

A secured provenance makes a work more valuable.

Interview with Dr. Agnes Thum, art historian and head of the provenance research department at Ketterer Kunst

Dr. Thum, you are a provenance research expert, a special field of the art trade and part of authenticity research. But what is actually being researched? What are provenances?

Generally, provenance denotes earlier ownerships. In the case of works from before 1945, we are not only interested in the origin, but in the history of the work as a whole. We want to know who owned the work, where was it on display, where was it mentioned, who recorded it in relevant literature?

Why is this so important?

It is about the artwork's fate during the Nazi era. Did Jewish collectors lose it as a result of persecution when they had to give up their professions, fled or were arrested? This is reappraisal, remembrance and reconciliation. For this purpose we reconstruct the individual biography of a work of art. The art trade is even obliged to do so by the Cultural Property Protection Act.

Who benefits from a reconstructed history?

Secured provenances are primarily in the interest of our clients – and by that I mean both consignors and buyers. Because they provide knowledge and certainty about the history of a work and ensure that as many bidders as possible take part in an auction. For buyers, they guarantee a safe purchase and maintain the marketability of the work of art in the long term. In recent years, we have been able to achieve an average increase rate of over 200 percent between estimate and hammer price for these works.

If a loss caused by Nazi persecution is proven or suspected, does a “just and fair solution” in the case have to come on top of provenance research?

That's correct. If the provenance is encumbered, meaning the work was e. g. subject to a forced sale by a former Jewish owner, the work is a potential matter in dispute. Before making a sales offer, we have to eliminate all obscurity and create certainty. Only an unencumbered work can be taken abroad by the new owner, presented at exhibitions and resold without risk. The good news is that this state of pacification can be achieved for every work if involved parties act in concert.

As a private consignor, I just want potential buyers to like the work so that it sells well. Is that not enough?

If you want the work to fetch the best possible price, then that is not enough. International bidders and museums will not submit bids if the work has not been subject to comprehensive provenance research that guarantees freedom from claims. Only a work marketable in the long term can realize the best price in an auction. And that's what the consignor wants above all, isn't it?

But private collectors or heirs are not obliged to retribute, are they?

That's right, only public museums and collections are obliged to return the works in question. The situation for private collectors is different. You are not obliged to return it. But a work of art that is just under suspected of having been ►

lost as a result of Nazi persecution is in fact unsalable. Potential buyers know very well that such a work will just lead to trouble. Who would want to bid? A dilemma.

There is no explicit and clear legal regulation. What is the way out?

We have developed the following rule of thumb: If comprehensive in-depth research reveals that a previous owner who was persecuted by the National Socialists would not have parted with the affected work of art in the same way if it had not been for the persecution, then we recommend a “just and fair solution”, meaning an agreement on the distribution of proceeds between all involved parties.

Are there still many unsolved cases almost 80 years after the end of the war?

Unfortunately yes. See, we were not just talking about the big Jewish art collectors, practically every middle-class Jewish household owned works of art at that time. Many works were stolen, subject to forced sales or simply got lost during the Nazi era and were scattered throughout the art trade in the post-war period, Today they are privately owned. We scrutinize around 700 to 800 works of art per year and find around 20 to 25 suspicious cases. Some can be clarified, in other cases we find a solution. In our June auction alone, we offered eight works after a just and fair solution.

“In June, the auction house Ketterer provided proof that an openly communicated agreement and the full disclosure of a work's history can have strong impact on the value. In just one single auction, eight works subject to ‘just and fair solutions’ were offered. Some saw heated bidding wars in which, for instance, Emil Orlik’s ‘Früchtestillleben mit geblümtem Stoff und Vase’ realized a five-fold of its estimate, while Lesser Ury’s ‘Der Blaue Berg’ double the estimate.”

David Moll and Amelie Ebbinghaus, July 15, 2023

Frankfurter Allgemeine

Important: There is no restitution, no return of works of art from private collections, but the heirs of the injured party receive a share of the proceeds from the sale. This means that the work will be unencumbered and marketable again.

And who shoulders these enormous efforts?

We discreetly identify the heirs and negotiate a legally secure settlement free of charge. And consignors can remain anonymous if they wish. We consider our approach to be the morally right one. At the same time, it is also the right financial approach.

Financially correct? A loss due to Nazi persecution casts a dark shadow over the work of art and the proceeds have to be shared.

Your concern is based on two misconceptions. First of all, when a formerly encumbered work of “looted art” becomes a “work with a history and a solution”, the agreement is like a seal of quality. Second: sharing proceeds still pays off. Over the past few years we have witnessed how works of art for which an agreement had been reached were particularly popular with buyers and achieved above-average increase rates, especially with the help of bids from international collectors, who regard them as a safe form of investment.

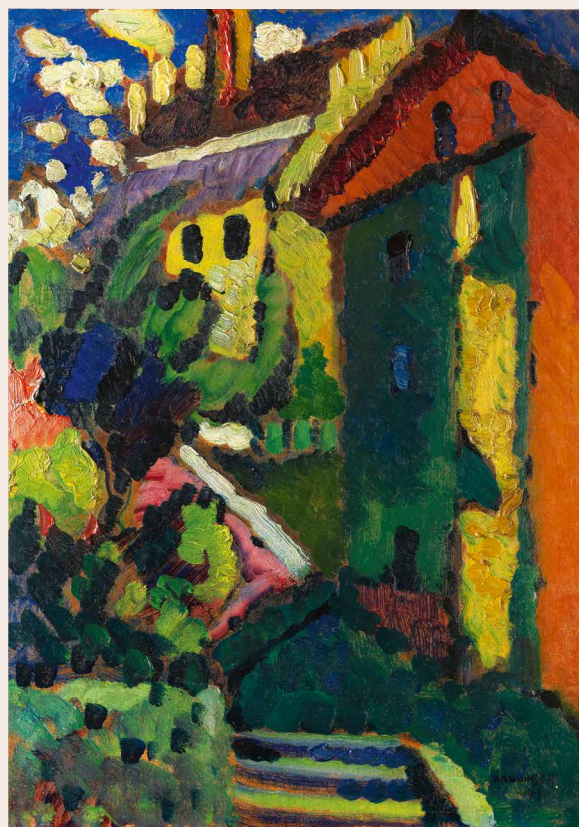
How big is your research team and what does your work start with?

Our research team at Ketterer Kunst consists of three permanent employees and six freelancers. We also work with a large network of experts around the world. Otherwise we would not be able to cope with the vast workload. We are the only German auction house with a department like ours. It's great to do research in such a professional environment. We start our work simply by looking at the back of the artwork. There are often clues to the history of the work, such as labels and inscriptions only experts can understand. Then we study the catalog raisonné, as well as entries in relevant literature and databases. We have a checklist that we go through to identify suspicious cases. A Jewish owner between 1933 and 1945 – or as the last known provenance before that – always justifies suspicion.

And in the case of a suspicion, in-depth search is required?

Yes. This includes trips to archives, inspection of records, literature reviews, discussions with experts and much more. At the end of the research we compile a “dossier” which clearly disencumbers the work or not. If the work is no longer encumbered, we mention it in the auction catalog and the work can be sold. If, however, a loss ►

➤ The research of our provenance experts often concludes that a work is unencumbered. The in-depth efforts are still worth it, as we discover exciting stories worthwhile telling. In this case, it is the exciting stories of the lives of Dutch avant-gardists that are closely linked to the “biography” of this work of art. The meticulous research on this masterpiece by **Wassily Kandinsky**, which was auctioned at Ketterer Kunst for € 2.5 million, was retraced in detail by Agnes Thum in 2022 in the exhibition catalog “Und morgen nach Murnau!” – masterpieces by Gabriele Münter and Wassily Kandinsky from private collections at the Schlossmuseum Murnau.



Evening Sale, June 7, 2019

WASSILY KANDINSKY

Treppe zum Schloss (Murnau), 1909.
Oil on cardboard. 44.9 x 33 cm.

Formerly Paul F. Sanders Collection

➤ This sheet by **Caspar David Friedrich** comes from the so-called “Kleines Mannheimer Skizzenbuch” (Small Mannheim Sketchbook), formerly in the inventory of the Mannheimer Kunsthalle, which became part of the collection of the Berlin textile manufacturer Julius Freund (1869 – 1941) after the sketchbook was taken apart. The collector died in 1941, and as the family was in dire straits due to Nazi persecution, they had to sell the work in 1942. Ketterer Kunst mediated a just and fair solution between the private owner and Julius Freund’s heirs, and both sides were able to enjoy the stunning increase in the auction – from €18,000 to an incredible € 125,000.

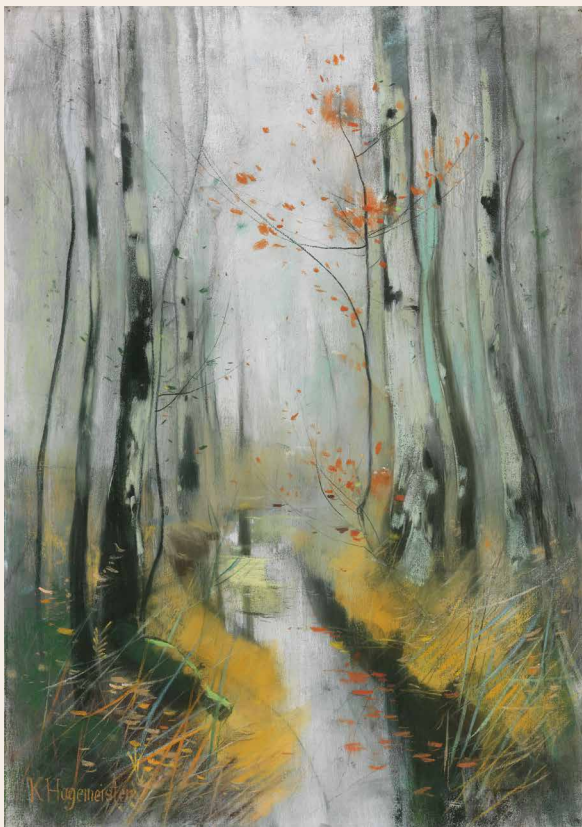
19th Century Art, December 11, 2021

CASPAR DAVID FRIEDRICH

Hofmusikanten in Greifswald / Landschaft mit
Steinbrücke und zerfallenem Torbogen. 1801.
Brown pen, wash. 9.8 x 11.7 cm.

Formerly Julius and Clara Freund Collection





19th Century Art, July 18, 2020

KARL HAGEMEISTER

Birken im Herbst am Bachlauf. Around 1908–1913.
Mixed media on canvas. 100 x 70.1 cm.

Formerly Fritz and Käthe Pringsheim Collection

➤ The back of **Karl Hagemeister's** marvelous pastel also provides the initial clue: "Frau Rosenheim" it says, a street is also mentioned, but no city, no first name. Who is this "Mrs. Rosenheim"? The meticulous search in old address books paid off: It is the Berlin millionaire's widow Margarethe Rosenheim, whose daughter Käthe was married to the famous Fritz Pringsheim. But what happened to the painting when the National Socialists persecuted the Jewish families Rosenheim and Pringsheim? The files did not provide information. In consultation with the private owner, we began to look for descendants. And indeed: A descendant in the USA found the painting in an old photo album of the Pringsheim family. When they fled, they took it with them into exile – where the family unfortunately lost the picture. In the auction, the painting was offered in the best agreement between the owner and the Pringsheim heirs. Called up at € 10,000 – the hammer fell at € 165,000 (total proceeds: € 206,500) and the audience applauded.

➤ The story of **Franz von Stuck's** painting "Künstlerfest" is particularly exciting. While investigating, provenance researchers at Ketterer Kunst noticed a faded, red number on the reverse, which finally gave the right clue for the reconstruction of the provenance. The work was part of the collection of the Frankfurt industrialist Paul Metz, who, impoverished due to Nazi persecution, had to sell it in 1939. The difficult search for Paul Metz's heirs, in order to mediate an amicable agreement between them and the owner, took months. But it was worth the waiting: the painting rose from a starting price of € 28,000 to almost €140,000 – and will be on display in the Museum Villa Stuck in Munich in the future.

Learn more about this case in the book "Provenienzforschung und Kunsthandel". Find more information on the release on page 16.

19th Century Art, June 10, 2023

FRANZ VON STUCK

Franz und Mary Stuck – Künstlerfest. 1898.
Oil on paper, laminated on wood. 27.8 x 25 cm.

Formerly Paul Metz Collection



19th Century Art, December 11, 2021

MAX LIEBERMANN

Dorfhäuser mit Sonnenblumen. 1890.
Oil on panel. 41 x 60 cm.

Formerly Georg and
Johanna Cohn Collection



➤ **Erich Heckel's** landscape painting "Schleuse" from the renowned Hermann Gerlinger Collection sprang a real surprise. An examination of the back in ultraviolet light provided evidence that research had been misled since the 1950s. An old, barely legible inscription in Sütterlin script was found. It provided clear proof that this picture from the Hermann Gerlinger Collection was once part of Eugen Buchthal's collection – and not, as it had always been assumed, a second version of the motif in same size. Further research provided proof that the Jewish collector had to part with the work in the fall of 1933 in order to support his daughter, who was not allowed to complete her education because of her Jewish background. In view of the new findings, Hermann Gerlinger did not hesitate to declare his willingness to find a just and fair solution with Eugen Buchthal's heirs. Eventually, this work was also successfully sold for almost € 140,000.



➤ In the case of **Max Liebermann's** painting "Dorfhäuser mit Sonnenblumen", an impressionistic idyll, the former Jewish owner "Georg Cohn" was already known upon consignment. However, it was only through Ketterer Kunst's provenance research that the collector could be identified unequivocally. The picture's fate was in oblivion for a long time. Files confirm that the Nazis had stolen the widow's paintings. However, was "Dorfhäuser" among them? Ketterer Kunst searched for eyewitnesses and identified a 100-year-old friend of the family who actually remembered stories about the picture. An important hint, but the decisive clue came from the Gurlitt case: the loss of the picture for the Cohn family was proven by documents of the "Gurlitt Task Force". After an amicable agreement between the involved parties had been made, the painting was successfully auctioned off at Ketterer Kunst and fetched over € 118,000.

Modern Art Day Sale, June 10, 2023

ERICH HECKEL

Schleuse. 1913.
Oil on canvas. 70 x 80 cm.

Formerly Eugen Buchthal Collection

through Nazi persecution is proven or probable, we discuss further measures with the consignor, follow our above-mentioned rule of thumb, try to find potential heirs and initiate a just and fair solution.

As a buyer, how can I tell whether reliable provenance research has been carried out for a work?

This is best done by checking the entry in the auction catalog. Does it specify a complete provenance history with dates and names? Does it also mention an exhibition history? However, despite all the care, it is far from possible to always find something concrete – prospect buyers can ask the auction house about the results of provenance research.

Let's get specific. What special cases can you name?

Many cases are museum restitutions where we only take care of the sale. But we have also managed to find just and fair solutions in more than 30 cases in recent years. The story behind a work by Karl Hagemeister, “Birken im Herbst am Bachlauf” from 1910 and formerly in the Pringsheim Collection, was particularly exciting.

Eventually, it saw a tremendous price increase. Our original estimate price was € 10,000 – but the work eventually fetched more than € 200,000. This value increase could not have been realized without the research into its history, in context of which we even found historical photos. This had an impact on the entire Hagemeister market. Since then, his works have experienced a much higher market recognition.

Wasn't there also a case in the Gerlinger Collection?

We gave Erich Heckel's “Schleuse” a completely new provenance. It turned out that what people had previously thought about the work was entirely wrong on closer examination, because the different versions of the “Schleuse” had been mixed up for decades. The sale of this work was a great success, too. Kandinsky's “Treppe zum Schloss” from 1909 is another one I'll never forget. In-depth research revealed an unencumbered provenance – but the enormous increase in knowledge about the picture also ensured its appreciation. Estimated at € 1.5 million, it was sold for € 2.5 million in 2019.

The recent case of the painting “Künstlerfest” by Franz von Stuck was particularly special, too...

... as it rose from € 30,000 to almost € 140,000 in our past auction in June. This is a very special picture for me, because it will be on display in the Museum Villa Stuck in the future. Not only the work, but also the story of the Jewish collector has found a public place of remembrance.

It has been a while since the case of the two works by the Jewish artist Ilona Singer from Prague ...

In this case it had long been known that the two paintings were lost due to Nazi persecution. They belonged to Margit Hahn, the painter's sister, but very few family members of the two Hahn/Singer sisters survived the NS era. We had to conduct extensive research into heirs, and finally found family members in the USA and the Czech Republic who knew little about the fate of the Singer sisters. The value of the two works increased by a five-fold in the auction.

That's a great success story of exciting works. But what are the most precious moments?

For me personally, the contact with the heirs of the Jewish owners and their reactions provide the most valuable moments. We hear family stories and learn about their fates, an exchange that I find very enriching. This makes me feel that we can actually make a contribution to reconciliation by researching individual works of art – all of us together: the art trade, the provenance researchers, and also our clients, the owners.

Provenance research and the art trade

On the occasion of the 25th anniversary of the Washington Principles, Ketterer Kunst will release an academic anthology on the issue of provenance research in the art trade in December 2023. Concrete case studies intertwine with varied articles and contributions from many well-known researchers – a fascinating read not only for experts!

*Ketterer Kunst (ed.),
Provenienzforschung und Kunsthandel,
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info@kettererkunst.de*



Modern Art Day Sale, June 18, 2021

ILONA SINGER

Kind mit Teddybär. 1927.
Oil on canvas. 55 x 45 cm.

Formerly Margit Hahn Collection

➤ The fact that the Nazis stole the two paintings by the remarkable Jewish artist **Ilona Singer** from her sister Margit Hahn had long been known through research carried out by the Jewish Museum in Prague. However: Heirs of Margit Hahn, whose direct family was murdered in the Holocaust, were unknown. That's why researchers at Ketterer Kunst entirely focused on identifying legitimate heirs, who were actually found in the end. These two paintings were also successfully auctioned on the basis of a just and fair solution, the increase rates for both paintings were well over 500 percent!



Modern Art Day Sale, June 8, 2019

ILONA SINGER

Bildnis Robert von Mendelssohn. 1928.
Oil on canvas. 55 x 46 cm.

Formerly Margit Hahn Collection

➤ Almost nothing was known about this extraordinary painting by **Emil Orlik** until it was consigned to Ketterer Kunst. But an anonymous auction in 1936 with the title "Furnishings of Mrs. Th. B." brought the researchers at Ketterer Kunst on the track: The painting was part of the collection of the Jewish banker's widow Therese Benjamin, which after her death had to be sold by the heirs, among them the famous pediatrician Erich Benjamin, due to their persecution. Ketterer Kunst tracked the heirs and mediated an amicable settlement, which was worthwhile for both parties, as the sale saw an increase of almost 500 percent.

Learn more about this case in the book „Provenienzforschung und Kunsthandel“.

Modern Art Day Sale, June 10, 2023

EMIL ORLIK

Früchtestillleben mit geblühtem Stoff und Vase. 1930.
Oil on canvas. 58 x 120 cm.

Formerly Therese Benjamin Collection, Berlin

