinanzdirektion for safe-keeping, and most of them were kept in Beuerberg during the war.²² Three oil paintings were given to the Städtische Galerie München on loan, namely *Uferlandschaft* by Hermann Baisch, a *Landschaft* by Joseph Wenglein and the painting *Heimkehr von der Weide* by Richard Zimmermann.²³ After the end of the war, the paintings by Wenglein and Zimmermann were on the list of objects belonging to Isidor Bach to be collected from the Central Collecting Point (CCP) in Wiesbaden. Only Baisch's *Uferlandschaft* got lost in the temporary storage

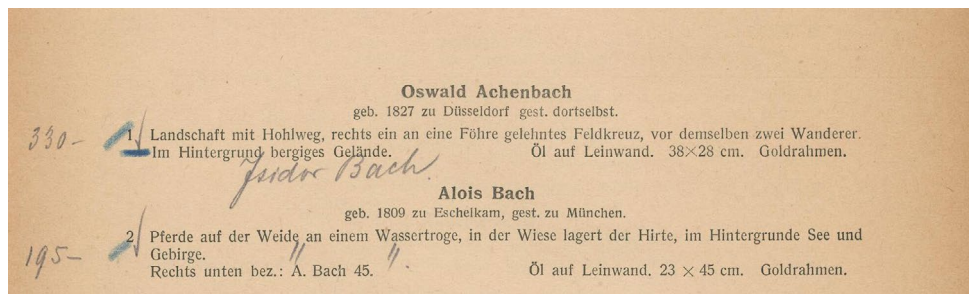


Fig. 5: Helbing, Hugo: *Ölgemälde moderner Meister: Sammlung Kommerzienrat Fritz Eckel in Deidesheim; Auktion in München in der Galerie Hugo Helbing, 19. Dezember 1916*, lots 1 and 2. Working copy of Marie Ducrue, Zentralinstitut für Kunstgeschichte, Munich (detail).

Image credits: <https://doi.org/10.11588/diglit.56127#0005>

facility of the Städtische Galerie at Schloss Thambach, where it could not be recovered upon its evacuation in September 1946.²⁴

The confiscation list and the works identified below show that Isidor Bach had a strong interest in landscape and animal pictures, as well as genre scenes. He mainly collected works by contemporary artists from Munich and southern Germany.

Buyer at Hugo Helbing

To date, Isidor Bach has been identified as the buyer of five works at Helbing auctions. These were random finds, as only hand-written annotations in the auction catalog confirm Isidor Bach as the buyer of these works. There is no annotation in the auction catalog for lot 11, Nicolaes Berchem's *Landschaft mit Herde*, on March 26, 1914. However, a comparison of the entry for the lot and the property card for the Munich number (Mü-Nr.) 36061, suggests that this is in fact the work owned by Isidor Bach, since technique, dimensions and description of the subject match exactly.²⁵ A copy of the auction catalog of December 19, 1916,²⁶ features a hand-written note that identifies Bach as the buyer of a painting by Oswald Achenbach and another by Alois Bach²⁷ (fig. 5). Again, the auction catalog of June 11, 1912, identifies Bach as the buyer of a work by Franz von Defregger, another by Ludwig von Hagn and a third by Carl Spitzweg.²⁸ The present author was able to identify the Spitzweg painting as number 869 in the Spitzweg catalogue raisonné²⁹ (fig. 6).

Sales are also documented: A notification in file Ia 4242 of the Munich Oberfinanzdirektion dated July 30, 1948, on "eingezogenes oder für verfallen erklärtes Vermögen" ("confiscated or forfeited assets"), lists two positions of proceeds from the sale of works of art. The amount of 69.54 Reichsmark from a sale through Helmut Lüdke, Munich, was received by the Munich treasury, while another 1,500 Reichsmark went to the treasury in Berlin-Moabit-West from a sale of artworks through Hugo Helbing, Munich.³⁰ As the latter gallery's business records are considered lost or destroyed, no further information has been found to date. According to the Gestapo list, only a wooden figure of a *putto as stand* owned by

Isidor Bach was included in the inventory of goods on consignment that were present when Jakob Scheidwimmer took over the Galerie Hugo Helbing in 1941.³¹ It has not yet been possible to clarify which works of art relate to the payments in the abovementioned files.

Buyer at Heinemann Gallery

Notably, Isidor Bach also appeared as a customer of Galerie Heinemann. Both the Heinemann brothers Hermann and Theobald were also awarded the title of Kommerzienrat.³² Their gallery's customer file mentions numerous other commercial counselors. The buyer's card index for Isidor Bach³³ (fig. 7) lists five purchases. In addition to the *Prozession am Walchensee* by Josef Wopfner, which prompted this research, Bach acquired the bronze *Faun* by Hans Schwegerle, as well as the oil paintings *Alte Bäuerin in der Küche* by Anton Seitz, *Kuhherde* by Friedrich Voltz and Adolf Hengeler's *Sommertag am See*.³⁴ The two works by Anton Seitz and Friedrich Voltz, which Bach acquired in 1913 and 1916 respectively, had previously been purchased by Galerie Heinemann at an estate auction of various painters and collectors at Hugo Helbing's on October 18, 1913.³⁵ None of the works can be clearly identified on the confiscation list or the property cards of the CCP. With the exception of the Wopfner painting, the whereabouts of the artworks are still unknown.

Takeover and emigration

After the National Socialists came into power in 1933, the subsequent anti-Jewish campaigns caused Isidor Bach's business figures to plummet by more than a third between April and July of the same year. Customers were approached on the street or in the store and attempts were made to dissuade them from buying. For security reasons, some customers asked to have the company name on their shopping bag removed before leaving the store.³⁶ In 1936, the company was 'Aryanized' when it was taken over by long-time employee Johann Konen.³⁷ In 1939, at the age of 90, Isidor Bach emigrated to Switzerland to live with his daughter Gertraud (Traudl) in Montreux. After the death of his daughter's husband in 1943 and her subsequent emigration to the US, Isidor Bach moved in with his other daughter Selma in Bern, where he died on May 10, 1946.³⁸ The amount of the compulsory 'Degeo' (Golddiskontbank) charge as specified in fol. 99 in file 4829 of the Landesentschädigungsamt, suggests "daß zumindest ein Teil des Hausrats" ("that at least part of the household effects") was taken to Switzerland upon emigration.³⁹ It has not yet been possible to clarify whether the household effects included works of art.

Restitution and unanswered questions

Documents from the Wiedergutmachungsbehörde Oberbayern⁴⁰ and the CCP Wiesbaden confirm that all of the art objects confiscated on November 18, 1938, with the exception of the abovementioned painting by Hermann Baisch, were made available to the heirs of



Fig. 6: Carl Spitzweg, *Plauderstündchen (Storchen-Apotheke)*, oil on cardboard, 39 x 33 cm.

© Walther Bayer / NEUMEISTER Münchener Kunstauktionshaus GmbH & Co. KG

Bach, Kom. Rat Isidor
München

7392	¹⁹¹⁴ M. Schwegeler "Frau" Bl.	80.-
12237	¹⁹¹³ A. Leitz "Die Bäuerin d. d. Kuhle"	90.-
12240	¹⁹¹⁶ F. Valtin "Kuhherde"	2400.- 1790.40
11577	J. Wappner "Prozession"	1600.- 1193.60
12416	Ad. Hengeler "Samstag a. See"	1400.- 3038.-

Fig. 7: Galerie Heinemann, Munich, Entry in the buyer's card index: Isidor Bach.

Image credits: Nuremberg, Germanisches Nationalmuseum, Deutsches Kunstarchiv, NL Heinemann, Galerie, KK-B-6

Isidor Bach for collection. A document confirms that the objects were collected from the CCP in Wiesbaden by Walter Gross, an employee of the shipping company L. Rettenmayer GmbH, on October 6, 1950.⁴¹ The question remains as to the fate of the other works of art acquired at Helbing auctions or from Galerie Heinemann, that do not appear on the confiscation list. Isidor Bach may have sold them or given them away. Perhaps they were on display in the homes of other family members at the time of the confiscation and were taken out of the country, or perhaps they are even still in possession of the descendants today.

ANNOTATIONS

- 1 Nuremberg, Deutsches Kunstarchiv (DKA), Estate Galerie Heinemann, file of unsold pictures, KV-W-797, <http://heinemann.gnm.de/de/kunstwerk-12691.htm> (last access on June 28, 2023).
- 2 Entry on Galerie Heinemann online, as note 1.
- 3 See Moser, Eva: *Von Bach zu Konen*. Munich 2011, p. 12.
- 4 Many thanks to Anja Matsuda of the Helbing Art Research Project for her kind information on the Helbing family tree and her willingness to provide further information!
- 5 The children were, in birth order and with their surnames, if married, Hugo, Selma Kohn, Gertraud (Traudl) Holzinger, Gisela (Ella) Neumann, Alfred (Fredl) and Paula Weiss.
- 6 Cf. family tree of the family written by Isidor Bach (unpublished).
- 7 Cf. Moser 2011, as note 3, pp. 6–8.
- 8 The Bach family successfully lodged an appeal against the verdict. On October 10, 1927, both the prison sentence and the fine were waived. See Moser 2011, as note 3, p. 12.
- 9 Ibid.
- 10 Cf. Walter, Dirk: *Antisemitische Kriminalität und Gewalt. Judenfeindschaft in der Weimarer Republik*. Bonn 1999, p. 102.
- 11 Cf. *ibid.*, p. 132.
- 12 See Krauss, Marita: *Die bayerischen Kommerzienräte*. Munich 2016, p. 400; cf. also the announcement of the appointment in the *Leipziger Monatsschrift für Textil-Industrie* of May 27, 1908, <https://www.deutsche-digitale-bibliothek.de/newspaper/item/LN2MVQWTGSVYPAFBBYJI4WAJDSHAWHA3?issuepage=15> (last access on July 31, 2023).
- 13 Cf. Krauss, Marita: *Wege jüdischer Kommerzienräte in München nach 1933*, in: Krauss 2016, as note 12, pp. 285–292, here p. 285.
- 14 Cf. Krauss, Marita: *Bayerische Kommerzienräte - eine bürgerliche Elite zwischen Wirtschaft, Staat und Philanthropie*, in: Krauss 2016, as note 12, pp. 12–31, here p. 12.
- 15 Cf. *ibid.*, p. 15.
- 16 Cf. Krauss 2016, as note 12, p. 484.

- 17 The list of donors to the auction for the benefit of families of soldiers killed in World War I on December 14, 1917, mentions 15 commercial councilors alone. See Helbing, Hugo: *National-Sammlung für die Hinterbliebenen der im Kriege Gefallenen. Katalog der gestifteten Kunst- und Wertgegenstände. Ausstellung im Kunstausstellungsgebäude am Königsplatz zu München. Versteigerung daselbst durch die Kunsthandlung Hugo Helbing, 14. Dezember 1917 und folgende Tage*, see DOI: <https://doi.org/10.11588/diglit.49299#0009>. See also Bendl, Eva: *Spendenfreude, Sammeleifer und Forscherdrang. Wirtschaftsbürger im Umgang mit Kunst und Geschichte*, in: Krauss 2016, see note 12, pp. 187–196, here p. 192.
- 18 See Helbing, Hugo: *National-Sammlung für die Hinterbliebenen der im Kriege Gefallenen*, as note 17.
- 19 Cf. Moser 2011, as note 3, p. 6.
- 20 Bundesarchiv Koblenz, B 323/352a on fol. 34.
- 21 See The National Archives and Records Administration, Washington, D. C. (NARA), M1946 Roll 51, pp. 193f., <https://www.fold3.com/image/270331571> (last access on August 15, 2023). This is the filing for restitution claims dated December 16, 1948 by the lawyer Dr. Karl Eisenberger on behalf of the heirs of Isidor Bach.
- 22 Restitution proceedings Alfred Bach against the German Reich and the State of Bavaria, Staatsarchiv München, WB Ia 2533 (1/2), (BA 169), fol. 15.
- 23 Cf. inter alia NARA M1946 Roll 114, p. 19.
- 24 Correspondence between the Directorate of the Städtische Kunstsammlungen München and the Office of Military Government for Bavaria, Fine Arts, Monument and Archives Section, NARA M1947 Roll 42, pp. 46–50.
- 25 Helbing, Hugo: *Ölgemälde alter Meister: aus dem Nachlass der Frau Gräfin Quadt-Wykradt-Isny, Tegernsee, aus dem Besitze von Siegfried Freiherrn von Reuss, Garmisch u. A.; Auktion in München in der Galerie Helbing, Donnerstag, den 26. März 1914*, lot 11, see DOI: <https://doi.org/10.11588/diglit.56452#0004>, and Property Card of Mü. no. 36061, available by entering the Mü. no. on https://www.dhm.de/datenbank/ccp/dhm_ccp.php?seite=9 (last access on August 15, 2023) or with illus. NARA M1946 Roll 232, p. 1f., <https://www.fold3.com/image/312653917/312653917> (last access on August 15, 2023).
- 26 Cf. the auction catalog of *Ölgemälde moderner Meister: Sammlung Kommerzienrat Fritz Eckel in Deidesheim; Auktion in München in der Galerie Hugo Helbing, 19. Dezember 1916*, see DOI: <https://doi.org/10.11588/diglit.56127#0005>.
- 27 As far as is known, the painter Alois Bach was not related to Isidor Bach.
- 28 Cf. *Sammlung von Ölgemälden moderner Meister: aus dem Besitze des Herrn Professor Fr. J. Meder*, München, see DOI: <https://doi.org/10.11588/diglit.51779#0050>.
- 29 The property card for Mü. no. 31555 (https://www.dhm.de/datenbank/ccp/dhm_ccp.php?seite=9 with entry of Mü. no. or <https://www.fold3.com/image/312479763/312479755>, both last accessed on August 15, 2023) (NARA M1946 Roll 262, p. 1) describes the picture as “Rococo society sitting behind houses”. The dimensions are specified as “40 x 33”, the technique is “oil on cardboard” and the identifying marks include “Prov. Meder”. See Roennefahrt, Günther: *Carl Spitzweg. Beschreibendes Verzeichnis seiner Gemälde, Ölstudien und Aquarelle*. Munich 1960, no. 869 *Plauderstündchen*. The reference in the catalogue raisonné to the provenance Meder as well as to the Helbing auction of June 11, 1912, lot 148 allows for verification. An annotated copy of the auction catalog identifies Isidor Bach as the buyer. The work was offered here under the title *Apothekerterrasse*. After leaving the CCP Wiesbaden, the trail initially went cold. In 2021, it was offered by a German auction house as *Plauderstündchen (Storchen-Apotheke)* and did not sell; see Neumeister, Munich: *Auktion 403, Winterauktion*, December 1, 2021, lot 395.
- 30 Archive file Ia 4242 / O 5210 - BA 169/3/II P, available at the Bundesamt für zentrale Dienste und offene Vermögensfragen (BADV), pp. 1–2.
- 31 NARA M1946 Roll 50, p. 188, <https://www.fold3.com/image/269979523?terms=bach,putto,germany> (last access on August 15, 2023), reference received from Anja Matsuda.
- 32 Cf. Krauss 2016, as note 12, pp. 482f.

- 33 Buyer's file Isidor Bach, Galerie Heinemann, Munich. Nuremberg, DKA, NL Galerie Heinemann, buyers file KK-B-&, Document ID: 15563, <http://heinemann.gnm.de/de/dokument-15563.htm> (last access on August 15, 2023).
- 34 An image of Adolf Hengeler's *Sommertag am See* can be found online in the Galerie Heinemann database, available at <http://heinemann.gnm.de/de/kunstwerk-4662.htm> (last access on August 4, 2023).
- 35 Helbing, Hugo: *Gemäldesammlung Prof. Albert Schmidt, München; ferner Gemälde aus den Nachlässen Prof. Franz Skarbina, Berlin, Kunstmaler F. Pernat, München etc. etc.; [Auktion in München in der Galerie Helbing, Sonnabend, den 18. Oktober 1913] – München 1913*, lots 196 (Seitz) and 249 (Voltz) each with illustration, see DOI: <https://doi.org/10.11588/diglit.20121>.
- 36 Cf. Moser 2011, as note 3, p. 16.
- 37 Cf. *ibid.*, p. 17.
- 38 See a typewritten family tree of the Bach family from 1944, started by Isidor Bach and continued at an unspecified date by Isidor Bach's grandchildren. The document was kindly made available to me by a descendant of Isidor Bach, for which I would like to express my most sincere thanks!
- 39 Bayerisches Hauptstaatsarchiv Munich, LEA 4829, Isidor Bach, fol. 99.
- 40 Staatsarchiv München, WB Ia 2533 (BA 169).
- 41 NARA M1947 Roll 39, pp. 137–141, <https://www.fold3.com/image/231978538> (last access August 15, 2023).

Nr. 4875-5288
USA
Nr. K.1-15974

Nr. 3985-4874

Gauguin - Hübner (Teile)

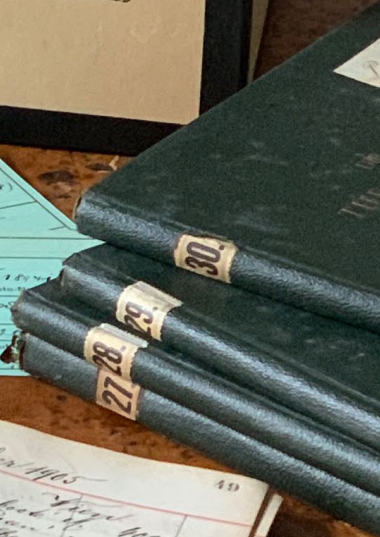
No.	5046	Preis	
Künstler		Oscar Kokoschka	
Titel		Oscar Kokoschka (1894)	
Grafik		Öl	
Dat.	Von O. Kokoschka	Preis	1000
W	Historisch-Fach-Bildergalerie	Preis	1000
W	Kunstakademie Graz	Preis	1000
W	1912	Einheit	1000
W	1912	Einheit	1000

December 1915

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2
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December 1915

13	Paul Baringhagen
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THE PAUL CASSIRER & WALTER FEILCHENFELDT ARCHIVE, ZURICH

The makings: Paul Cassirer, Berlin

Walter Feilchenfeldt (1894–1953) and Grete Ring (1887–1952) were partners of the Berlin Kunstsalon Paul Cassirer from 1924. The art dealer and publisher Paul Cassirer (1887–1926) had recruited them for his company in 1919: Grete Ring, the art historian with a Ph.D., was to assist him in all academic matters relating to the gallery business, while Walter Feilchenfeldt first took up a position in the associated publishing house before he also joined the art dealership in 1923. On January 7, 1926, Cassirer died as a result of a gunshot wound he had inflicted on himself in the divorce lawyer's office in context of his separation from the actress Tilla Durieux (1880–1971).

Paul and Bruno Cassirer (1872–1941) founded their art salon and the publishing house in 1898. The two cousins had the professed aim to present the art of French Impressionism to a wider audience in Berlin. As managing directors, they also had decisive influence on the founding process of the Berlin Secession, which was established the same year. As a consequence, many of the artists who showed their works in the Secession's shows also exhibited at the Cassirer gallery.

The six volumes published by Walter Feilchenfeldt and Bernhard Echte at Nimbus Verlag in Switzerland on Kunstsalon Cassirer between 2011 and 2016 provide information on these exhibitions. On the one hand, they illustrate Paul Cassirer's original mission to introduce Impressionism to Germany; on the other, they reflect the lively interaction between the Berlin Secession and his gallery.

In these six volumes, Echte systematically analyzed the information in the exhibition catalogs, which are still kept at the Paul Cassirer & Walter Feilchenfeldt Archive today, supplemented by entries in the account books and – where possible – enhanced with additional catalogs from other storage locations and with reviews found in the Berlin and sometimes Hamburg daily press. This meticulous work allowed for the identification and documentation of a considerable number of works exhibited in the gallery up to 1914 (*fig. 1*).¹

Fig. previous page: detail from fig. 6, p. 89.

Photo: © Petra Cordioli

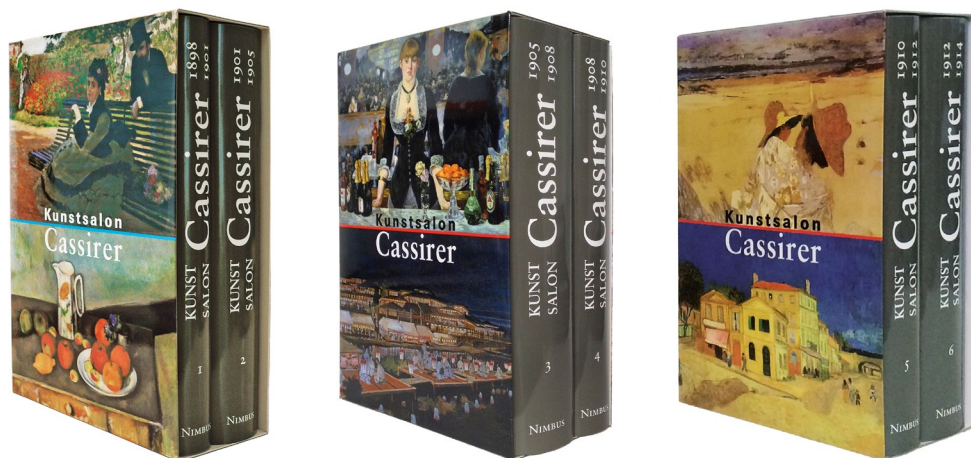


Fig. 1: Publication by Bernhard Echte and Walter Feilchenfeldt on the Kunst Salon Cassirer in a total of six volumes, published in Wädenswil 2011–2016.

© NIMBUS. Kunst und Bücher AG

In 1901, disagreements between Paul and Bruno Cassirer led to the separation of the two cousins, both in terms of business and private affairs. They agreed to Paul taking over the art dealership while Bruno ran the publishing house. After a vesting period of seven years, Paul Cassirer founded a new publishing house. However, the Paul Cassirer & Walter Feilchenfeldt Archive in Zurich does not hold any records.

A case study on archival research: Max Liebermann

With over 2,500 references, Max Liebermann (1847–1935) is the artist with the most entries in the books of the Cassirer gallery. The entries in the purchase and sales books and on the index cards in the Paul Cassirer & Walter Feilchenfeldt Archive, illustrate the research potential for specific works (*fig. 2*).

On September 26, 1898, Liebermann wrote to his collector, the ophthalmologist Max Linde (1862–1940) in Lübeck: “Dass ich von Cassirer ‘gegründet’ bin, hat Ihnen Rosenhagen gewiss geschrieben.” (“Rosenhagen must have certainly informed you that I was ‘founded’ by Cassirer.”)² At this time, he had already become a celebrated artist and a member of the Preußische Akademie der Künste. Liebermann had excellent connections in Berlin society and was an ardent admirer of Edouard Manet. After all, it was partly due to him that the Cassirers took the risk of showing works of French Impressionism in Berlin against the art doctrine of Anton von Werner, who, as chairman of the Verein Berliner Künstler and the Berlin section of the Allgemeine Deutsche Kunstgenossenschaft, had great influence on the city’s art scene and enjoyed the support of Emperor Wilhelm II.

Nr.	Preis	
Künstler	Max Liebermann	
Titel	Mädchen mit Kuh	
Von Ad Rothemann	Datum 13. 12. 19	Preis 40000.-
Beteiligung		
Käufer	Datum 24. 10. 19	Preis 60000.-
	Einkauf	Verkauf
	fol. 29	fol. 49

Jah. 282.1000.

Fig. 2: Index card on Max Liebermann, Paul Cassirer Archiv, Zurich.

© Paul Cassirer & Walter Feilchenfeldt Archive, Zurich

A letter in the archive of Galerie Durand-Ruel in Paris documents the first contact between Paul and Bruno Cassirer and Paul Durand-Ruel (1831–1922) at Max Liebermann's initiative on October 9, 1898. The latter had seen some works by Edouard Manet during a visit to Durand-Ruel in Paris together with Hugo von Tschudi (1851–1911), director of the Nationalgalerie Berlin. In this letter, the Cassirers asked whether there was any chance for a cooperation. They would very much like to show Manet's art in Berlin and were also confident that they could sell some of the works.³

Not only this one letter, but also numerous other documents and transport lists in the archive of Galerie Durand-Ruel document the successful cooperation that Paul Cassirer maintained with his Parisian colleague until the beginning of World War I in 1914.⁴ With the help of the documents from Paris, information gaps can be closed today. For example, Claude Monet's *Soleil dans le brouillard* is noted on one of Durand-Ruel's transport lists with the inventory number 2265.⁵ The painting was sent to Berlin on January 3, 1899, where it was shown in a 'collective exhibition' together with other works by Monet, Manet and Giovanni Segantini at the Cassirer gallery from March 2 to April 6. It returned to Paris on April 25 where it was sold by Durand-Ruel (fig. 3).⁶ Max Liebermann contributed to the success of the exhibition by lending four works by Edouard Manet from his own collection.⁷

In the first exhibition at Kunstsalon Cassirer from November 1 to December 1, 1898, Liebermann himself had been represented with 55 works – along with 27 works by Edgar Degas and 26 bronzes by the Belgian artist Constantin Meunier.

There are no business records in the Paul Cassirer & Walter Feilchenfeldt Archive from before 1903, so that both purchases and sales can only be traced from this year onward. As can be seen on the website <https://www.walterfeilchenfeldt.ch/de>, three purchase



Fig. 3: Claude Monet (1840–1926), *Impression soleil levant*, 1872, oil on canvas, 48 x 63 cm, Paris, Musée Marmottan.

Image credits: https://de.wikipedia.org/wiki/Impression,_Sonnenaufgang#/media/Datei:Claude_Monet,_Impression,_soleil_levant.jpg (last accessed on September 29, 2023)

ledgers and two sales ledgers of the Cassirer Gallery survived the war – one sales ledger was lost in London during the bombings. The information on the index cards and in the account books was successively transferred to a database and provides an overview of purchases and sales, as well as information regarding the gallery's clients.

The earliest entry for a work by Max Liebermann in Cassirer's preserved business records is Cassirer's number 401: the painting *Bauer mit Kuh* was sold to Max Cassirer for 5,000 Reichsmark on November 16, 1903.⁸ Further information is provided by the Liebermann catalogue raisonné, which shows that there are gaps in the provenance of this painting. It exemplifies the difficulties involved in provenance research, especially when an artist produced different versions of the same motif.⁹ In the case of Kunstsalon Cassirer, the emigration of almost all of their predominantly Jewish clients makes it difficult to trace the works. Today the painting *Bauer mit Kuh* from Max Cassirer's former estate is considered lost.

The case of a work by Max Liebermann with the Cassirer gallery inventory number 424 is different. In the database, it is mentioned as *Die Bleiche* and is marked with an 'O', indicating an oil painting. The picture was sold to the Berlin collector Eduard Arnhold for 40,000 Reichsmark on February 20, 1905. In this case, the provenance of the painting has been clarified; it is part of the collection of the Wallraf-Richartz-Museum in Cologne today.¹⁰

Auctions at Cassirer: 83 auction catalogs with records and annotations from 1916 to 1932

In addition to the account books and index cards, 83 auction catalogs from the years 1916 to 1932 form an essential part of the Paul Cassirer & Walter Feilchenfeldt Archive. These were recently digitized in the Heidelberg University Library and are now publicly accessible.¹¹ They are annotated copies of the gallery's employees, but it is the protocol catalogs that are particularly revealing, as they not only provide the estimates and hammer prices, but also the names of the buyers.

On May 22, 1916, the estate of the collector Julius Stern was sold in an auction at Paul Cassirer in collaboration with the Munich auctioneer Hugo Helbing (1863–1938).¹² In this auction catalog, each work featured was annotated by hand with the price by an employee of the gallery. The second auction catalog for the sale of the Dresden Schmeil Collection is marked as a copy of the general manager 'Dr. Wallerstein'. Not only did he write down the hammer price of each sold work next to the lot number, in many cases he also specified the buyer and his address, making a significant contribution to provenance research.¹³

In 1928, the collection of the entrepreneur and Old Master collector Oscar Huldshinsky (1846–1931) was put up for auction. The auction catalog anticipated the large and lavishly designed publications for today's evening sales and featured an etching by Max Liebermann with a portrait of the collector. The auction was an important event for Berlin society and was held in two parts in the ballroom of the Grand Hotel Esplanade on May 10 and 11, 1928. It attracted collectors from all over the world and confirmed the international status of Kunstsalon Cassirer.

The year 1933 – Emigration: Paul Cassirer, Amsterdam

In December 1932, Grete Ring and Alfred Flechtheim (1878–1937) organized the first of three highly acclaimed exhibitions entitled 'Lebendige deutsche Kunst' at the Cassirer gallery. The final instalment of the series was shown in Berlin in March 1933. At the same time, Flechtheim had planned a comprehensive auction of Old and New Masters under the direction of Hugo Helbing at Parkhotel Breidenbacher Hof in Düsseldorf on March 11. Prior to the auction, the works were shown in a preview exhibition at Galerie Paffrath from March 6 to 10. However, the auction had to be canceled due to massive disruptions by the SA, which led to Flechtheim's financial ruin and emigration.¹⁴ Walter Feilchenfeldt also decided to leave the country after this incident and continued to run the business from Amsterdam, while Grete Ring held the fort in Berlin until the firm's closure in Germany four years later.

From 1933, the center of all transactions of the Paul Cassirer art dealership was the Dutch branch N.V. Amsterdamsche Kunsthandel Paul Cassirer & Co. at Keizersgracht 109, which had been founded in 1923 for the sole purpose of tending to Franz Koenigs (1881–1941), German banker and collector of Old Master drawings, who had founded his banking house 'Rhodius Koenigs Handel Maatschappij' just a few doors down on Keizersgracht 117–121 in 1920. The German art historian Helmuth Lütjens (1893–1987) had been entrusted with the

management of the Dutch branch. He had joined the Berlin company as an employee in 1923 and moved to the Netherlands the same year in order to run the Amsterdam branch.

On June 3, 1935, Walter Feilchenfeldt received a Dutch residence permit. Just three months later, on August 20, Grete Ring converted the general partnership Paul Cassirer, Berlin into a sole proprietorship, which she managed until the business was liquidated on June 24, 1937. The art historian then emigrated to England, where she ran the Paul Cassirer Ltd. branch in London from 1938 until her death in 1952, first on Cleveland Row and later on South Street.

However, after the National Socialists had come into power in 1933, the art dealership's business transactions had long been shifted from Berlin to Amsterdam. The fact that Helmuth Lütjens had acquired Dutch citizenship in 1939 even before the war broke out, enabled him to continue the business affairs in the Netherlands during the war years. Feilchenfeldt spent these years in Switzerland with a so-called 'tolerated residence permit' excluding a work permit.

Fig. 4: Grete Ring, Helmuth Lütjens and Walter Feilchenfeldt on the crossing to Dover, 1935.

Image credits: Marianne Breslauer © Walter & Konrad Feilchenfeldt / Courtesy Fotostiftung Schweiz





Abb. 5: Paul Cézanne (1839–1906), *Paysan assis*, um 1900, Aquarell auf Papier, 45,5 x 30,7 cm.

Image credits: Kunsthau Zurich, Prints and Drawings Collection, 1935



Fig. 6: Account books and index cards in the Paul Cassirer Archiv, Zurich.

Photo: © Petra Cordioli

In the 1930s, the residential and commercial building of the Cassirer gallery in Amsterdam became a temporary refuge for German emigrants. Among them were celebrities like the art historian Max J. Friedländer (1867–1958), who lived at Keizersgracht 109 for some time, as well as Max Beckmann (1884–1950) and his wife Mathilde, known as Quappi (1904–1986) in the winter of 1944/45. Above all, Walter Feilchenfeldt and Helmuth Lütjens ensured that the artworks of Paul Cassirer's customers in Berlin that had been exported from Germany, would be either delivered to their rightful owners living in emigration or sold on their behalf.

The stock-in-trade of the Paul Cassirer company in Amsterdam is documented on data sheets that are now part of the Paul Cassirer & Walter Feilchenfeldt Archive in Zurich. They cover incoming and outgoing artworks for the period between 1932 and 1965: from Jan van Amstel to Anders Zorn, works by artists from all periods, but mainly from the French 19th century, were stored, sold or dispatched to their owners in the premises on Keizersgracht 109 during the 1930s. The largest number of works by a single artist was by Paul Cézanne. Cassirer himself had collected the artist's work with great passion, and it was his daughter Suzanne Bernfeld-Cassirer (1896–1963) who gave twelve watercolors from her father's former collection to Walter Feilchenfeldt for sale in April 1935 in order to finance her emigration from France to the US (fig. 5).

Fearing attacks by the German occupying forces and out of concern for the safety of his collectors, Helmuth Lütjens burned the entire correspondence of the Berlin Kunstsalon in Holland during the first years of the war. Twenty-five photo albums from the years 1927 to 1935 were sent directly from Berlin to Amsterdam and later to Zurich. They document a large proportion of the artworks that passed through the hands of the owners of the Kunstsalon Cassirer and often contribute to clarifying difficult provenance issues.

The Walter Feilchenfeldt Archive, Zurich (1948 – 2011)

When the war broke out on September 1, 1939, Walter Feilchenfeldt was staying in Switzerland with his wife Marianne (1909–2001). He was granted a Swiss work permit in 1946 and opened his gallery at Freiestraße 116 in Zurich in 1948. The consignment of the drawing collection of Franz Joseph II, Prince of Liechtenstein, enabled him to resume business activities after the war and brought renowned collectors and museum curators to Zurich. The largest lot of 80 drawings was acquired by the Rijksprentenkabinet of the Rijksmuseum in Amsterdam. Between 1948 and 1949, the art dealer successfully sold 289 drawings from the prince's collection.

After Feilchenfeldt's death on December 9, 1953, his widow Marianne continued to run the business until 1966, when their son Walter (*1939) also joined the art dealership. He managed the company on his own after 1990 and transformed it into Walter Feilchenfeldt AG Kunstvermittlung und Kunstforschung (Art Education and Research) in 2011. The Walter Feilchenfeldt Archive contains account books, photographic material and correspondence from the business in Zurich and complements the information in the Paul Cassirer Archiv with documentation of the post-war years (*fig. 6*).

ANNOTATIONS

- 1 Echte, Bernhard/Feilchenfeldt, Walter (ed.): *Kunstsalon Cassirer*, 6 vols. (= Quellenstudien zur Kunst. Eine Schriftenreihe der International Music and Art Foundation, ed. by Walter Feilchenfeldt, vol. 4–10). Wädenswil 2011–2016.
- 2 Braun, Ernst (ed.): *Letters. Volume 2: 1896-1901* (= Schriftenreihe der Max Liebermann-Gesellschaft Berlin e. V., ed. by Martin Faass, vol. 2). Baden-Baden 2012, pp. 234f., letter no. 230. In the same letter, Liebermann expresses his enthusiasm for Edouard Manet: “But while you may have too many Manets, they are never enough.” (*ibid.*, p. 235).
- 3 Copy of the letter in the possession of the Paul Cassirer & Walter Feilchenfeldt Archive.
- 4 We are grateful to Sylvie Durand-Ruel for her most helpful assistance; <http://www.durand-ruel.fr/> (last access on July 9, 2023).
- 5 Claude Monet, *Impression, Sunrise*, 1872, oil on canvas, 48 x 63 cm, Paris, Musée Marmottan.
- 6 Entry from the Durand-Ruel transport list, copy in the Paul Cassirer & Walter Feilchenfeldt Archive, Zurich.
- 7 Hedinger, Bärbel/Diers, Michael/Müller, Jürgen (eds.) with Hau, Steffen/Zielke, Susanne: *Max Liebermann. Die Kunstsammlung. Von Rembrandt bis Manet*. Munich 2013, p. 273, SL 109: Edouard Manet, *Frau im Garten*; p. 273f., SL 112: Edouard Manet, *Die Melone*; p. 274, SL 113: Edouard Manet, *Henri Rocheforts Flucht*; p. 274, SL 116: Edouard Manet, *Kristallvase mit Rosen, Tulpen und Flieder*. *Ibid.*, p. 282, SL 176: Claude Monet, *Windmills near Zaandam* was also shown in this exhibition, but was only purchased by Liebermann later.
- 8 Eberle, Matthias: *Liebermann. Werkverzeichnis der Gemälde und Ölstudien. 1865–1899*, vol. I. Munich 1995, p. 460, no. 1897/2: *Bauer mit Kuh*, 1897, oil on canvas, 63 x 88 cm.
- 9 Eberle 1995 (see note 8), p. 460: “According to documents in the Stadtarchiv Berlin-Charlottenburg, a ‘Bauer mit Kuh’ was in the luggage of city councillor Max Cassirer when he left Germany in 1939. Other sources state that the painting was in the Galerie Durand-Ruel, Paris, in 1931. The two statements do not match, unless there is another version of which we know nothing. The Galerie Aktuaryus in Zurich also exhibited a painting with this title in 1933 (Max Liebermann, Sept. 1933, no. 8). Perhaps this was the study 1896/9.” (Translated for this article)
- 10 Eberle 1995 (see note 8), p. 241: 1883/1; ill. p. 243: *Die große Bleiche - Die Rasenbleiche*, 1883, oil on canvas, 109 x 173 cm.
- 11 <https://www.arthistoricum.net/themen/portale/german-sales/auktionskataloge/>: 89 entries are listed under ‘besitzende Einrichtung’, which can be accessed individually (last access on July 9, 2023).
- 12 Annotated catalog *Kunstsalon Paul Cassirer: Sammlung Julius Stern, Berlin: Versteigerung: 22. Mai 1916*, see DOI: <https://doi.org/10.11588/diglit.48614>.
- 13 Annotated catalog: *Sammlung Schmeil, Dresden: Versteigerung 17. Oktober 1916 in der Galerie Paul Cassirer, Berlin*, see DOI: <https://doi.org/10.11588/diglit.48615>.
- 14 Dascher, Ottfried: “*Es ist was Wahnsinniges mit der Kunst*”. *Alfred Flechtheim. Sammler, Kunsthändler, Verleger* (= Quellenstudien zur Kunst. Eine Schriftenreihe der International Music and Art Foundation, ed. by Walter Feilchenfeldt, vol. 6). Wädenswil 2011, p. 296.



CASE STUDY

THE JEWISH ART DEALER ARTHUR DAHLHEIM

In recent years, several paintings have appeared on the art market that carry two stamps with the initial 'J' on the reverse (*fig. 1*). In the cases of the stamps 'J. 33' in blue and 'J 34' in red, an initial assumption was that the initial 'J' could originate from the National Socialist era and might indicate Jewish ownership.¹ Most of these stamps were found on works by Lesser Ury, but also on the backs of, among others, paintings by Carl Hagemeister and Willy ter Hell. The protocol catalog for Paul Cassirer's Lesser Ury estate auction in 1932 revealed that the Berlin art dealer Arthur Dahlheim had acquired some of these works bearing the 'J' stamp (see the article by Christina Feilchenfeldt in this book).² This prompted a closer inspection of the person Arthur Dahlheim.

From a carpet dealership to an art empire

On January 31, 1866,³ Arthur Dahlheim was born into a middle-class Jewish family with close ties to the Berlin art scene. His father Saronj Dahlheim founded the very successful woolens and carpet factory Dahlheim & Co. in Berlin in 1845.⁴ It was not before the age of 52 that Arthur Dahlheim married Anna Albertine Elisabeth, née Neumann, widowed Pfuhl, and a baptized Protestant, in 1918. The late marriage remained childless, but his wife had three sons from her first marriage: Walter, Erich and Hellmuth Pfuhl.⁵

Initially specializing in carpets, Arthur Dahlheim began his career as an art dealer at his parents' house on Matthaikirchstraße 13 in 1895. He offered the carpets that the family business sold to artists in exchange for artworks. The carpet salesman thus became an art dealer.⁶ In 1899, he moved his art dealership, now under the name 'Gemälde-Salon vereinigter Künstler', to Wilhelmstraße 44. With a steady sales success and the desire to establish a kind of 'art department store', he took over the furniture factory H. Lipke in 1907 together with his brother-in-law Siegmund Klein, who became the new enterprise's managing director.⁷

Fig. previous page: Entrance hall of Kunstsalon Arthur Dahlheim, 1918, in: exhib. cat. *Grosse Kunst-Ausstellung – Arthur Dahlheim, Berlin W – Potsdamer Strasse 118b*, Berlin, 1918.

Henceforth Dahlheim wanted his art dealership to be the top address for all interior furnishings of luxury homes. For this purpose, he left the cramped premises on Wilhelmstraße and moved the gallery to the imposing ‘Haus Merkur’ at Kochstraße 6–8, which is still well-known today.

Around 1912/13, the art dealer had the five-story office and commercial building built according to plans by Otto Bayer and Kurt Berndt.⁸ As of 1913, tenants included film companies and other art dealers, such as the art auction house Eugen Reiz and the art salon Keller & Reiner. Arthur Dahlheim had to take out a substantial loan to build ‘Haus Merkur’.⁹ In order to continue to service this loan, he and his stepsons Walter and Hellmuth Pfuhl founded two stock companies in 1922. While one of them was founded for the purpose of purchasing the plot at Kochstraße 6/7, worth 800,000 Reichsmarks,¹⁰ the other, called ‘Grundstücks-Gesellschaft Kochstraße 8 Aktiengesellschaft’ had the purpose to purchase house number 8 in the same street for 500,000 Reichsmark.¹¹ Walter Pfuhl, based at Potsdamer Straße 118b, was appointed chairman of the board. In 1918, Dahlheim opened a second branch named ‘Große Kunstausstellung’ in the rooms of the art salon Keller & Reiner at Potsdamer Straße 118b (fig. 2, fig. 3 and p. 92).¹² Visitors entered the exhibition premises through a large entrance hall and the artworks were distributed across three imposing floors. From then on, the two companies shared the business address. From 1919, the stepson Hellmuth Pfuhl was the second managing director of Keller & Reiner GmbH, and managed the company alone in 1922.¹³ In April 1927, Arthur Dahlheim left the business



Fig. 1: Stamps ‘J 34’ and ‘J. 33’, reverse of Lesser Ury, *Birkenwald im Frühling*, 1890s, pastel on cardboard, 47.8 x 34.7 cm.

Photo: © Ulf Palitzta, restorer, Berlin



Fig. 2: Exhibition hall at Kunstsalon Arthur Dahlheim, 1918, in: Exhib. cat. *Grosse Kunst-Ausstellung – Arthur Dahlheim, Berlin W – Potsdamer Strasse 118b*, Berlin, 1918.

premises at Potsdamer Straße 118b, which until then had also been his private address, and moved the entire business to Kochstraße 6/7. Keller & Reiner GmbH and Möbelfabrik H. Lipke also moved to Kochstraße with him.¹⁴

Following the relocation from Potsdamer Straße 118b to 'Haus Merkur', the "Privatsammlung und gesamte Hausstand" ("private collection and the entire household effects") of the art dealer Dahlheim were auctioned at the art auction house Rud. Elsas in collaboration with the company Keller & Reiner on March 22 and 23, 1927.¹⁵ The couple moved into a new private residence on Lützowplatz 5. The auction suggests that Arthur Dahlheim was in financial troubles around 1927.



Großer Oberlichtsaal im Kunsthaus Dahlheim, Potsdamer Straße 118 b

Fig. 3: Grand skylight hall at Kunstsalon Arthur Dahlheim, 1918, in: exhib. cat. *Grosse Kunstausstellung – Arthur Dahlheim, Berlin W – Potsdamer Strasse 118b*, Berlin, 1918.

The decline

The following years saw the decline of Arthur Dahlheim's ambitious art trade projects. In September/October 1933, the three managing directors Arthur Dahlheim, Siegmund Klein and Hellmuth Pfuhl were banned from conducting business in their branch at Kochstraße 6–8 on the basis of an official order.¹⁶ The Dahlheim art dealership was "wegen Unzuverlässigkeit geschlossen und versiegelt" ("closed and sealed for unreliability") by the police.¹⁷ The order was based on the 'Verordnung über Handelsbeschränkungen vom 13. Juli 1923' ('Ordinance on Trade Restrictions of July 13, 1923'), which regulated price gouging.¹⁸ Arthur Dahlheim had always advertised with particularly favorable promotions and low prices (fig. 4). His pricing, however, was heavily criticized. In particular, his bartering of carpets for artworks met with criticism and even legal proceedings.¹⁹ His stepson Hellmuth Pfuhl and the succeeding art dealership 'Kunsthak' also had to justify themselves with regard to price gouging and excessive profit margins.²⁰ It seems that the official closures in 1933 were the result of price gouging on the one hand, but probably also because of late pay-

Keller & Reiner G. m. jetzt b. H., nur **Koch-Str. 6**

Aus meinen großen Beständen von über 7000 Original Oelgemälden
 und Aquarellen namhafter Künstler, Landschaften, Seestücke, Stilleben, Genre-Bilder, Studienköpfe, Intérieurs in hocheleganten Rahmungen
habe eine Kollektion zum aussuchen zusammengestellt.
Stück 50 M., 75 M., 100 M. usw. (6388-9)z

Wirklicher Wert das Vielfache! Seien günstige Kapitalanlage!
Kunst-Haus Dahlheim jetzt nur **Koch-Str. 6 bis 7**

Keller & Reiner G. m. jetzt b. H., nur **Koch-Str. 6**

Chippendale-Garnituren
 und **Sessel** mit losen **Daunenkissen** in **Brokat, Samt** usw., kurze Zeit in der **Großen Kunst-Ausstellung**
 Dahlheim ben., gen. wie neu, verk. preisw.

H. Lipke jetzt nur **Koch-Str. 6 bis 7**

Fig. 4: Ads of A. Dahlheim, Keller & Reiner, H. Lipke, in: *Berliner Börsen-Zeitung*, morning edition, Sunday August 26, 1928, p. 8, digitized by the Staatsbibliothek zu Berlin – Preußischer Kulturbesitz.

Image credits: <https://www.deutsche-digitale-bibliothek.de/newspaper/item/S4UJJEOTX5YJ33ZTNYHFDVO44TG2UURK?issuepage=8> (last accessed on June 15, 2023)

ments of credit and mortgage interest on the other.²¹ We know that only two weeks after the closure on October 18, 1933, Dahlheim had to conclude a notarized contract with Süddeutsche Bodenkreditbank A.G., in which half of the warehouse worth 400,000 Reichsmark was transferred to the bank as security deposit.²²

Dahlheim then sold his art dealership to his stepsons Walter and Erich Pfuhl on November 2, 1933.²³ They had already founded 'Kunst und Handwerk GmbH' (short: Kunsttag²⁴) on October 20, 1933, with the objective of purchasing Arthur Dahlheim's 'Gemälde-Salon vereiniger Künstler'. They drew up a commission agreement for the stock-in-trade, in which they took over the commission for the sale of the inventory worth 800,000 Reichsmark for both Süddeutsche Bodenkredit A.G. and Arthur Dahlheim.²⁵ Accordingly, 'Kunsttag' had not acquired ownership of the goods. The Chamber of Commerce had considerable objections to this registration matter and demanded that ownership of the stock-in-trade had to be included in the sale to the Pfuhl brothers when the company was transferred. However, due to Arthur Dahlheim's illness and lack of capacity to act, this did not happen until after his death in 1935.²⁶

In order to settle any potential outstanding mortgage payments and overdue interest, Albertine and Arthur Dahlheim's "Luxus-Einrichtung und hervorragende Gemäldesammlung" ("luxury furnishings and outstanding collection of paintings") were in the meantime sold by the auction house Aktiengesellschaft für Auktionswesen (short: Afag) on October 2 and 3, 1934.²⁷ A draft of a purchase agreement from 1934 between Arthur Dahlheim and 'Kunst und Handwerk GmbH' shows that the warehouse contents had previously been subject to a "sorgfältige Schätzung" ("judicious appraisal") for the transfer of property by way of security to the Süddeutsche Bodenkreditbank, and that the purchase price, and thus the total value of the goods, had been reduced from 800,000 Reichsmark to 248,000 Reichsmark.²⁸ The bank visited the art dealer's premises in 1933, and very likely on multiple other occasions in 1934, in order to determine which parts of the stock-in-trade were to be used as security. Consequently, the stamps 'J. 33' and 'J 34' (*fig. 1*), which can be found on a large number of paintings with the provenance Arthur Dahlheim, can in all likelihood be explained as 'J' for 'Jahr' ('year'). The stamps affixed by the bank mark the bank's holdings and separate them from the remaining property of Arthur Dahlheim. Proceeds from the artworks marked 'J' were to be transferred to the bank.

Arthur Dahlheim's legacy

Arthur Dahlheim died after a long illness in Berlin on March 12, 1935. His wife Albertine,²⁹ was his sole heir and named her son Hellmut as heir in her will,³⁰ as she had made a different agreement with Walter and Erich: As early as April 15, 1935, the 'Kunst und Handwerk GmbH' of the brothers Walter and Erich Pfuhl concluded a contract with their mother Albertine Dahlheim regarding the "Warenlager[s], soweit es am heutigen Tage noch vorhanden und nicht sicherungshalber an die Süddeutsche Bodenkreditbank übereignet ist, einschließlich der in der Wohnung von Frau Albertine Dahlheim – Händelstrasse 6 befindlichen Kunstgegenstände [...] zum Kaufpreis von 200.000 RM." ("stock-in-trade, insofar as it still exists today and has not been transferred to the Süddeutsche Bodenkreditbank as security, including the works of art located in the apartment of Mrs. Albertine Dahlheim – Händelstraße 6 [...] for the purchase price of RM 200,000.")³¹ The "Kommissionsvertrag" ("commission contract") remained in place for the "Warenbestände, die der Süddeutschen Bodenkreditbank sicherungshalber übereignet sind" ("goods transferred to Süddeutsche Bodenkreditbank by way of security")³². According to Albertine Dahlheim's will, her sons did not have to pay their mother the purchase price of 200,000 Reichsmark for her art collection; in a sense, it was their advanced inheritance.

So far, only the 'J' stamps that marked the works from the transfer of ownership to the bank by way of security, have provided any indication of the Kunstthak's actual inventory. However, there do not appear to have been many sales until 1945, as the aforementioned works by Lesser Ury show: In 1955, 1960 and 1961, a Mr. Kempfer successively consigned around ten paintings and pastels by Lesser Ury to a Berlin art dealer. Arthur Dahlheim had acquired all the works at Paul Cassirer gallery in 1932.³³ In those cases where reverse sides are known, they all bear the 'J' stamp on the stretcher. The decisive clue to the identity of Mr. Kempfer came from Walter Pfuhl's death certificate, which was signed by the

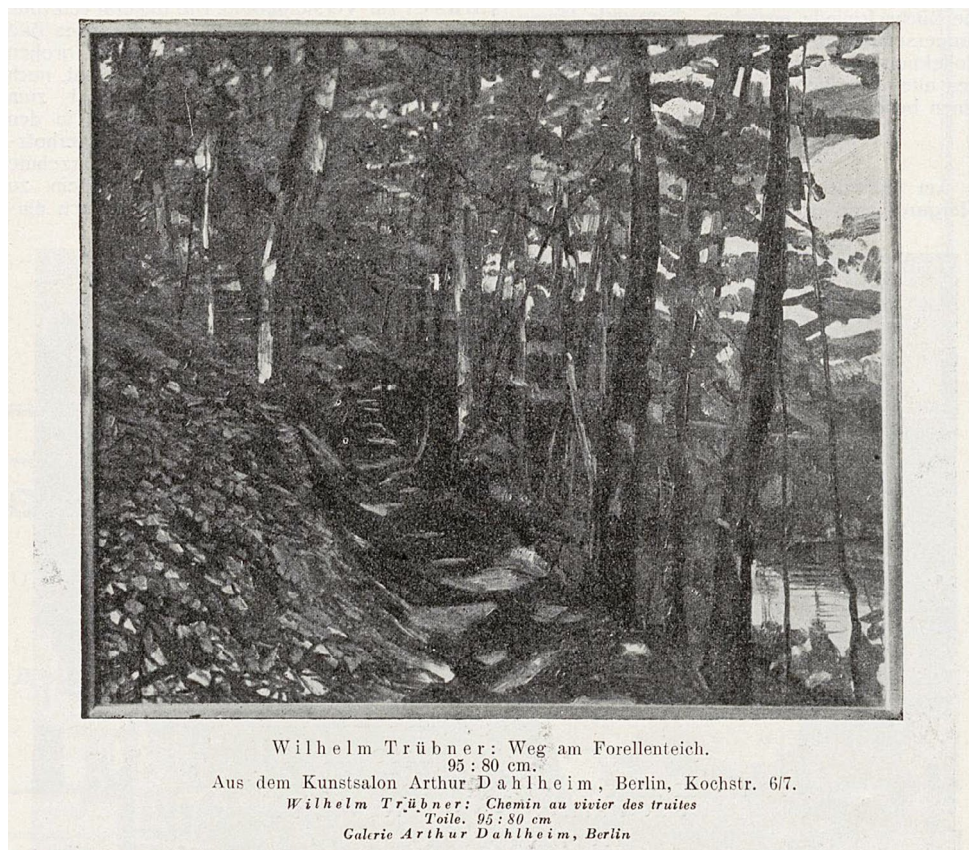


Fig. 5: Wilhelm Trübner, *Weg am Forellenteich*, sign. a. dat. 1913, oil on canvas, 80 x 95 cm, in: *Die Kunstauktion: internat. Nachrichtenblatt des gesamten Kunstmarktes*, vol. 2, no. 43, October 21, 1928, p. 6.

Image credits: <https://doi.org/10.11588/diglit.47051.43>

‘Lagermitarbeiter’ (‘warehouse employee’) Albert Kempfer.³⁴ Consequently, the works by Lesser Ury from the estate auction had not left the Pfuhl brothers’ warehouse before the 1950s. Whether Albert Kempfer was still working for Kunsthak at this time and had consigned them on their behalf could not be resolved conclusively.

Losses due to persecution?

Despite intensive research, it remains unclear whether the sale of Albertine and Arthur Dahlheim’s entire household at the abovementioned auction in 1934 was the result of political pressure. During the research process, it also became clear that in the case of Arthur Dahlheim, it is almost impossible to differentiate between the private collection and the

inventory. Three extensive catalogs from the years 1918 (exhibition), 1927 (auction) and 1934 (auction) provide insight. The titles of the two auctions suggest that the works on offer were exclusively from the Dahlheims' private collection.³⁵ However, illustrated newspaper ads show that he also used some of these works to promote his art dealership. Of the 118 works offered in the 1927 auction, 49 works, almost all of them illustrated, were still in the Dahlheims' possession in 1934. One of many examples is the work *Forellenteich und Park am Stift Neuburg* by Wilhelm Trübner. It was marked 'not for sale' in the *Große Kunstausstellung* in 1918. In 1928, Dahlheim placed an ad in the magazine *Die Kunstauktion* (fig. 5) showing the work from "Kunstsalon Arthur Dahlheim, Berlin - Kochstr. 6/7". In both 1927 and 1934, the Trübner picture was also offered for sale in the auctions of his private household. It has not yet been determined whether the painting was actually sold in 1934.³⁶

No evidence could be found to suggest that the closure of Arthur Dahlheim's business premises in October 1933 was part of the first boycott measures by the Nazi regime and thus an act of Nazi persecution. Due to the simultaneous closure of the companies Kunstsalon Dahlheim, H. Lipke and Keller & Reiner GmbH under Hellmuth Pfuhl on Kochstraße 6–8, it can be assumed that this happened in the context of a joint illegitimate business activity. There is also no record of any personal persecution of Arthur Dahlheim. At the same time, however, neither can be ruled out.

When works with such findings appear on the art market today, discussions with the heirs of the former Jewish owner are the means of choice to ensure a secure sale. However, this is a rare and special case: Albertine Dahlheim's so-called subsequent heirs were her sons. Walter Pfuhl had no children and died of lung cancer in 1948. Erich Pfuhl had been a member of the SA since February 1934, according to his own declaration to the Reichskammer der bildenden Künste (Reich Chamber of Fine Arts). His brother Hellmuth Pfuhl had been working for the trustee of the Reich Finance Administration Ernst Pilzecker "zwecks Verwertung von Waren, die das Finanzamt Charlottenburg Ost beschlagnahmt hatte" ("for the purpose of the utilization of goods confiscated by the Charlottenburg-Ost Tax Office") since at least 1936.³⁷ The rightful heirs of the Jewish art dealer Arthur Dahlheim, his stepsons, were Nazi perpetrators themselves.³⁸

The provenance research began with previously unknown 'J' stamps on the reverse sides and led to the enterprising Jewish art dealer Arthur Dahlheim and his Nazi heirs. The case shows how complex and multi-faceted the issues that Nazi provenance research must also address in the art trade can be. And there is another difficulty of a special kind: the need for prompt decisions on how to proceed.

ANNOTATIONS

- 1 A very similar 'J' stamp appears in the Zentral- und Landesbibliothek Berlin, which has an accession book entitled 'J', in which so-called 'Judenbücher' from a pawnshop were recorded around 1944, <https://db.lootedculturalassets.de/index.php/Detail/Objects/17292> (last access on February 15, 2023).
- 2 Dahlheim was a close acquaintance of Lesser Ury and traded his paintings in the 1920s at the latest. According to the protocol catalog of the estate auction, he acquired 27 works (see DOI: <https://doi.org/10.11588/diglit.48864>), probably partly as a commission agent on behalf of others. Many thanks to Dr. Sibylle Groß for her extensive help with the research on Lesser Ury.
- 3 See Landesarchiv Berlin (LAB), marriage certificate Berlin, no. 229, May 17, 1918.
- 4 Cf. Sandig, Marina: *Die Liebermanns: Ein biographisches Zeit- und Kulturbild der preußisch-jüdischen Familie und Verwandtschaft von Max Liebermann*. Neustadt a. d. Aisch 2005, pp. 325ff.
- 5 Albertine Elisabeth, née Neumann, widowed Pfuhl (February 20, 1869 – May 09, 1952), Walter Pfuhl (January 13, 1890 – July 04, 1948), Erich Pfuhl (August 05, 1891 – November 17, 1947) and Hellmuth Pfuhl (born October 26, 1892), see LAB, A Rep. 342-02 No. 25016 Commercial register file 'Kunsthak' Kunst und Handwerk Gebr. Pfuhl.
- 6 Cf. *Die Werkstatt der Kunst*, XVII. vol. 46, September 2, 1918, pp. 372f.: Ueber Berliner Kriegskunsthändler [that is Arthur Dahlheim], see DOI: <https://doi.org/10.11588/diglit.41229#0375>.
- 7 Cf. *Deutscher Reichsanzeiger* 1907, Jan. 31, 1907, no. 29, p. 19, <https://digi.bib.uni-mannheim.de/reichsanzeiger.fcgi?FIF=/reichsanzeiger/film/029-1907/0548.jp2&RGN=0,0,3.529787234042553,1.4659442724458205&CVT=jpeg> (last access on March 15, 2023). Samuel Siegmund/Siegismund Klein (December 2, 1864 – January 12, 1943) was the husband of his sister Antonie Klein, née Dahlheim (September 1, 1867 – October 4, 1920). Klein had fled Germany by 1935 at the latest.
- 8 See Haus Merkur, in: Denkmaldatenbank des Landesdenkmalamts Berlin, https://denkmaldatenbank.berlin.de/daobj.php?obj_dok_nr=09031171 (last access on July 6, 2023).
- 9 This is known since Dahlheim later fell into arrears on a mortgage amounting to 950,000 Reichsmarks.
- 10 See Bau-, Terrain- und Immobilien-Gesellschaften, Schachtbau, Asphaltgewinnung und -Verarbeitung, in: *Handbuch der deutschen Aktiengesellschaften*, Hoppenstedt, vol. 35.1930, vol. 1, Berlin/Leipzig 1930, p. 288, digitized by Library of Mannheim University, https://digi.bib.uni-mannheim.de/fileadmin/hoppenstedt/1006345701_193000351/pdf/1006345701_0512.pdf (last access on February 15, 2023).
- 11 Cf. *Verschiedene Gesellschaften, neueste Gründungen*, in: *Handbuch der deutschen Aktiengesellschaften*, Hoppenstedt, vol. 38.1933, vol. 1, Berlin/Leipzig 1933, p. 1133, digitized by Library of Mannheim University, https://digi.bib.uni-mannheim.de/fileadmin/hoppenstedt/1006345701_193300381/pdf/1006345701_1303.pdf (last access on February 15, 2023).
- 12 Cf. *Die Werkstatt der Kunst*, XVII. vol. 45, 19.8.1918, p. 365, see DOI: <https://doi.org/10.11588/diglit.41229.149>.
- 13 Cf. LAB, A Rep. 243-04 No. 6660, personal file Hellmuth Pfuhl of the Reichskammer der bildenden Künste, application for admission dated Oct. 1, 1935.
- 14 Cf. Donath, Adolphe [ed.]: *Der Kunstwanderer: Zeitschrift für alte und neue Kunst, für Kunstmarkt und Sammelwesen*, issue 8/9 1926/27, p. 336, see DOI: <https://doi.org/10.11588/diglit.25876.88>.
- 15 Auct. cat. Rud. Elsas, Kunstauktionshaus (Berlin): *Auktion der Privat-Sammlung und des gesamten Hausstandes des Kunsthändlers Arthur Dahlheim im Hause Berlin, Potsdamer Straße 118 b: Versteigerung 22., 23. März [1927]*, Berlin, 1927, s. DOI: <https://doi.org/10.11588/diglit.21690>.
- 16 Cf. Zentrale Landesbibliothek, *Amtsblatt für den Landespolizeibezirk Berlin*, Ausgabe B: ohne öffentlichen Anzeiger, Berlin, 1935, February 11, 1935, no. 105, p. 45, interdiction of commerce mandated by the police commissioner on October 5, 1933.

- 17 “Kunsthandlung Dahlheim behördlich gesperrt”, in: *Internationale Sammlerzeitung: Zentralbl. für Sammler, Liebhaber u. Kunstfreunde*, edition 25.1933, no. 19, October 15, 1933, p. 172, https://digi.ub.uni-heidelberg.de/diglit/internationale_sammlerzeitung1933/0229 (last access on July 1, 2023).
- 18 Cf. *Reichsgesetzblatt*, Volume 1923, Part I, Verordnung über Handelsbeschränkungen, Section 1, § 25 Prohibition of Trade by the Court, p. 709, <https://alex.onb.ac.at/cgi-content/alex?apm=o&aid=dra&datum=1923> (last access on May 15, 2023).
- 19 Cf. Aus reiner Liebe zur Kunst, in: *Die Werkstatt der Kunst: Organ für d. Interessen d. bildenden Künstler*, 10.1910/1911, issue 28, p. 383, and 11.1911/1912, issue 29, p. 395, see DOI: <https://doi.org/10.11588/diglit.52067.264>.
- 20 Cf. LAB, A Rep. 342-02 No. 25016 Commercial register file ‘Kunsthak’ Kunst und Handwerk Gebr. Pfuhl; LAB A Rep. 243-04 No. 6660 Personal files Pfuhl of the Reichskammer der bildenden Künste.
- 21 Cf. LAB, A Rep. 342-02 No. 25016 Commercial register file ‘Kunsthak’ Kunst und Handwerk Gebr. Pfuhl Commission contract dated November 3, 1933 between Kunst und Handwerk GmbH and Arthur Dahlheim.
- 22 Ibid.
- 23 Ibid.
- 24 They later had to rename the company ‘Kunsthak’ because Kaffee HAG filed a trademark infringement suit against the company name.
- 25 Cf. LAB A Rep. 342-02 No. 25016, as note 21.
- 26 Cf. LAB A Rep. 342-02 No. 25016, lawyer’s letter from Dr. Aloys Wetzel dated January 9, 1934, to the Berlin-Charlottenburg District Court in the register case Kunst und Handwerk, Gesellschaft mit beschränkter Haftpflicht, ‘Kunsthak’.
- 27 Auct. cat. Aktiengesellschaft für Auktionswesen: *Luxus-Einrichtung und hervorragende Gemäldesammlung: Berlin W 35, Lützowplatz 5, 2. Und 3. Oktober 1934*, Berlin, 1934, see DOI: <https://doi.org/10.11588/diglit.7755>.
- 28 Cf. LAB A Rep. 342-02 No. 25016, draft of a purchase contract from 1934 between Arthur Dahlheim and ‘Kunst und Handwerk GmbH’.
- 29 Cf. LAB A Rep. 342-02 No. 25016, according to the bequeathed will dated October 9, 1933, mentioned in: Purchase agreement regarding the warehouse, dated April 15, 1935 and closed between Kunst und Handwerk GmbH and Albertine Dahlheim.
- 30 See Schöneberg Local Court, will of Albertine Dahlheim, née Neumann, deed no. 29 of 1952, estate proceedings concerning Albertine and Arthur Dahlheim.
- 31 Cf. LAB A Rep. 342-02 No. 25016, purchase contract dated April 15, 1935 between Kunst und Handwerk GmbH Albertine Dahlheim.
- 32 Ibid.
- 33 It is likely that ‘Kempfer’ had also consigned works by other artists, but these results are based on the research for Lesser Ury’s catalog raisonné. We are grateful to Dr. Sibylle Groß for providing information and support.
- 34 Albert Kempfer signed as a witness and confirmed the death of Walter Pfuhl on July 15, 1948. It can be assumed that he was possibly a warehouse employee at the Pfuhl brothers’ ‘Kunsthak’ company. LAB, vital records, death records, deed no. 1125, in: <https://www.ancestry.de/discoveryui-content/view/51260055:2958> (last access on July 1, 2023).
- 35 Cf. note 15 and note 27.
- 36 Cf. *Die Kunstauktion: internat. Nachrichtenblatt des gesamten Kunstmarktes*, vol. 2, no. 43, October 21, 1928, p. 6, see DOI: <https://doi.org/10.11588/diglit.47051.43>.

- 37 Cf. LAB A Rep. 243-04 No. 6659-6661_Personenakten Pfuhl der Reichskammer der bildenden Künste, application for admission dated Oct. 1, 1935. It is known that Pilzecker had been working as a representative of the Chief of Police or the trade police since around 1929. As part of his duties, he also prohibited Jewish auctioneers from continuing their activities.
- 38 The discussion about the 'Unwürdigkeitsklausel' (unworthiness clause) shall only briefly be mentioned here. Cf. *Gesetz über Staatliche Ausgleichleistungen für Enteignungen auf besatzungsrechtlicher oder besatzungshoheitlicher Grundlage, die nicht mehr rückgängig gemacht werden können* (Ausgleichsleistungsgesetz - AusglLeistG): § Section 1 Entitlement to compensation, <https://www.gesetze-im-internet.de/ausglleistg/BJNR262800994.html> (last access on March 15, 2023).

678

Ernst Arndt Kunsthandlung, Dresden

28

Faun
die Krüge
München
Arndtstr. 57/100

1210

34

DR. NO OR: HOW I LEARNED TO LOVE THE REVERSE SIDES OF PAINTINGS – LOOKING BACK ON 28 YEARS WITH A BERLIN AUCTION HOUSE

In winter 1984/85, during a seminar on ‘Dutch 17th Century Painting’, students were passing the restoration workshop of the Hamburger Kunsthalle. “Let’s use this opportunity to see something really rare”, said Professor Martin Warnke, “and take a look at the reverse sides of the paintings. Sometimes they tell us more than the front.” At the time, I had no idea that I would get to look at well over 10,000 reverse sides of paintings from the late 18th to the 20th century in the course of my life. In February 1995, I joined the cataloging department of a Berlin auction house.

Starting to work there, the first thing I had to do was determine the type of paint and the support (oil on canvas, tempera on burlap, etc.) or the printing technique (etching on laid paper, drypoint on vellum, etc.), measure the artwork and describe its state of preservation for the catalog. Over the years, I learned to distinguish a Dresden stretcher from a Danish one, and to estimate the age of the paper with the help of UV light. In addition, the works’ authenticity also had to be verified. Back then the whole expert scene was not as advanced as it is today, so I looked for evidence of authenticity based on what I could find on the reverse sides. Artists’ inscriptions on the reverse, their signatures, picture titles and dates, or estate stamps were the first things to be included in the catalog description. Everything that spoke for the authenticity of the artwork and increased its value was mentioned, including the labels the paintings feature from exhibitions in museums or at art dealers (*fig. 1*).

When I think back to these beginnings today, it feels like listening to grandpa talking about the war. Until the introduction of a database in the fall of 1995, we wrote our catalog entries in a MS Word file in specific order. We didn’t take any photos of the verso sides; expensive transparencies served for printing the catalog and for occasional inquiries we

Fig. previous page: Findings on the reverse: Otto Strützel, *Faun*, 1906, oil on panel, 27 x 21.5 cm.

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made to the respective experts. We obtained information from books and magazines in our well-stocked library and the Berlin Art Library. But the eyes of the Warnke student increasingly wandered to the other, seemingly unimportant inscriptions, stamps and labels on the stretchers and frames. I began to take notes of what I saw, initially in no strict order and always aware that my actions might seem completely redundant from the employer's point of view, and that I might be wasting my valuable time. But that was about to change.

After the turn of the millennium, digitization became part of everyday work life and with it came a vast increase of research potential and obligations (!) for determining provenances: requirements stipulated in the Washington Declaration of 1998, initially only mandatory for public art collections in Germany, they were soon also applied to the art trade. With the triumph of digital photography, the financial aspect began to play a minor role in the documentation of the reverse sides, but it would have required additional archive staff to manage the photos. In any case, we created files, occasionally with printed photos and photocopies of labels and estate or collector stamps, later also in digital form.

Here are a few thoughts on the broad field of reverse side features.



Fig. 1: Findings on the reverse: Franz von Lenbach, *Landschaft mit schlafendem Hirtenknaben*, c. 1858–1860, oil on cardboard, 26.5 x 36.8 cm.



Fig. 2: Auction house Leo Spik, Berlin: Lot 58, in white chalk.

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Fig. 3: Auction house Rudolf Bangel, Frankfurt a. M.: Auction 654, lot 30, in blue crayon.

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Inscriptions

At the auction house for which this author works, this term is used to denote everything that does not come from the artist, whose own inscriptions are referred to as designations. For example, the first owners of a painting might have written their name on the back, or noted the artist's name in case the painting was unsigned. It was not until the end of the 19th century that inscriptions from art dealers and auction houses followed. It took me years to decipher them – today many things are available online by just a few clicks. I learned that in the 20th century many auction houses discreetly labeled the works with the lot number in white chalk; Leo Spik in Berlin, for example, always labeled two, sometimes even three bars of the stretcher or frame (*fig. 2*). If you find a number in blue crayon at the top right of the stretcher or on the backing board, a three- or four-digit number separated from another shorter number by a slash, then you have an indication of an auction at Rudolf Bangel in Frankfurt am Main (*fig. 3*). The auction number is followed by the lot number. A similar number in pencil in bottom left is a reference to auctions at Galerie Wolfgang Ketterer in Munich, where the Arabic numerals indicate the lot number, with or without a separating slash, followed by the auction number in Roman numerals (*fig. 4*). After 1945, colleagues from English and American auction houses were less squeamish, using stencils to apply their numbers to the stretcher in black paint (*fig. 5*). The writing utensils that were employed also help to identify the date, a ballpoint pen for the years after 1945 and a felt-tip pen for the 1960s and 1970s. Since then – albeit very rarely – art dealers have also applied their – usually indecipherable – gallery abbreviations with transparent, fluorescent liquid that can only be seen in UV light.

Stamps

Alongside the inscriptions, stamps of the manufacturers and dealers of art supplies (canvases, boards, etc.) in London and Paris, and later also in Munich, were also applied. The addresses on these stamps can help to confirm the authenticity and (earliest) chronological classification of a painting, while watermarks and embossing stamps can do the same for works on paper. Max Liebermann, for example, bought his stretchers and canvases from Leopold Hess on Genthiner Straße 29, Lovis Corinth from L. A. Schröter & Co. in Charlottenburg, as his apartment on Klopstockstraße was nearby. In the case of Walter Leistikow's paintings, the stamp of the Berlin art supplies shop Doris Ranfft can contribute more to determine the authenticity than the front, especially if an employee or the shop owner Hermann Mordaß himself added 'Herr Professor Leistikow' and the dimensions of the stretcher in fine pencil. As Leistikow was appointed professor shortly before his death, such a painting could be dated to the years 1907/08 – if we can act on the assumption that not every well-known artist in the store was addressed with this title.

The first customs stamps also originate in the 19th century, followed by the owners' address stamps as of 1900, and export permit stamps for paintings from Eastern European or Latin American countries after 1945.

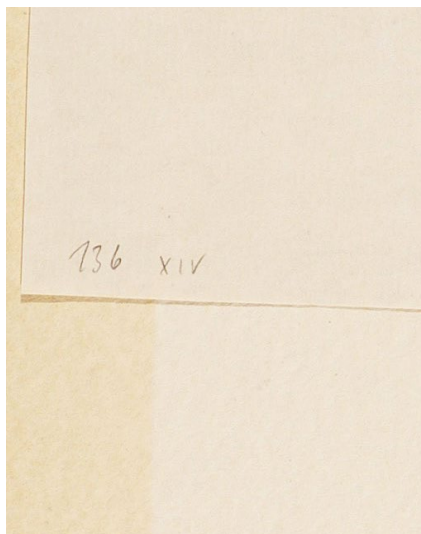


Fig. 4: Galerie Wolfgang Ketterer, Munich: Auction 14, lot 136, in pencil.

© Ketterer Kunst GmbH & Co. KG, Munich



Fig. 5: Christie's auctioneers: stock number, black ink, stenciled.

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Fig. 6: Stuttgarter Kunstkabinett: 36th auction, May 3, 1961, lot 158, label.

© Ketterer Kunst GmbH & Co. KG, Munich

Labels

Labels with names and sometimes addresses printed on them emerged in the late 19th century, probably as a result of the expanding art market. Ever more distant regions could be reached by railroad, and it was a good idea to label one's possessions when traveling. Taking pride in documenting where the painting had been may also have played a role – just like hikers adorn their walking sticks with medallions. As the frame of a picture could be replaced, the labels were usually placed in prominent positions on the stretcher, at the top, preferably on the left or in the middle.

Understatement was the trademark of the art salon founded by the cousins Bruno and Paul Cassirer in Berlin in 1898. The gallery was located in the middle of a quiet residential area away from the bustling Potsdamer Platz and did not even have a store sign. Understatement also characterizes the Cassirer labels, which featured nothing but a printed 'No.' and inscription of inventory number, an artist's name and the title of the painting. On the subject of 'inventory number': As the acquisition of an artwork was in some cases financially burdening for some art dealers, or they were unwilling to take on the risk alone, gallery owners often (or even mostly?) acted on behalf of the artists or other dealers. This was reflected on the labels by the additions 'C', 'Com' or 'K' for 'Kommission' ('consignment'). The addresses on the labels can be used to trace the period during which the painting was

there, although this is not always reliable, as art dealers used their stock of labels over longer periods of time.

The stickers of well-known galleries such as Paul Cassirer or unknown ones such as Alfred Heller in Berlin-Charlottenburg aroused my curiosity: Where exactly were they located and what did they specialize in? Wolfgang Wittrock shared my interest and published my historical art city map *Die Kunststadt Berlin 1871–1914* with 100 art business addresses for the Ferdinand Möller Foundation in 2007.

Auction house labels from the period between 1945 and 1985 are particularly noteworthy today, as they cannot be researched online. Above all, I have in mind the squares, in most cases pastel-colored labels of Roman N. Ketterer's Stuttgarter Kunstkabinett (*fig. 6*), actually mostly placed bottom left, just like the later inscriptions on the reverse sides of his brother Wolfgang Ketterer's auction house in Munich. However, the former only indicate the lot number, which is why one needs to consult every single catalog for the 37 auctions of the Stuttgarter Kunstkabinett – or rather has the privilege of doing so, because the range of works of Modern art on offer in post-war Germany was spectacular! It is generally a good idea to memorize the typography of auction catalogs, as some buyers of works of art simply cut out the catalog description and stick it on the back of their new acquisition. Speaking of which: Around 1900, exhibition institutions, artist associations, art societies and museums also introduced labels, with fellow artists in particular not hesitating to stick their labels directly onto the back of the canvas. Over the years, the canvas shrank and the label bulged out in front.

As a result of the increasing number of exhibitions, shipping companies such as Gustav Knauer in Berlin also attached their labels to artworks in the early 20th century, followed by Schlien in Berlin and Hasenkamp in Cologne around 50 years later, in many cases inscribed with the lender's name by hand! Naturally, owners of the paintings also provided their own address labels after 1945.

Frame makers' labels should not be forgotten, not only because they probably came somewhat earlier than the stickers of art dealers, but also because frame makers often turned art dealers, as was the case with Weber in Berlin or Abels in Cologne. The addresses and the nature of the stickers, usually applied in top or bottom center of the frame or the backing board, allow for an approximate determination of place and time of framing. In the case of Conzen from Düsseldorf, the order number even tells us the year the picture was framed. The frame maker labels also bear witness to the pride taken in the craftsmanship, a reputation not always justified after 1945.

One more word on the manipulation of reverse features: In early years I still saw labels with the names scratched out, but this seems to happen no more. As a result of today's provenance research, which experienced a boom with the Schwabing Art Trove in 2012, labels or problematic names of previous owners are now probably removed or sanded off or 'disposed of' together with the stretcher, and the painting is mounted on a new one (I will mention one exception that confirms the rule below). If the canvas has been relined, even though this does not appear necessary from a conservation angle, extreme caution is required. Unless the painting comes from the US, as Americans seem to love preserving their paintings for eternity. The story of the forger Wolfgang Beltracchi is almost touching. He didn't fail because of his work on the front sides – his pictures by Heinrich Campendonk



Fig. 7: Fake Flechtheim label on a forged Campendonk painting.

Image credits: © Landeskriminalamt Berlin



Fig. 8: Fragment of a label of Galerie Goldschmidt-Wallerstein, Berlin.

Photo: © Agnes Thum



Fig. 9: Label of Galerie Goldschmidt-Wallerstein, Berlin.

© Ketterer Kunst GmbH & Co. KG

or Max Ernst were confirmed by experts – no, he failed on the reverse sides! The portrait of Alfred Flechtheim on a fictitious gallery label helped to uncover the forgery scandal (*fig. 7*).

It has always been my goal to give each of the artwork I tend to in cataloging its own story. The specialist knowledge went to my head, and I was even considering to showcase my knowledge on the TV game show *Wetten dass?*, claiming I could identify paintings from behind. I once shouted “Yeaaaaah!!!!” so loud that it could be heard throughout the house when I was able to identify a small painting inscribed ‘Königsplatz 3’ as former property of the Akademie der Künste in Berlin. Unfortunately, this also prevented its sale! Same case, different aspect: A painting by a German artist from around 1930 featured the deed of gift for some esteemed ‘Pg.’ (NSDAP party comrade) with the signature of Robert Ley, the head of the German Labor Front, on its reverse. But that’s not all: the deed covered half of the name of the previous Jewish owner. When we informed the prospect consignor that we could not offer the painting the way it was, she simply asked: “Can’t you remove it?” We could not, and the painting went back. Even though I only wanted the best for the company, my popularity with my colleagues went down. When Florian Illies, one of the auction house’s partners until 2018, jubilantly showed me a drawing by Adolph Menzel as a potential consignment for the upcoming auction, I inspected its reverse side and concluded: “We can’t sell that!” That finally earned me the nickname ‘Dr. No’. But it was not because of a fragmentarily preserved label that I identified it as problematic, but because it was inscribed with the name of a Jewish art collector.

No one can know all the reverse features by heart. Fortunately, there are usually other sources for a work of art, unprinted and printed or passed on by word of mouth, from which the provenance can be reconstructed. It is simply a matter of establishing the right connections. When I was asked whether I could identify the upper edge of a label on a painting by Erich Heckel (*fig. 8*), the first place I looked was Galerie Goldschmidt-Wallerstein in Berlin, the artist’s number one dealer in the 1920s, and, lo and behold: it matched! (*fig. 9*)

Long before due diligence was mandated for the art trade by the German Cultural Property Protection Act of 2016, auction houses had already established regular scrutiny of the verso sides, colleagues were interviewed, databases such as Lost Art in Magdeburg and the Art Loss Register in London were scanned and the archives of art dealers like Paul Cassirer or Ferdinand Möller were consulted. The firm that employs the author has a team of two provenance researchers who carry out in-depth research and establish contact with the heirs of the previous owners in cases where a painting is suspect of being Nazi plunder.

A look into the future: Although no single person can know everything, the many hundreds of young, well-connected art historians today could compile their knowledge and create a computer program that can recognize all the features on the reverse sides and thus determine the provenance of every work of art. But wouldn’t that be the end of provenance research? For me, at any rate, the realization is that to stand still is to fall behind. So, I’m learning to love the front sides of paintings again.



CASE STUDY

THE PAUL METZ COLLECTION AND THE 'ETTLE CASE'

Time and again, it is the reverse side of an artwork that allows for a determination of its provenance.¹ This is also the case with the double portrait of Franz von Stuck and his wife Mary, created on the occasion of the Munich artist party *In Arkadien* in 1898, for which the catalogue raisonné (Voss 174) refers to an auction at Hugo Helbing in 1916 as the only indication of provenance.² The support was twice inscribed 'Wie 6263' in red chalk (*fig. 1*)³ upon arrival at the Central Collecting Point (CCP) in Wiesbaden, one of the Allied forces' 'art collecting points' where works from various sources were impounded and checked for potential cases of looted property after the war. The now barely legible note 'Wie 6263' was the only reference to files that provided an insight into the history of the work: According to the 'property card', the painting with the nonspecific title "Double Portrait" was transferred from the collection of Willy Schenk in Maulbronn to the CCP in Wiesbaden on May 31, 1949, along with another 20 paintings, two drawings and six carpets (*fig. 2*).⁴ Willy Schenk (1897–1958) was a major industrialist who had taken over the light metal cast factory in Maulbronn from his father Wilhelm. The Nazis appointed him Wehrwirtschaftsführer (military economy leader) as his company produced aircraft parts and hence qualified as a company essential to the war effort.⁵ As an important client of the Frankfurt art dealer Wilhelm Ettle, against whom several claims had been filed by previous Jewish owners, he was targeted by the Monuments, Fine Arts, and Archives Section (MFA&A), which was investigating on behalf of the US Army under the direction of Walter Weber, as of February 1947.⁶ Based on the documents seized from Ettle, Weber's research into the previous owners of the works from the Schenk Collection led, in the case of the Stuck painting, to the Metz Collection in June 1949.⁷ Instead, Schenk made a different statement in August, probably based on information provided by Ettle: "vermutlich von Frau Selma Koester, Frankfurt/M. erworben" ("presumably acquired from Mrs. Selma Koester, Frankfurt/M.").⁸ By 1951, clarification of the ownership situation and claims led to the release, restitution and subsequent adjustment of the purchase prices of most works from the Schenk inventory, with the only

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

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Fig. 1: Franz von Stuck, *Franz und Mary Stuck – Künstlerfest*, 1898, oil on paper, laminated on panel, 27.8 x 25 cm, on the reverse: 'Wie 6263'.

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CLASSIFICATION:		PROPERTY CARD-ART		NO:	
Paintings		SUBJECT:		WIE 6263	
AUTHOR:		Double Portrait		PRESUMED OWNER:	
Stuck				Metz Collection	
MEASUREMENTS		MATERIAL:		INV. NO:	
27 x 24 cm		oil on panel		CAT. NO:	
DEPOT POSSESSOR:		ARRIVAL CONDITION:			
Schenk, Maulbronn		fair undamaged			
DEPOT NO.		DESCRIPTION:		FOR OFFICE USE	
Schenk, Maulbronn		Bust portrait of a young man and a woman in left profile, wearing fantastic costumes.		CLAIM NO:	
IDENTIFYING MARKS:		Inscription:		OTHER PHOTOS:	
		Künstlerfest 1898		NEG. NO:	
		<p>Release to German owner <i>Schenk</i> after clarification of ownership</p>		MOVEMENTS: Inshipment 228	
BIBLIOGRAPHY:				401	

Fig. 2: Wiesbaden Central Collecting Point, Property card no. WIE 6263.

Image credits: NARA Washington, Records Concerning the Central Collecting Points ('Ardelia Hall Collection'): Wiesbaden Central Collecting Point, 1945–1952, M1947, RG 260: Property Accessions, WIE 6263, roll 107, p. 1 <https://www.fold3.com/image/232026897?terms=6263> (last accessed on August 31, 2023)

work retained being the “‘Künstlerfest 1898’ by Stuck, claimed by Metz heirs (?)”, at the time only subject to a potential claim.⁹ During the dissolution of the Wiesbaden CCP in 1951, the holdings from the Ettle case were among the last to remain there; the Stuck painting was listed as “strongly suspected to be of Jewish origin, no possibility to ascertain whether a claim is filed or not.”¹⁰ On June 10, 1952, the painting was finally released on the grounds that “Ansprüche nicht erhoben wurden” (“no claims have been filed”);¹¹ the work was collected by Ettle for Schenk.

Wilhelm Ettle – Art dealer in the Nazi regime

In 1938, Wilhelm Ettle (1879–1958) received his art auctioneer’s license from the Reichskammer der bildenden Künste, and was employed as a certified expert by central authorities such as the Industrie- und Handelskammer, the Devisenstelle S and the Hauptzollamt.¹² In May 1939, he opened his own art auction house at Eschenheimer Anlage 35 with the stock-in-trade of Hugo Helbing’s Frankfurt branch, which he had taken over from Helbing’s successor Arthur Kauffmann, who had left Germany in 1938 (fig. 3). His wife Anni Ettle was co-owner. The strategy of “Übernahme ganzer Sammlungen und wertvoller Einzelstücke” (“taking over entire collections and valuable single pieces”) reads like a euphemism against the background of his active involvement in the confiscation and ‘utilization’ of Jewish

property, for which he cooperated with the Gestapo. Using methods such as denunciation, threats, pressure and false statements and promises, he seized numerous items belonging to Jewish citizens who had been subjected to discrimination and persecution.¹³ Ettle's business conduct appears to have been completely lacking in integrity both towards previous Jewish owners, as well as towards the people, institutions and laws of the regime, which ultimately led to him being convicted and expelled from the party in 1941 for reasons of personal greed.

In mid-October 1945, the Ettles were arrested and several hundred objects, including ceramics, furniture, handicrafts, paintings and prints, were taken to the Wiesbaden CCP.¹⁴ The search for the original owners proved to be extremely complex due to his obfuscations, false statements and memory gaps.¹⁵ After their second home and storage facility Bergermühle in Muschenheim had been sealed, Anni Ettle made an attempt to attach labels with false ownership notes and also tried to steal objects. Acquaintances, neighbors and customers revealed to the MFA&A how the Ettles had been trying to conceal the provenance of artworks by making false entries in the account books and that they had asked third parties to make false statements since at least 1941.¹⁶

Customers such as Schenk, who stated that he had not wanted to acquire any works from previous Jewish owners, had probably also been misinformed by Ettle.¹⁷ The supposed previous owner of the Stuck painting, Selma Koester, was a friend of the Ettles. From 1942 onwards, she offered Ettle individual artworks and pieces of furniture for auction or gave them to him for safekeeping.¹⁸ Her name also erroneously appeared on labels; after questions of ownership had been settled and she received her works back, she stated that she had no further claims against Ettle in August 1946.¹⁹

Eröffnung **Frankfurt a. M.**
Eschenheimer Anlage 35, nächst dem Eschenheimer Tor.

Kunst- und Versteigerungshaus
Wilhelm Ettle
(zugelassen für die Firma Helbing)

Gegenwärtige Ausstellung ausgewählter Werke der Malerei alter und neuer Meister wie:
 Goyen, Huysum, Radvel Ruysch, Poelenburgh, Dud, Palamedes, Beich, Feistenberger, Waldmüller, Wilhelm v. Kaulbach, Hermann Kaulbach, Hugo Kaufmann, Trübner, Gabriel Max, Reinh. Sebast. Zimmermann, Ernst Zimmermann, Zumbusch, Schmutzler, Ernst Meißner, Albrecht Adam, Jultus Adam, Burger, Barnitz, Pose, Beer, Gudden u. a.

G R A P H I S C H E S K A B I N E T T

Kunstversteigerungen
 Übernahme ganzer Kunstsammlungen und wertvoller Einzelstücke
Renovierung von Gemälden und Plastiken | Kunstberatung, Abschätzungen.
 Beidigter Sachverständiger der Industrie- und Handelskammer
 Frankfurt a. M. für das Rhein-Mainische Wirtschaftsgebiet.

Fig. 3: Advertisement on the occasion of the opening of the art and auction house Wilhelm Ettle, in *Weltkunst*, May 1939.

Image credits: *Weltkunst*, vol. XIII, no. 21, May 28, 1939, p. 3, <https://doi.org/10.11588/digit.48200#0103>

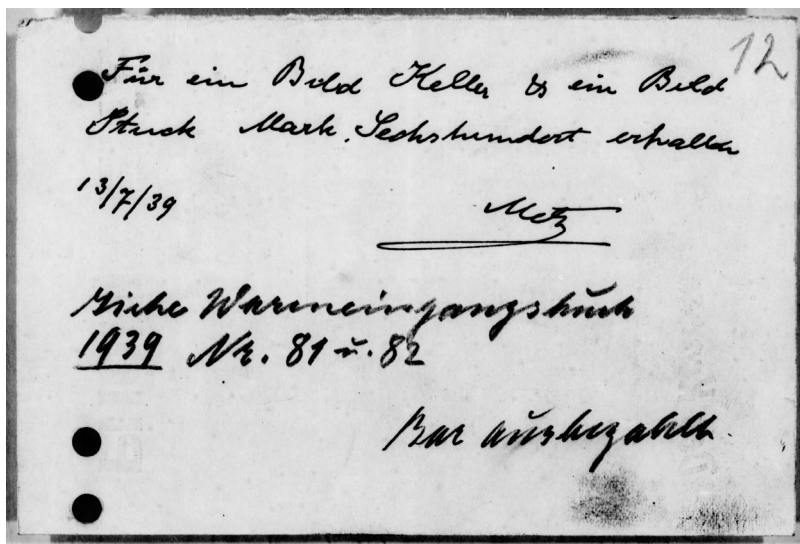


Fig. 4: Receipt of payment for the sale of two paintings by Keller and Stuck from Metz to Ettle on July 13, 1939.

Image credits: NARA Washington, Records Concerning the Central Collecting Points ('Ardelia Hall Collection'): Wiesbaden Central Collecting Point, 1945–1952, M1947, RG 260: Restitution, Research, And Reference Records, Ettle Case: Schenk, Willy, roll 77, p. 19, <https://www.fold3.com/image/231935738> (last accessed on August 31, 2023)

Willy Schenk had met Ettle in 1934 while the latter worked as a restorer of frescoes in the Maulbronn Monastery, and maintained a friendly business relationship with him; according to Schenk, the art purchases were made between 1934 and 1940.²⁰ When Ettle faced financial difficulties in 1939 and put some of his paintings as collateral for a loan from Dresdner Bank, Willy Schenk took over receivables.²¹ Ettle acted as an art consultant and intermediary for Schenk and initiated targeted sales, also from Jewish property, that suited the collector's taste.²²

Director Paul Metz (1869 – 1942), factory owner and art collector from Frankfurt

Among the documents that Weber seized in the 'Ettle Case', we find an informal handwritten payment receipt on the back of a laundry leaflet, dated July 13, 1939, by Metz: "[Metz's handwriting, author's note] Für ein Bild Keller & ein Bild Stuck Mark Sechshundert erhalten / 13/7/39 Metz / [Ettle's handwriting, author's note] siehe Wareneingangsbuch 1939 Nr. 81 u. 82 / Bar ausgezahlt" ("For a painting by Keller & a painting by Stuck, Mark Six Hundred received / 13/7/39 Metz / see purchase journal 1939 no. 81 and 82 / paid out in cash") (fig. 4).²³ A handwritten copy of the invoice prepared by Hanna Schenk and dated February 7, 1939, also lists "Franz von Stuck Künstler m. Gattin 800.-"²⁴ alongside other paintings purchased from Ettle. Another sale to Ettle is documented in a payment reminder dated February 1, 1942,



Fig. 5: Letterhead of the company *Offenbacher Schrauben-Industrie* with the Mühlheim plant and the Offenbach headquarters, 1919.

Image credits: Stadtarchiv Offenbach am Main, letterhead collection

for a painting by Beer,²⁵ written by Metz from Wöhlerstraße 13, the address of a Jewish welfare facility which, among other things, functioned as a retirement home and from 1941, like other such facilities, as a kind of detention camp.²⁶ Metz had lived in various Jewish households since at least 1939, and with the beginning of the deportations, he was forced to move several times, eventually settling on Wöhlerstraße in November 1941.²⁷ On August 18, 1942, at the age of 73, Metz was first taken to the Theresienstadt concentration camp, from where he was deported to the Treblinka extermination camp on September 26 where he was murdered.²⁸

Paul Metz, previously a successful Frankfurt industrialist, was the owner of the *Offenbacher Schrauben-Industrie* factory with up to 400 employees and headquartered in Mühlheim (fig. 5).²⁹ During the First World War, the company made huge profits which saved him from the draft. Between 1917 and 1920, he and his second wife Anna Rosenheim (1876–1933) and their son Clemens (1903–1985) were officially registered in Starnberg, where he had acquired a lakeside villa with an estate in 1915.³⁰ He started his collection during these years at the latest. In August 1916, he bought a portrait of the dancer *Tänzerin Saharet* by Franz von Lenbach from Galerie Heinemann, as well as *Aus den Tiroler Befreiungskriegen* by Franz von Defregger the following year.³¹ In the liquidation auction of Galerie Hermes at Helbing in 1917, he submitted bids for paintings by, among others, Albert von Keller, Lenbach, Thoma and Uhde.³² The *Künstlerfest* by Stuck had already been offered from the collection of the late Kommerzienrat and vineyard owner Fritz Eckel (1843–1914)³³ at Helbing in Munich in December 1916, and was purchased for 3,000 marks by the Munich art dealer Gustav Seidenader,³⁴ from whom it presumably went to Metz.

In the course of the revolution, however, the country estate was occupied in April 1919 and confiscated the following year.³⁵ In 1925, Metz moved into his newly built villa in Frankfurt at the prestigious address Forsthausstraße 60 (today Kennedyallee).³⁶ Documents from this period describe him as a “wohlhabenden, und über ganz Deutschland bekannten

Fabrikaten" ("wealthy industrialist, who was known throughout Germany") and who "zur Elite gehört, in den feinsten Kreisen verkehrt" ("belonged to the elite and was part of the most elevated circles").³⁷ During the Great Depression, however, his company ran into serious problems and was eventually liquidated in a bankruptcy auction in 1931.³⁸ For Metz and his son Clemens, who was the managing director, this meant the loss of all their assets and their livelihood, especially as they also had outstanding debts.³⁹ A large part of his collection of paintings also fell victim to these circumstances: in June 1932, 95 paintings were auctioned off, including top-class works by Lenbach, Thoma, Defregger, Courbet, Spitzweg, Modersohn-Becker and Trübner (fig. 6).⁴⁰ Two works by Stuck were offered, a *Bildnis einer jungen Frau* and a version of *Sünde*, however, not the *Künstlerfest*.⁴¹ Merely 35 works were sold for low hammer prices,⁴² from the works that remained unsold, Metz offered *Hexenmeister* by Spitzweg⁴³ to Galerie Heinemann in 1934.⁴⁴ Paul Metz kept the painting *Künstlerfest* until he was forced to sell it to Ettle in 1939, presumably to secure his livelihood. Ettle, in turn, sold it at a profit to his friend Schenk.

In view of these files, one would think that Franz von Stuck's *Künstlerfest* should have been a clear-cut restitution case for the Wiesbaden CCP. However, heirs or even close relatives of Paul Metz seem to have been unknown at the time. His only son Clemens had

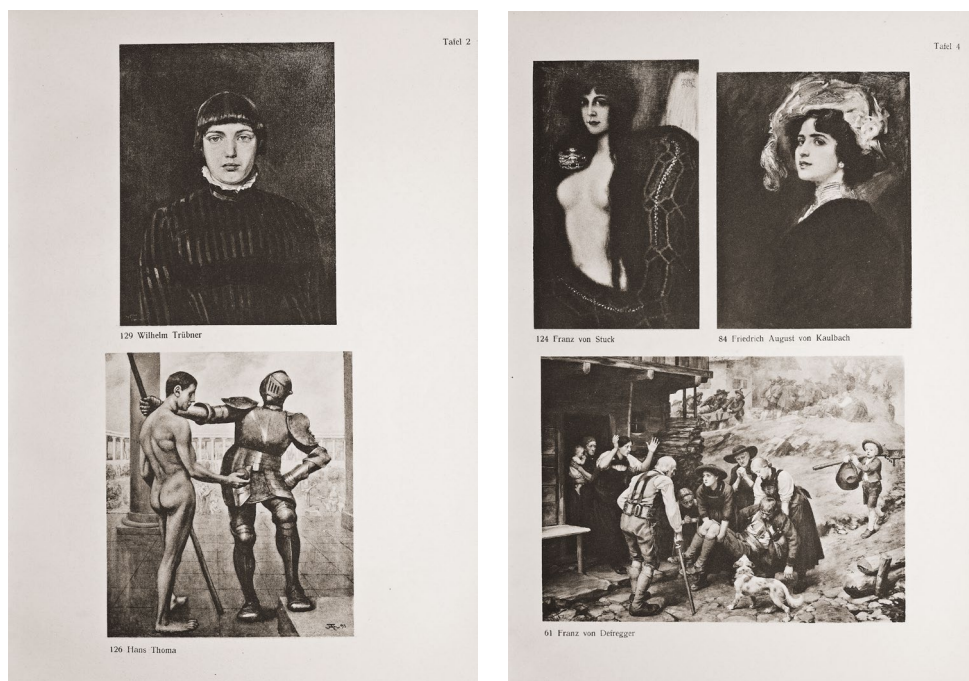


Fig. 6: Works by Trübner, Thoma, Stuck, Kaulbach and Defregger from the catalog of the Metz Collection sale at Hugo Helbing, Frankfurt, 1932.

Image credits: Heidelberg University Library, auct. cat. Aus Schloss E. Sr. Erlaucht des Grafen K. zu E. [...] Moderne Gemälde eines Frankfurter Sammlers und anderer Besitz. Hugo Helbing, Frankfurt a. M., 21.–23. Juni 1932, Taf. 2 und Taf. 4, <https://doi.org/10.11588/digit.6585>

already emigrated to the US in October 1938. By the time he finally applied for compensation for his father's property in May 1955, and in December 1958 also for the "Oelgemälde, darstellend Mr. und Mrs. Stuck auf Maskenball" ("Oil painting, depicting Mr. and Mrs. Stuck at a masked ball")⁴⁵ in particular, it was already too late. The painting had long since been returned to Willy Schenk, the CCP was closed, and the restitution authority made no connection to the investigations carried out by the American Art Protection Authority. The application for compensation was rejected in May 1962 on the grounds that Paul Metz "an eine ihm bekannte Person veräußert haben [konnte], im übrigen fehlen außer den Angaben in dem Fragebogen jegliche nähere Ausführungen und Beweisunterlagen" ("could have sold the objects to an acquainted person, and, apart from the information specified in the questionnaire, there were no further details or supporting documents").⁴⁶

In June 2023, more than six decades later, the painting was auctioned on the basis of a "just and fair" solution between the owner at the time and the heirs of Paul Metz.⁴⁷ It is now part of the collection of Villa Stuck.⁴⁸

ANNOTATIONS

- 1 See the article by Stefan Pucks in this book.
- 2 Voss, Heinrich: *Franz von Stuck 1863-1928. Werkkatalog der Gemälde mit einer Einführung in seinen Symbolismus*. Munich 1973, pp. 137, 279, no. 174/416; auction cat. *Ölgemälde moderner Meister: Sammlung Kommerzienrat Fritz Eckel in Deidesheim*; auction in Munich at Galerie Hugo Helbing, December 19, 1916, lot 121, annotated copy Bibliothek Kunsthaus Zürich, see DOI: <https://doi.org/10.11588/diglit.48747>.
- 3 Further findings on the reverse: blue wax crayon '7691', not assignable; on the frame: Stamp 'N & F Pitzer, Frankfurt a.M.', the earliest entry in the Frankfurt address book 'Pitzer, N. & F., Vergolderei, Kl. Hochstr. 20' in 1937, p. 539; standard label with blue vignette and perforated border 'Stuck Künstlerfest 1898', handwritten in ink, presumably Ettle or Hanna Schenk; standard label with blue vignette and perforated border with hand in ink 'No. 31'.
- 4 NARA Washington, Records Concerning the Central Collecting Points ('Ardelia Hall Collection'), Wiesbaden Central Collecting Point, 1945-1952, M1947, RG 260: Property Accessions 1945-1949, WIE 6263, Roll 107, pp. 1-2; General Records, Collection: Schenk, Maulbronn, Roll 4, p. 4; BArch Koblenz, B 323/252 journal of CCP Wiesbaden, as of June 30, 1949, fol. 215f.: In-Shipment 228, WIE 6254-6282.
- 5 Court case files in the LA Baden-Württemberg, Dept. StA Ludwigsburg, EL 902/23 Bü 7225 and EL 902/7 Bü 13468.
- 6 'Ardelia Hall Collection', as note 4: Restitution, Research, and Reference Records, 1900-1954, Ettle Case, roll 73-77; in particular Ettle Case: Schenk, Willy, roll 77, p. 52; BArch Koblenz, B 323/241, WCCP Inshipments (WIE) no. 226-276, fol.11, Inventory and statement by Willy Schenk, 9.12.1948; claims made by, among others, Max Brings, Vernon Kauffmann, Richard Auerbach, Baron von Mayer, Käthe Rosenthal.
- 7 Ettle Case, see note 6: Schenk, Willy, p. 95f.: Weber's letter of June 3, 1949.
- 8 Collection: Schenk, Maulbronn, see note 4, p. 30.
- 9 *Ibid.*, pp. 50-56.
- 10 Ettle Case, as note 6: Belongings held at Wiesbaden, roll 73, p. 51; and 'Ardelia Hall Collection', as note 4: Jewish Claims: Jewish Restitution Successor Organization, Roll 9, p. 148.
- 11 'Ardelia Hall Collection', as note 4: Cultural Object Movement and Control Records, Roll 36, p. 42.
- 12 On Ettle: Koldehoff, Stefan: *Die Bilder sind unter uns. Das Geschäft mit der Raubkunst*. Frankfurt 2009, pp. 158-165; Roth, Nicole: *Wilhelm Ettle (1879-1958)*, in: Fleckner, Uwe/Hollein, Max (eds.): *Museum im Widerspruch. Das Städel und der Nationalsozialismus* (= Schriften der Forschungsstelle 'Entartete Kunst', 6). Berlin 2011, pp. 343f.; Heuß, Anja: *Vom Restaurator zum Kunsthändler: Wilhelm Ettle*, in: Brockhoff, Evelyn/Kiermeier, Franziska: *Gesammelt, gehandelt, geraubt. Kunst in Frankfurt und der Region 1933 bis 1945* (= Archiv für Frankfurts Geschichte und Kunst, 78). Frankfurt a. M. 2019, pp. 74-89; Heuß, Anja: *Wilhelm Ettle*, in: Frankfurt 1933-1945, ISG Frankfurt, article from April 23, 2023, <https://www.frankfurt1933-1945.de/beitraege/kunst-und-kulturraub/beitrag/wilhelm-ettle> (last access on June 10, 2023); Proveana database: Wilhelm Ettle, <https://www.proveana.de/en/link/act10000732>; Kunsthaus Wilhelm Ettle, <https://www.proveana.de/de/link/act10000763> (last access on June 10, 2023); files on the trial, proceedings of the Spruchkammer, imprisonment, works of art in the CCP Wiesbaden in the HHStA Wiesbaden, HStA Marburg, ISG Frankfurt, BArch Koblenz, 'Ardelia Hall Collection', as notes 4 and 6.
- 13 Ettle Case, as note 6: Arrest and Trial, roll 73, Walter Weber indictment of April 26, 1948, pp. 118-131; see Heuß 2019, as note 12, pp. 79ff.
- 14 BArch Koblenz B 323/237, WCCP Inshipments (WIE) No. 89-134, and B 323/241, WCCP Inshipments (WIE) No. 226-276.
- 15 Cf. inventory lists with details of previous owners by Ettle, in: Ettle Case, as note 6: Belongings u. Belongings held at Wiesbaden, roll 73; information on ownership by the previous owners named by Ettle: Ettle Case, as note 6: Reparations-Correspondence and Receipts, Roll 76.

- 16 Statements, for example, by Georg Kästner and Selma Koester: Ettle Case, see note 6: Statements, roll 77, and Reparations - Correspondence and Receipts K-L, roll 76.
- 17 Inventory and statement by Willy Schenk, 09.12.1948, as note 6.
- 18 Ettle Case, as note 6: Reparations – Correspondence and Receipts, roll 76, pp. 14–35; further works by Koester in Ettle: Ettle Case, as note 6: Inventory, roll 74, pp. 12f.
- 19 Ettle Case, as note 6: Statements, roll 77, p. 15, and Reparations – Correspondence and Receipts, roll 76, p. 34.
- 20 Inventory and statement by Willy Schenk, Dec. 9, 1948, as note 6.
- 21 Ettle Case, as note 6: Schenk, Willy, pp. 5–10.
- 22 Cf. Schenk-Ettle correspondence, in: Ettle Case, see note 6: Schenk, Willy, et al. pp. 11–16, 23, 25, 28; acquisitions from previous Jewish ownership: Wierusz-Kowalski (WIE 6254) from Auerbach, Defregger (WIE 6262) and Kaulbach (WIE 6266) from Kaufmann; Bürkel (WIE 6256) from Rosenthal, Gabriel von Max (WIE 6258) from Brings.
- 23 Ettle Case, as note 6: Schenk, Willy, pp. 19–20. According to a note by Weber, the two works were not in the purchase ledger, *ibid.* p. 18; 'Keller' presumably is: auction cat. *Aus Schloss E. SR. Erlaucht des Grafen K. zu E. [...] Moderne Gemälde eines Frankfurter Sammlers. Hugo Helbing, Frankfurt a. M., June 21–23, 1932*, lot 86: Albert von Keller, *Weibliche Aktfigur* (WIE 6261); in 1938 still listed with Clemens Metz in the removal goods, HHStA Wiesbaden 519/3, 11266, fol. 8; statement by Ettle on previous ownership in Collection: Schenk, Maulbronn, see note 4, p. 10f.: "I do not remember that the Albert Keller painting is mine, I do not think so."
- 24 Ettle Case, as note 6: Schenk, Willy, p. 4, here also 'Albert Keller Frauenakt 600.-'; cf. inventory and statement by Willy Schenk, 9.12.1948, as note 6.
- 25 Ettle Case, as note 6: Schenk, Willy, p. 17; possibly Hugo Helbing, Frankfurt a. M., June 21–23, 1932, as note 23, lot 52: Wilhelm Amandus Beer, *Russischer Bauer mit Pfeife in Halbfigur*, 1899, unsold, cf. price lists, in: *Weltkunst*, vol. 6, no. 27, July 3, 1932, p. 4.
- 26 Becht, Lutz: "Die Wohlfahrtseinrichtungen sind aufgelöst worden...". Vom "städtischen Beauftragten bei der Jüdischen Wohlfahrtspflege" zum "Beauftragten der Geheimen Staatspolizei" ...1938 bis 1943, in: Kingreen, Monica (ed.): *Nach der Kristallnacht. Jüdisches Leben und antijüdische Politik in Frankfurt am Main 1938–45* (= Schriftenreihe des Fritz Bauer Instituts, 17). Frankfurt a. M./New York 1999, pp. 211–236.
- 27 HHStA Wiesbaden 519/3, 4250 exchange control office S: Paul Metz; previously, presumably since 1939, with Leopold Kiefer at Krögerstraße 10, deported on October 19, 1941; with Alfred Koch at Herderstraße 25 from 5.11.1941, deported on November 22, 1941.
- 28 Memory of Treblinka – Victims database: Record-ID 16724, https://memoryoftreblinka.org/people_db/p16724/ (last access on June 10, 2023).
- 29 Sources, documents and secondary literature on the factory in the HWA Darmstadt, Stadtarchiv Offenbach, Stadtarchiv Mühlheim a. M.; Krug, Richard: *Offenbacher Schraubenindustrie in Mühlheim bei Offenbach/Main*, in: *id.* (ed.): *Mühlheim am Main aus industrie-archäologischer Sicht*. Mühlheim am Main 1998, pp. 181–203.
- 30 Stadtarchiv Starnberg, registration card; Schober, Gerhard: *Siedlungs- und Baugeschichte von Starnberg* (= Starnberger Stadtgeschichte, 9.2). Starnberg 2012, pp. 162–164, 172, 308.
- 31 Galerie Heinemann online database: Lenbach: artwork ID: 6448, <http://heinemann.gnm.de/de/kunstwerk-6448.htm>; Defregger: artwork ID: 2495, <http://heinemann.gnm.de/de/kunstwerk-2495> (last access on June 10, 2023); cf. Hugo Helbing, Frankfurt a. M., June 21–23, 1932, as note 23, lot 91: Lenbach, lot 61: Defregger.
- 32 Auct. cat. *Ölgemälde Moderner Meister: Galerie Oskar Hermes, München. Auktion in München in der Galerie Helbing, 27. Februar 1917*. Munich 1917, annotated copy from the Kunsthaus Zürich Library, see DOI: <https://doi.org/10.11588/diglit.49314>.

- 33 Hugo Helbing, Munich, December 19, 1916, as note 2.
- 34 I am grateful to Dr. Theresa Sepp for her kind advice.
- 35 On the villa and the political situation with expropriation in 1920: Hoser, Paul: *Politische Geschichte Starnbergs. Von der Mitte des 19. Jahrhunderts bis zum Ende der Weimarer Republik* (= Starnberger Stadtgeschichte, 10/1). Starnberg 2019, pp. 202f., 328; BayHStA Munich StK 5494; report in the *Land- und Seebote* Starnberg of May 8, 1919, that “even the oil paintings were cut out of the frame”, StAMünchen, Stanw 2899/1, fol. 160.
- 36 Address books of the city of Frankfurt 1834–1843, University Library Goethe University Frankfurt a. M., <https://sammlungen.ub.uni-frankfurt.de/periodika/nav/classification/8688176> (last access on June 10, 2023).
- 37 HHStA Wiesbaden 518, 77352 WGA Clements Metz, fol. 75.
- 38 Cf. note 29.
- 39 HHStA Wiesbaden 676, 5742 tax file Clemens Metz, fol. 29: Letter from Clemens to the tax office in October 1935; and HHStA Wiesbaden 518, 77352 WGA Clemens Metz, fol. 151.
- 40 Hugo Helbing, Frankfurt a. M., June 21–23, 1932, as note 23. Paul Metz sold the villa in 1935; in 1936 Luise tho Rahde lived there with her son Detmar, fiancé of Mimi Almas-Dietrich, see note 36, 1936, part II, p. 91.
- 41 Hugo Helbing, Frankfurt a. M., June 21–23, 1932, as note 23; price lists *Weltkunst* 1932, as note 25, lot 123: *Portrait* for 335.-, lot 124: *Sin* for 900.-.
- 42 Price lists *Weltkunst* 1932, as note 25.
- 43 Hugo Helbing, Frankfurt a. M., June 21–23, 1932, as note 23, lot 117.
- 44 Galerie Heinemann online database: Kunstwerk-ID: 44655, <http://heinemann.gnm.de/de/kunstwerk-44655.htm> (last access on June 10, 2023); Roennefahrt, Günther: *Carl Spitzweg, beschreibendes Verzeichnis seiner Gemälde, Ölstudien und Aquarelle*. Munich 1960, no. 1393; provenance information: Julius Schlesinger, Berlin – Galerie Wimmer & Co, Munich – Linz no. 600 – 1945 in the CCP Munich no. 9542, stolen from there and not recovered since.
- 45 HHStA Wiesbaden 518, 41621 WGA Clemens Metz after Paul Metz, fol. 62; Clemens was not aware of the history of the loss of the work, he suspected that it had already been squandered in 1937. In October 1963, the subsequent application for compensation for damages due to underselling of Spitzweg’s *Zaubermeister* and the maintenance of the “property damage due to abandonment” of “Zwei Perlenketten, ein[em] Stuckgemälde, Silber” also offered the lawyer Henry Ormond only the prospect of a settlement, which, however, did not take place due to a lack of “substantiation”, see HHStA Wiesbaden 518, 41621, fol. 120ff.
In addition, a further application concerning his own person HHStAW 518, 77352 WGA Clemens Metz; on December 19, 1958, also an application to the WGA Berlin, specifically naming only “1 large genuine pearl necklace”, household effects reserved, withdrawn on April 2, 1959, LA Berlin B Rep 025-07, 7258/59.
- 46 HHStAW 518, 41621, fol. 89; the declaration in the context of the Jewish property levy was made in November 1939 after the sale of the painting by Stuck in July, HHStA Wiesbaden 519/3, 4250 exchange control office S: Paul Metz.
- 47 Ketterer Kunst, Munich, Auction 538, 19th Century Art, June 10, 2023, lot 643.
- 48 The clarification of the provenance and the legal settlement with Paul Metz’s legal successors formed the decisive basis for the purchase by the museum. We would like to thank Margot Th. Brandlhuber, Head of Collections at the Museum Villa Stuck, for her kind cooperation.



THE HOLOCAUST CLAIMS PROCESSING OFFICE AND THE ART TRADE: AN UNLIKELY PARTNERSHIP

Working in the arena of restitution can seem like both a solitary endeavor and an adversarial David versus Goliath scenario, where the victim of Nazi persecution tries to obtain justice on their own for the crimes committed against them from a larger more powerful adversary, be that a museum, a formidable private collector, or the sprawling art trade. Concurrently, the art trade vets the many objects offered for consignment and attempts to resolve outstanding questions regarding past ownership, sometimes with the aid of agencies such as the London based Art Loss Register, sometimes on their own. However, neither the Holocaust victim nor the art trade need to remain isolated in their silos; partnerships can be found in the least likely places. For the past several years, the Holocaust Claims Processing Office (HCPO) has worked together with the trade as well as cultural institutions to facilitate the resolution of claims. The HCPO was established to advocate for and assist Holocaust victims and their heirs, and it therefore may seem contradictory for the office to work together with the art trade given that we sit on opposite sides of the table. Nonetheless symbiosis is not only possible but a reality.

The origins of the HCPO of the New York State Department of Financial Services (DFS)¹ can be traced to the mid-1990s when state banking and insurance regulators led investigations into dormant bank accounts and unpaid insurance policies. The resulting formation of burgeoning claims programs made it clear that the aging population of Holocaust victims and their heirs needed support and established the HCPO in 1997 to aid claimants, entirely free of charge and regardless of their residence.² Many of the claims for bank accounts and insurance policies presented to the HCPO also revealed the deficiencies and limitation of postwar restitution of spoliated artworks, and the office quickly broadened its mission to address these claims as well.

The complex political, economic and legal history of the Nazi period and the intricate nature of restitution claims led the HCPO to develop a concise yet rigorous approach to handle cases. First, we undertake extensive genealogical research to identify the heirs of the asset owner. Then we reconstruct the original asset owner's holdings through comprehensive

Fig. left: detail from fig. 4.

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research in domestic and international public and private archives and specialized libraries to substantiate restitution claims. Third, we endeavor to locate the missing items, provided that the object is uniquely identifiable. Finally, once our research is complete and the missing object has been located, the HCPO assumes the role of advocate and facilitator with the goal of reaching a mutually agreeable resolution to the claim.

Following the Washington Conference on Holocaust-Era Assets in 1998 and the signing of the Washington Conference Principles on Nazi-Confiscated Art,³ there was renewed global attention on researching the ownership history of artworks that changed hands in Europe between 1933 and 1945, publicly listing information about such objects with suspect provenance, and resolving claims for artworks lost as a result of Nazi persecution. The ensuing years have seen great strides in these endeavors from the launch of the Lost Art Database of the German Lost Art Foundation⁴ to the funding of research projects to better understand the fate of lost collections and the creation of in-house provenance research units in museums, libraries and auction houses.

As attitudes regarding provenance research and the perception of restitution evolved in the art trade, more and more auction houses have either established in-house provenance research teams or contracted with freelance researchers to investigate the ownership history of artwork with questionable pasts. However, much like Holocaust victims and their heirs, it is not necessary for anyone or any entity, be it a cultural institution or member of the art trade, to pursue these matters on their own. Having developed subject matter expertise in the many facets of a restitution claim, the HCPO is in a unique position to offer aid to those seeking to resolve claims, including the art trade.

Finding Heirs

This new era of increased scrutiny into Nazi-period losses led the HCPO to develop great proficiency in the field of genealogical research and locating the heirs of a victim of Nazi persecution. The rationale for positioning genealogical research as the primary pillar of our process is to ensure that all heirs of the original owner of the asset are a party to the claim and that we are working with the correct heirs, especially as it does not always follow that biological descendants are the legal heirs. Moreover, on a sadder note, since the office open in 1997 many of our original claimants have died, and we have therefore refined our skills in locating heirs and identified means to undertake such research.

In the course of investigating the ownership history of a work of art presented for sale, the team at an art dealership may conclude that the work was indeed lost as a result of Nazi persecution, or they may determine that even in the face of a provenance gap or uncertainty as to the precise loss transaction, the experiences of the persecuted owner warrant a “just and fair” solution. However, a dealer may not know who the heirs are or how to locate them. In such instances, the HCPO can provide assistance with determining and tracing the heirs of the victim as in the case of the Estate of Lesser Ury.

When renowned German impressionist Lesser Ury died in 1931, he was unmarried and childless. While the bulk of his estate, which was comprised of hundreds of works of art, was sold at auction, 11 of his cousins were named as his heirs and inherited specific works



Fig. 1: Lesser Ury (1861–1931), *The Way to the Mill*, ca. 1880, oil on canvas, ca. 36 x 52.5 cm.

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of art. Ury's estate was settled in 1932 when the NSDAP was on the rise, and it was less than a year later that the party came to power and began implementation of its antisemitic agenda. As Jews, Lesser Ury's cousins were all directly impacted by Nazi policies.

The Way to the Mill, a painting known to have been part of the Ury estate and inherited by his first cousin Sophie Bieber née Schwarz, was recently presented to Karl & Faber Kunstauktionen GmbH for consignment, raising questions regarding its provenance and who Bieber's heirs were (Fig. 1). Bieber was known to have consigned several works of art by Ury to the Max Perl auction house in March 1934 including the painting presently offered for sale. In November 1935, Sophie Bieber took her own life. She was survived by her son, but details of his life remained elusive as did the identity of his heirs.

Romana Forst, head of the legal and compliance team that Karl & Faber assembled to review the provenance of consigned artwork and ensure the proper handling of claims, reached out the HCPO for help unraveling these outstanding questions. Working amicably together, we were able to procure the necessary estate files from Berlin, locate the Bieber heirs and reach a solution that acknowledged the history of the Ury family and allowed the painting to be offered clear of any potential claim concerns.

Since commencing operations in 1997, the HCPO has received thousands of inquiries from all over the world. It is therefore plausible that the HCPO may already be in contact with the sought-after heirs as was the situation in a matter concerning a Renoir painting that was formerly in the collection of Dr. Erich von Kahler and Antoinette von Kahler (Fig. 2). When Christie's reached out to ask if the HCPO had any knowledge of who the Kahlers' heirs were, we were able to confirm that not only did we know the identity of the heir, but we were already working with on other claims.



Fig. 2: Pierre-Auguste Renoir (1841–1919), *Head of a young girl wearing a garden hat*, ca. 1895, oil on canvas, 28.2 x 26 cm.

© Christie's

Researching Ownership

Little has changed from the establishment of the HCPO to today with respect to how claims are treated by our office; the most notable development in the past two decades has been the accessibility and digitization of information enabling us to more easily trace and locate works of art with a problematic provenance. From the outset of a claim, the HCPO works to collect the most comprehensive and accurate evidence possible about the original owner's life, including the time before the rise of the NSDAP as well as postwar efforts related to restitution. These facts are used to contextualize how the collector lost possession of his/her artwork within the narrative of their persecution. In addition, the HCPO strives to obtain details about the lost artwork as well as locate its present location primarily through provenance research. The office handles all aspects of researching a claim in-house and has cultivated congenial relationships with archives, libraries, and other repositories of historical information not only in Europe but throughout the globe. The documentation that the HCPO secures on behalf of claimants has proven instrumental in substantiating their claims.

The HCPO can use these skills to supplement research undertaken by the trade; working together, we can unravel the mysteries of ownership and loss. When Max Liebermann's *Netzflickerin* (Fig. 3) was recently consigned to Auktionshaus Stahl, the information pre-



Fig. 3: Max Liebermann (1847–1935), *Netzflickerin*, 1887, oil on cardboard, 59 x 79 cm.

© Auktionshaus Stahl, Hamburg

sented clearly showed the painting was stolen during an *M-Aktion* in Belgium, but who it was looted from remained unverified. Stahl, being sensitive to the provenance of the work, agreed to further investigation. The HCPO and Auktionshaus Stahl consulted numerous archives in Germany as well as prewar sales records and was able to confirm not only who the persecuted owner of the painting was but precisely how the work was lost. By jointly investigating the history of the artwork and its owners we clarified the provenance and negotiated a settlement.

Guiding Settlements

As cyberattacks and phishing have become more prevalent, contacting Holocaust victims or their heirs without having established a preexisting relationship can be a fraught endeavor that is often met with apprehension. Potential claimants are frequently wary of unsolicited communications offering compensation for or the restitution of assets they might never have been aware of and that may have belonged to a distant or even unknown relative, and they are understandably cautious about engaging with an unfamiliar and usually foreign enterprise. Hence, being able to refer an individual to the HCPO for guidance can more easily pave the way to resolution.



Fig. 4: Hans Thoma (1839–1924), *Flora*, 1882, oil on paper, mounted on canvas, 113 x 62 cm.

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Additionally, claimants inexperienced with matters of restitution who are confronted with a settlement offer and written agreements containing language and terms wholly unfamiliar to them are left to question whether they are being treated fairly, if the provisions in the agreement comport with standard restitution practices, if the terms are appropriate, and if their rights are adequately represented. When art dealers have concluded the provenance research, determined a settlement is in order, and located and contacted the relevant heirs of the victimized collector, they may now be placed in an awkward position of being asked to represent the interests of their clients as well as those of the claimant. To avoid any potential conflict of interest, the heirs can be directed to the HCPO to address their litany of potential questions. As the HCPO does not charge claimants a fee or take a percentage of the value of the asset, auction houses and dealers can refer claimants to our office knowing that they will not incur any costs related to the resolution of the claim.

Such was the case in the matter concerning a painting by Hans Thoma (*Fig. 4*). The HCPO was contacted by the heirs upon referral from Ketterer Kunst GmbH & Co. KG. The office was able to liaise with the heirs, review the auction house's findings, examine the settlement offer and contract and address all the claimant's concerns. Moreover, as is often the case, the collector in that case lost more than one painting, and the HCPO is now assisting with the location and recovery of the other artworks.

By assisting the trade with finding heirs, researching the provenance of items brought to market and guiding claimants through the restitution process, the HCPO bridges a divide and secures a small measure of justice for the crimes perpetrated against victims of Nazi persecution. Though not a traditional method of assisting claimants, these collaborative efforts are consistent with our office's mission and demonstrate that the restitution process need not be adversarial.

ANNOTATIONS

- 1 https://www.dfs.ny.gov/consumers/holocaust_claims.
- 2 From its inception, the HCPO has received claims from over 5,900 individuals from 46 states, the District of Columbia, and 39 countries. Of the claims filed with the HCPO, 202 (from 19 states, the District of Columbia, and 13 countries) are for cultural objects and include thousands of works of art. In total, the HCPO has successfully resolved more than 16,000 claims in which an offer was presented, or the asset was deemed non-compensable. To date, the HCPO has secured over 8,500 offers; the combined total of offers for bank, insurance, and other material losses amounts to over 183,000,000 US dollars and has facilitated restitution settlements involving 234 cultural objects.
- 3 <https://www.state.gov/washington-conference-principles-on-nazi-confiscated-art/>.
- 4 <https://www.lostart.de/de/start>.



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

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Fig. 1: Emil Orlik (1870–1932), *Früchtestillleben mit geblütem 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 Pfaufer

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 Weltkrieg 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'

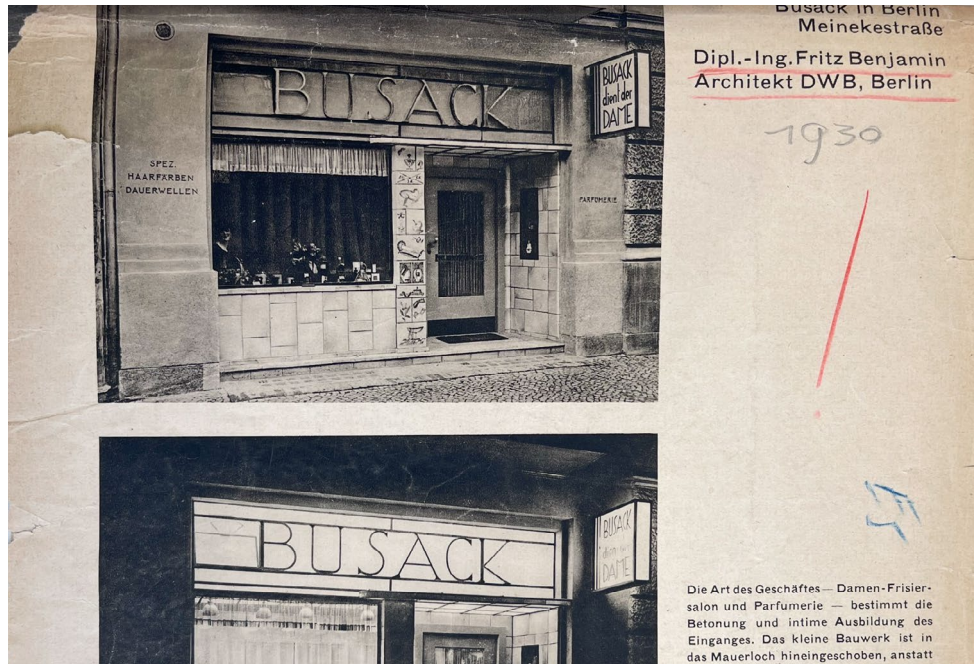


Fig. 4: Renovation of the ladies' hairdresser Busack by Fritz Benjamin (1929), publication source unknown, 1930.

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 proceedings,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 Iselde Benjamin Collection

No specific works from Fritz and Iselde'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 'Lastenausgleichsam', 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/jdischesnachricht19un-se/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 O25 (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.

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.

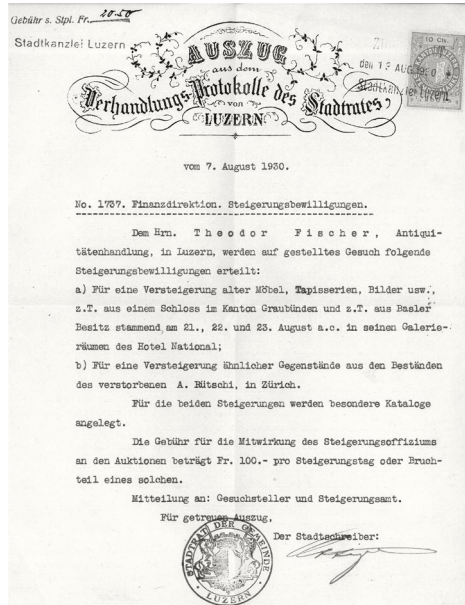


Fig. 1: Extract from the proceedings protocol of Lucerne City Council on granting Theodor Fischer an auction license, August 7, 1930.

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

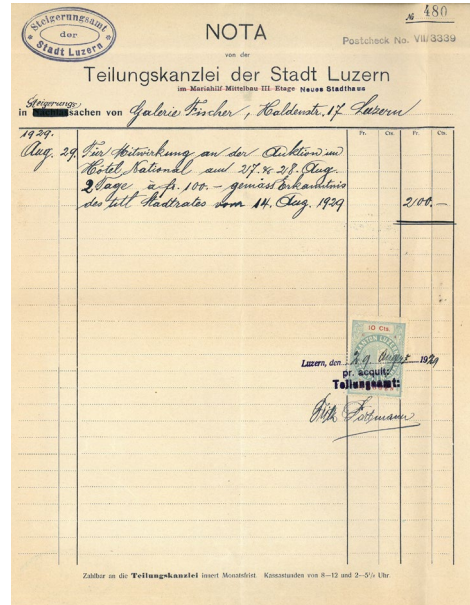


Fig. 2: Invoice from the auction office of the city of Lucerne (probate office of the city of Lucerne, which also supervised auctions) to Galerie Fischer "for participation in the auction at the Hotel National on 27 & 28 August 1929 at fr. 100 each [...]".

© 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,

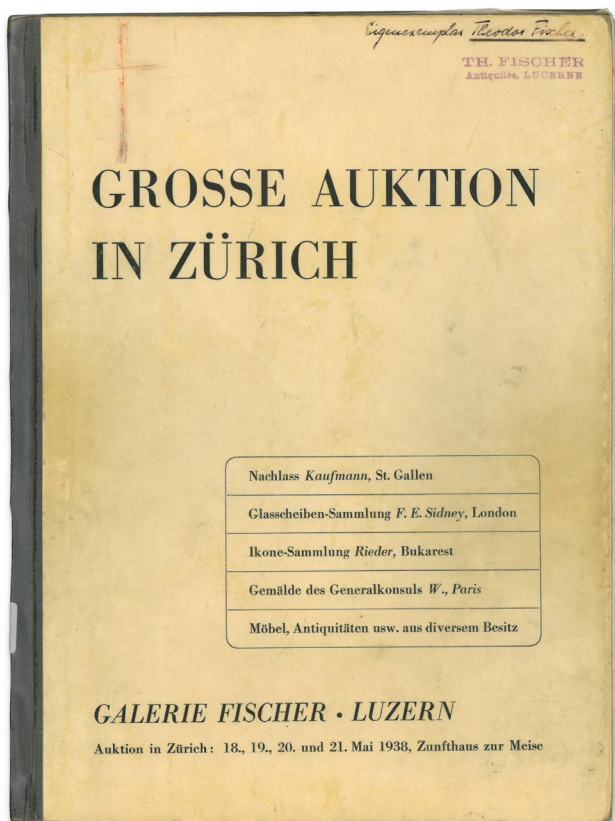


Fig. 3: Cover of the auctioneer's book of Theodor Fischer for the sale of Galerie Fischer, Lucerne, no. 61, *Grosse Auktion in Zürich: Nachlass, Kaufmann, St. Gallen, Glasscheiben-Sammlung F.E. Sidney, London, Ikonen-Sammlung Rieder, Bukarest; Gemälde des Generalkonsuls W., Paris; Möbel, Antiquitäten 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 unbeschriftet.		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			
FLORET, L. — 19. Jahrhundert.		73 x 54 cm.		1963		1964		1965		1966		1967		1968		1969		1970		1971		1972		1973		1974		1975		1976			
1960. Stillleben mit Früchten und Silbergeräten. Unten rechts signiert. Leinwand.		30 x 47 cm.		1964		1965		1966		1967		1968		1969		1970		1971		1972		1973		1974		1975		1976		1977			
KOCH, M. — 19. Jahrhundert.		14 x 22,5 cm.		1965		1966		1967		1968		1969		1970		1971		1972		1973		1974		1975		1976		1977		1978			
1961. Stillleben, Feynervase mit Blumen. Links unten signiert: M. Koch. 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			
1962. Ansicht von München. Leinwand.		13,5 x 27,5 cm.		1968		1969		1970		1971		1972		1973		1974		1975		1976		1977		1978		1979		1980		1981			
FUGEL, GEBEL. — 19. Jahrhundert.		13,5 x 27,5 cm.		1969		1970		1971		1972		1973		1974		1975		1976		1977		1978		1979		1980		1981		1982			
1963. Jesus segnet die Kleinen. Aquarell. Signiert. 1889. Karton.		90 x 72 cm.		1970		1971		1972		1973		1974		1975		1976		1977		1978		1979		1980		1981		1982		1983			
1964. Hirt und Vieh. Aquarell. Signiert. Karton.		56 x 44 cm.		1971		1972		1973		1974		1975		1976		1977		1978		1979		1980		1981		1982		1983		1984			
1965. Marktzene in Italien. Rechts unten signiert und datiert 1884. Leinwand.		90 x 72 cm.		1972		1973		1974		1975		1976		1977		1978		1979		1980		1981		1982		1983		1984		1985			
1966. Marktzene in Italien. Rechts unten signiert und datiert 1884. Leinwand.		56 x 44 cm.		1973		1974		1975		1976		1977		1978		1979		1980		1981		1982		1983		1984		1985		1986			
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.		1974		1975		1976		1977		1978		1979		1980		1981		1982		1983		1984		1985		1986		1987			

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

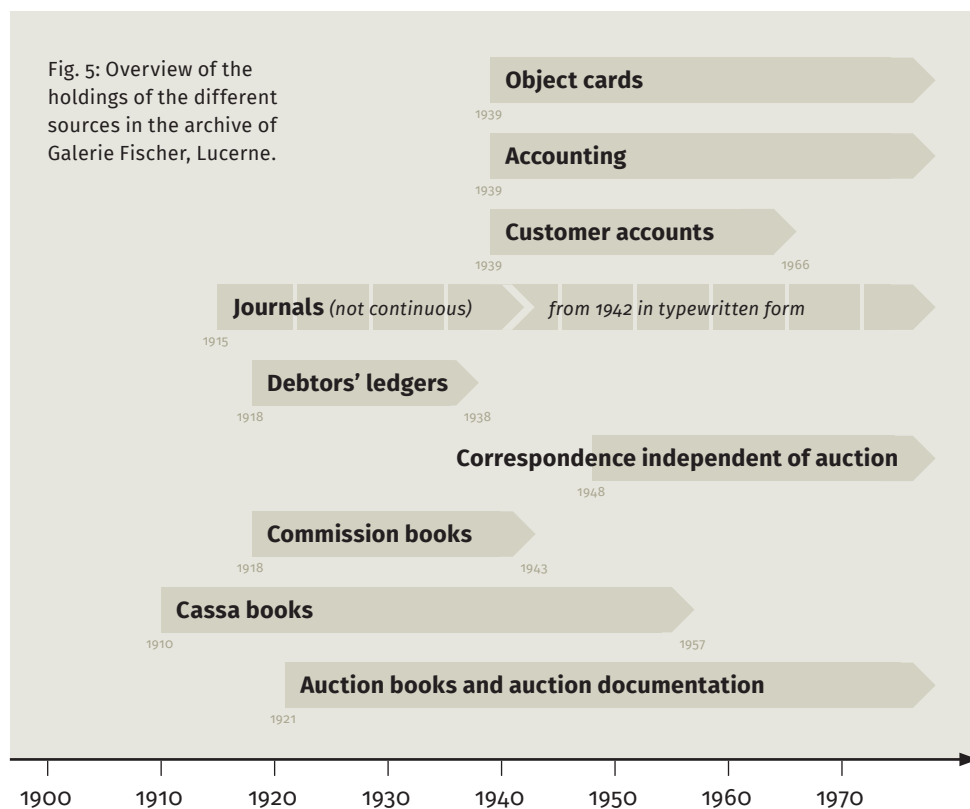
Research into objects that were sold outside of auctions is far more complex. At times, unsold artworks from an auction were placed 'on consignment' and were recorded in the alphabetically arranged consignment books listing owner and the date of receipt; later, the date of a sale and the price or the 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.



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 Rohlfs, *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*).

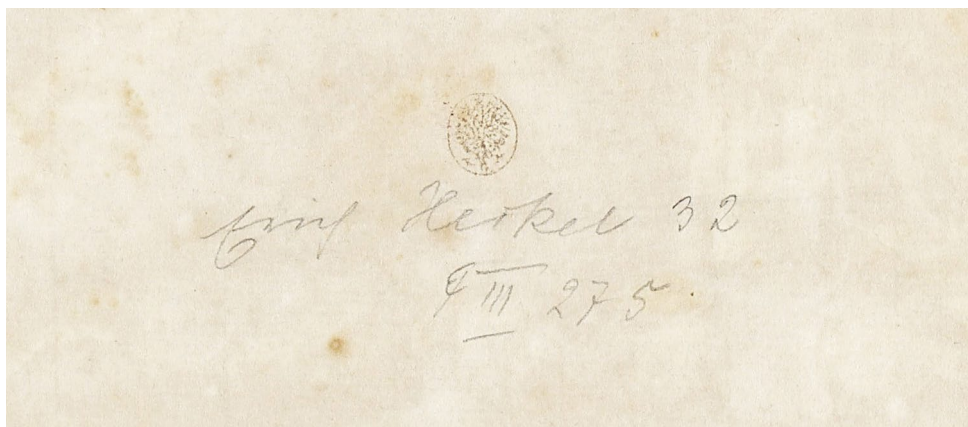


Fig. 2: Reverse of a watercolor by Erich Heckel (EK number: 12250): Stamp of the Nationalgalerie Berlin (Lugt 1640) and inventory number F III 275; no. 32.

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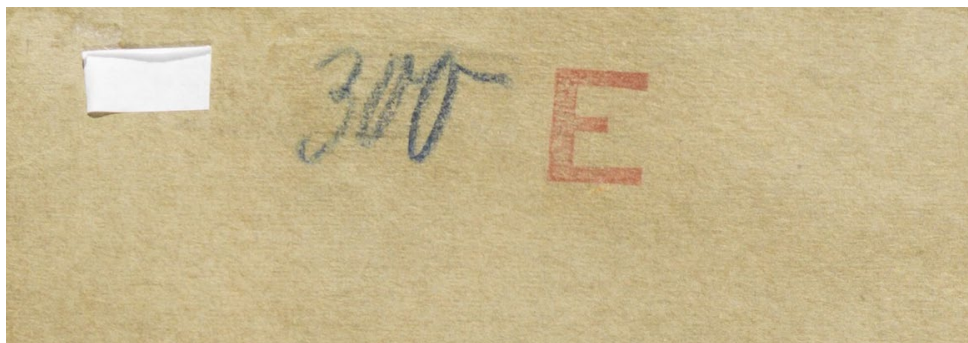


Fig. 3: Reverse of a lithograph by Otto Mueller: handwritten EK number '300' and stamped 'E'.

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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

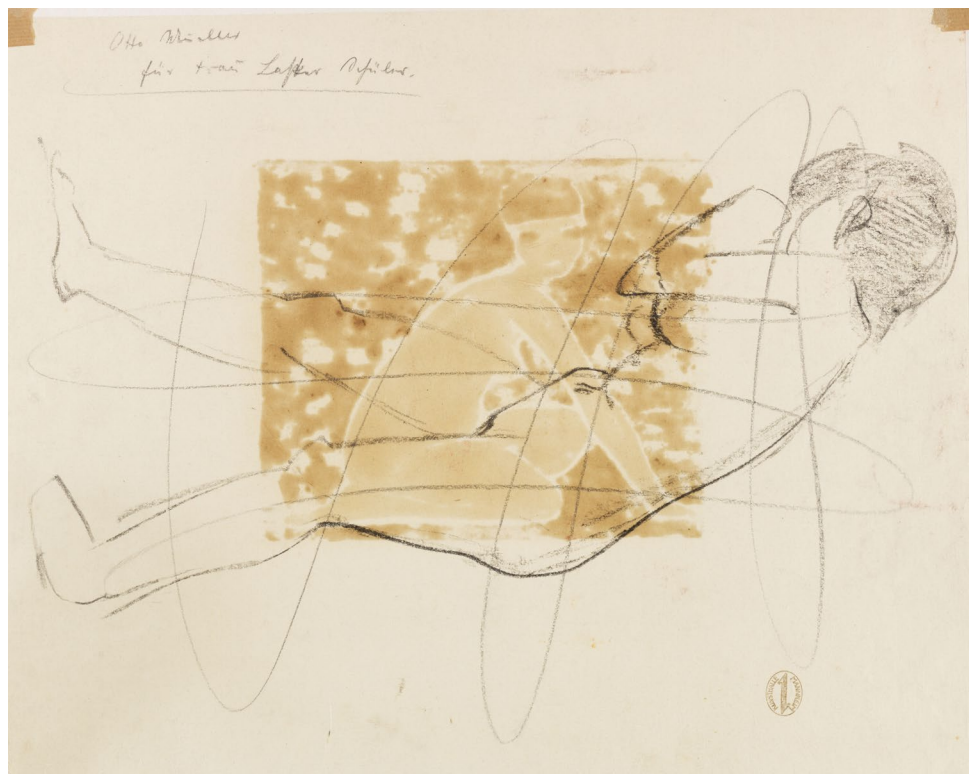


Fig. 5: Reverse of Otto Mueller's monotype, *Hockende (Kniender weiblicher Akt)*, circa 1912. With crossed out charcoal drawing, handwritten dedication 'Otto Mueller für Frau Lasker Schüler' and the stamp of Kunsthalle Mannheim.

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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.



Eduard von Grützner (1846-1925), *Vorstadtkneipe*, circa 1898, oil on canvas, 56.3 x 89.5 cm.

A "just and fair" solution was reached with the heirs of Rudolf Mosse:

Ketterer Kunst, auction 490 in Munich on November 22, 2019, lot 13

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Anita Rée (1885–1933); *Verkündigung*, 1916/1919, oil on canvas, 60.3 x 75 cm.
Sold subject to a settlement after reaching a “just and fair” solution with the heirs of
Fritz Warburg; Ketterer Kunst, auction 512 in Munich on December 12, 2020, lot 446.
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Carolin Faude-Nagel is a freelance provenance researcher and has also been working for the auction house Ketterer Kunst on a permanent basis since October 2023. With her enthusiasm for the historical and legal characteristics of works of art, she has specialized in the fields of provenance research, art forgery, GDR cultural policy and genealogy since she began studying art history and law. Since 2012, Carolin Faude-Nagel has been researching the provenance of artworks from public institutions, renowned auction houses and private collections for evidence of Nazi-related seizures.

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Christina Feilchenfeldt was born in Zurich and studied art history at Freie Universität in Berlin. After several years with an international auction house in New York and London, she is now working as an art historian and provenance researcher in Berlin and Zurich. She has given numerous lectures and has regularly published on the subject of provenance research, particularly in connection with the Paul Cassirer art dealership. Christina Feilchenfeldt is a member of the Swiss Working Group for Provenance Research. Since 2017, she has been Director of Walter Feilchenfeldt AG in Zurich, which includes the Paul Cassirer & Walter Feilchenfeldt Archive, which she manages together with her father Walter Feilchenfeldt. Since 2018, Christina Feilchenfeldt chairs the board of the Rolf Horn Foundation, which placed its collection at Schloss Gottorf in Schleswig.

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After earning a teaching degree in art and English from University of Oldenburg, Christian Fuhrmeister completed his doctorate in Hamburg in 1998. A trainee program at the Sprengel Museum in Hanover was followed by a position at Ludwig Maximilians University in Munich. He has worked at the Zentralinstitut für Kunstgeschichte in Munich since 2003. In 2013, Christian Fuhrmeister completed his habilitation at LMU Munich (2020 Apl. Prof.). His research focus is on the 19th to 21st centuries, including cultural property transfer and provenance research. Further information can be found at <https://www.zikg.eu/personen/fuhrmeister>; publications are listed in Kubikat.

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Stephan Klingen studied art history, archaeology and ethnology and earned his doctorate in Bonn in 1993. After a free-lance contract with the Anhaltische Gemäldegalerie in Dessau, he joined the Zentralinstitut für Kunstgeschichte in Munich in 1995, where he was initially in charge of IT and, since 1999, also of the photo study collection. Many of his projects are in the field of digital humanities and provenance research. Find more information at <https://www.zikg.eu/personen/klingen>.

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Sarah von der Lieth studied art history and German language and literature at the University of Cologne. She then became a provenance researcher for the Commission for Looted Art in Europe, London. From 2020 to August 2024, Sarah von der Lieth was a provenance researcher for the auction house Ketterer Kunst. Since October 2024, she has been researching the provenance of the sculpture collection of the Hessisches Landesmuseum Darmstadt. She is also currently writing her dissertation on the development of the catalogue raisonné of Lovis Corinth's paintings with a focus on its significance for collection and provenance research.

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Mario von Lüttichau studied art history at Ludwig Maximilians University in Munich, where he earned his doctorate in 1983. He then worked as research assistant and fellow in Munich (Bayerische Staatsgemäldesammlungen), Berlin (Berlinische Galerie), Santa Monica, California (J.P. Getty Center), and Bonn (Kunstmuseum). In 1987, he reconstructed the Munich exhibition 'Degenerate Art' of 1937. Since then, he has published on topics including 'degenerate' art, provenance research and the history of collections in Germany and abroad. From 1991 to 2017, he was curator of the 19th to 21st century collections at the Museum Folkwang in Essen. From 2007 to 2017, he lectured at the Institute of Art History at the University of Bonn on the topics of museological management concepts and curatorial models. He initiated, developed and organized exhibitions and publications on 19th and 20th century art. Together with Tanja Pirsig-Marshall, he is the editor of the catalogue raisonné of Otto Mueller (paintings and drawings). After 26 years, Mario von Lüttichau left the Museum Folkwang in 2017 and took on the role of, among others, academic consultant and expert for the auction house Ketterer Kunst in Munich and Berlin.

Susanne Meyer-Abich

Susanne Meyer-Abich studied art history, English language and literature and Romance studies in Bochum, Vienna and Pisa and earned her doctorate on the Danish painter Vilhelm Hammershøi. She worked for international auction houses in London for almost two decades, primarily in the field of business development and as business director. In 2013, she obtained the Diploma in Translation from the British Chartered Institute of Linguists. As a freelance translator and editor in the cultural sector, Susanne Meyer-Abich now lives in Berlin. Her translation of the book *Africa's Struggle for its Art* by Bénédicte Savoy was published by Princeton University Press in 2022. She is editor of the *Journal for Art Market Studies* at the Institute for Art Studies at Technische Universität Berlin. Since 2020, she has been head of

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Stefan Pucks

Stefan Pucks studied art history at the University of Hamburg. As a freelance art historian, he has written articles for exhibitions, including on the industrialist Walther Rathenau as an art collector (Deutsches Historisches Museum, Berlin, 1993), on the arrival of French Impressionist paintings in German museums (High Museum of Art, Atlanta, 1999) and on the first patrons of Edvard Munch in Germany (Munchmuseet Oslo, 2013). Stefan Pucks also worked as a researcher for the catalogue raisonné of Max Pechstein's oil paintings by Aya Soika (2011) and for the 10-volume edition of Max Liebermann's letters from 2011 to 2021, which was published by Ernst Braun. He has worked at Grisebach Auctions in Berlin since 1995.

Anna B. Rubin

Anna B. Rubin is the Director of the Holocaust Claims Processing Office (HCPO) of the New York State Department of Financial Services. Since joining the HCPO in 2001, Ms. Rubin has worked directly with Holocaust victims and their heirs seeking restitution or compensation for assets lost as a result of Nazi persecution. Through consultation with high-level officials from numerous international and domestic compensation organizations and partner entities, Ms. Rubin develops systems for and coordinates submission of claims from over 5,000 individuals located in 46 states, the District of Columbia, and 39 countries. A graduate of Boston University with a Bachelor of Arts in History, Ms. Rubin continued her education at the University of Miami School of Law where she obtained her Juris Doctor.

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Theresa Sepp studied art history, history and literature at Ludwig Maximilians University in Munich. She earned her doctorate in 2020 with a dissertation on the two-time Director General of the Bayerische Staatsgemäldesammlungen Ernst Buchner (1892–1962) and implemented several projects in the field of provenance research. From March 2021, Theresa Sepp worked as a research assistant at the Zentralinstitut für Kunstgeschichte in Munich, where she supervised the digitization and indexing project on annotated copies of Hugo Helbing's auction catalogs. From March 2022 to April 2023, she was in charge of the project Böhler re:search, a digital edition of the archive of Julius Böhler's art dealership. Since May 2023, she has been a provenance researcher for the Bayerische Staatsgemäldesammlungen in Munich.

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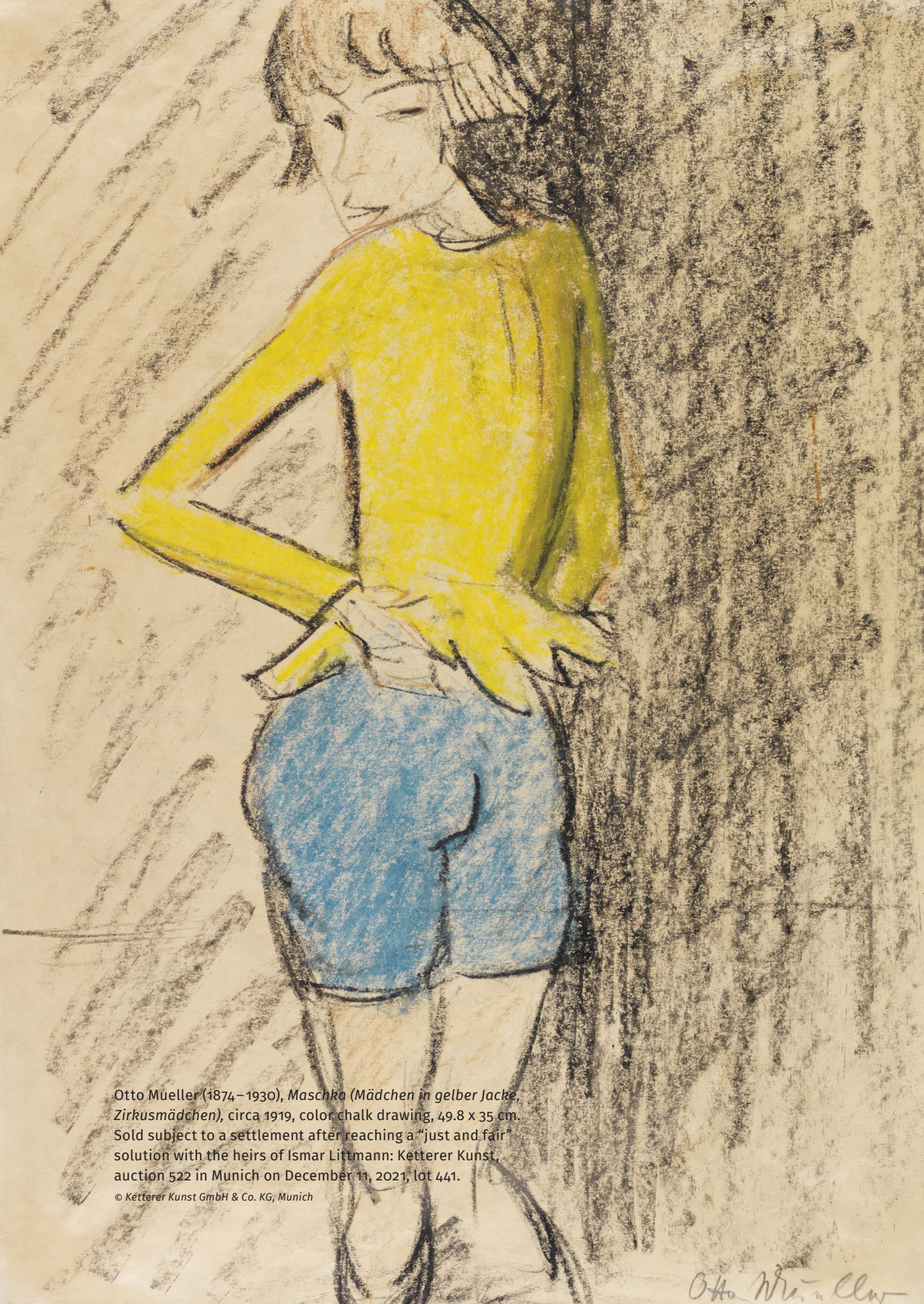
and cultural property law, as well as provenance research and legal advice in the field of restitution of works of art. Since 2021, Sandra Sykora has been working as a freelance researcher at the archive of Galerie Fischer, Lucerne. In 2023 she started working on a dissertation project at the Department of Art History at the University of Zurich (Prof. Dr. Bärbel Küster) on the topic 'Der Auktionator Theodor Fischer (1878–1957) und die Galerie Fischer in Luzern: Entstehung, Wirkung und Bedeutung. Ein Beitrag zur Erforschung des Schweizer Kunsthandels im 20. Jahrhundert'.

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Agnes Thum studied art history, ethnology and modern German literature at Ludwig Maximilians University in Munich and earned her doctorate in 2014. She has been working in the field of provenance and object research since 2006, initially as a freelancer for the art trade and since 2014 as a full-time provenance researcher for Ketterer Kunst Auctions in Munich, where she heads the Provenance Research Department, a role which includes the agreement of restitution settlements. In 2018/19, she held teaching positions in the field of provenance research at the University of Augsburg and in the provenance research education program at the Freie Universität Berlin.

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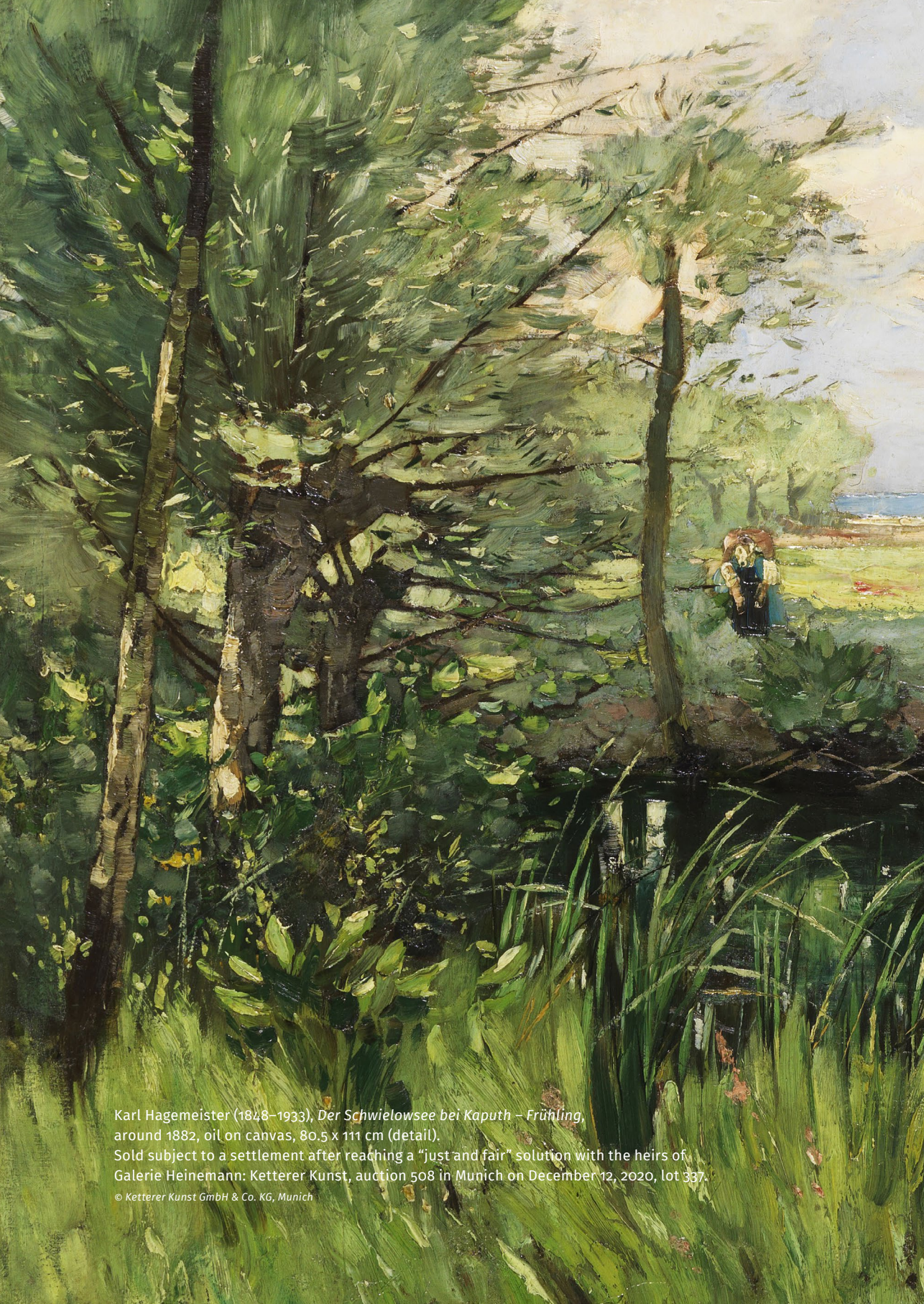
Katharina Thurmair studied art history and French and Italian literature at Ludwig Maximilians University in Munich, where she earned her doctorate on the subject of idealistic aesthetics and the art of Symbolism in 19th century France. Subsequently, she held various positions in research institutions, museums and the publishing industry in Germany, France and Italy. Katharina Thurmair has been working in provenance research and cataloging at Ketterer Kunst Auctions since 2019.



Otto Müller (1874–1930), *Maschka (Mädchen in gelber Jacke, Zirkusmädchen)*, circa 1919, color chalk drawing, 49.8 x 35 cm. Sold subject to a settlement after reaching a "just and fair" solution with the heirs of Ismar Littmann: Ketterer Kunst, auction 522 in Munich on December 11, 2021, lot 441.

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Otto Müller



Karl Hagemeister (1848–1933), *Der Schwielowsee bei Kaputh – Frühling*,
around 1882, oil on canvas, 80.5 x 111 cm (detail).

Sold subject to a settlement after reaching a "just and fair" solution with the heirs of
Galerie Heinemann: Ketterer Kunst, auction 508 in Munich on December 12, 2020, lot 337.

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PROVENANCE RESEARCH AND THE ART TRADE

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Provenance research plays an important role in the art trade, too. However, the full scope of research results achieved in this context hardly ever becomes visible. The anthology 'Provenance Research and the Art Trade' aims to change this, coinciding with the 25th anniversary of the Washington Principles intended to regulate the handling of Nazi plunder.

This book, published by the Munich-based art auctioneer Ketterer Kunst, combines essays by renowned academics and experts from museums and institutions with concrete case studies by art trade provenance researchers. It highlights latest findings on previously little-known Jewish collectors and dealers, as much as the fascinating and uneasy relationship between provenance research and the art trade.

This compilation is designed to offer case studies and information on relevant archives, databases and institutions to colleagues in academia and the art trade as well as interested readers from a wider audience, while also providing instructive insights into current provenance research projects and further inspiration.