KARL& FABER

Journal 2020



In Exchange

Restitution & Reconciliation · Artist's Path Today · Art Prize 2019



Dear readers, dear friends of our house.

It is one of our most important goals to bring together people who are interested or active in the diverse branches and challenges of the art market. Of course, the art market is primarily about money, it is an intrinsic part of it, and of course we always want to achieve the best possible results for our consignors and provide buyers with exciting and relevant works of art. That is the purpose of an auction house. However, even if money and prices will always be in the foreground of what we do, they are still only one facet of our activity. Collecting art poses so many other important questions. We at KARL & FABER would like to help you, as a customer and collector, to find the answers. Whether you are currently assembling, restructuring, or selling works from an art collection, whether you have a large collection or just a few pieces, we pride ourselves on providing you with friendly and professional assistance. Collecting art can be an art form in itself, assembling an art collection can become the "art of collection".

The contents of our journal reflects various themes that come up again and again throughout this process: The Interessensgemeinschaft Deutscher Kunsthandel held a conference on the topic of restitution at KARL & FABER's premises in Munich in which this complex issue was discussed by leading German experts, including Professor Michael Wolffsohn. Professor Sophie Schönberger also spoke on the topic of restitution in a panel held at our Düsseldorf branch. Representatives from cultural politics, the art market, and artists held a discussion under the title "Academy – Gallery – Museum: A straight and narrow path to becoming an artist?" with us as part of the *Various Others* initiative. You can find excerpts from the discussion, moderated by Tobias Haberl (SZ magazine), in this journal as well as much more, including information on the winner of the KARL & FABER art prize 2019, our upcoming appraisal days, auctions and exhibitions in 2020, how to care for works on paper, as well as the possibilities of a "private deal".

Kind regards,



Dr. Rupert Keim, Managing Partner & Sheila Scott, Managing Director and Director Modern Art

Foreword 1

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CONSIGN NOW!

Spring Auctions 2020: Consignments welcome until

Friday, 13th March 2020: Old Masters & 19th Century Art Friday, 24th April 2020: Modern & Contemporary Art

Autumn Auctions 2020: Consignments welcome until

mid-September 2020: Old Masters & 19th Century Art the beginning of October 2020: Modern Art & Contemporary Art

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APPRAISAL DAYS SPRING 2020

OLD MASTERS & 19th CENTURY ART

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Milan & Florence	23./24.1.	Munich &	
Basel & Switzerland	29./30.1.	Southern Germany	17.2. – 21.2.
Dusseldorf & Rhineland	4./5.2.	Frankfurt & Hessen	18.2./19.2.
USA	9. – 14.2.	Tegernsee	19.2.
Salzburg & Vienna	11./12.2.	Hamburg	25./26.2.

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MODERN ART, POST WAR & CONTEMPORARY ART

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USA	9. – 14.2.	Munich	9.–13.3. & 20.–24.4.
Frankfurt	1314.2. & 2526.3.	Vienna	11. – 13.3.
Basel & Switzerland	19. – 21.2.	Berlin & Potsdam	12. – 13.3.
Hamburg	25. – 26.2.	Salzburg	18.3.
London	26. – 28.2.	Innsbruck	20.3.
Dusseldorf &		Vorarlberg	25.3.
Rhineland	4. – 5.3. & 18. – 20.3.	Fünfseenland	12.4.
Brussels	9. – 10.3.	Graz & Klagenfurt	13.4.

We would be delighted to speak with you personally and are looking forward to your consignment!

For a personal appointment or other relating requests please contact:

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For the Appraisal Days for the Autumn Auctions 2020 please visit karlandfaber.com (Subject to change)

AUCTIONS SPRING 2020

CONSIGNMENTS WELCOME UNTIL

Friday, 13 March 2020: Old Masters & 19th Century Art Friday, 24 April 2020: Modern Art, Post War & Contemporary Art

LIVE AUCTIONS IN MUNICH

Friday, 15 May 2020: Old Masters & 19th Century Art Thursday, 25 June 2020: Modern Art Friday, 26 June 2020: Post War & Contemporary Art and Selected Works (Modern & Contemporary Art)

ONLINE ONLY AUCTIONS (TIMED AUCTIONS)

Wednesday, 11 March - Sunday, 22 March 2020: Old Masters & 19th Century Art

Wednesday, 11 March - Sunday, 22 March 2020: Modern Art, Post War & Contemporary Art

Wednesday, 29 April – Sunday, 10 May 2020: Old Masters & 19th Century Art

Wednesday, 10 June - Sunday, 21 June 2020: Modern Art, Post War & Contemporary Art

PRF-SALE VIEWINGS SPRING 2020

OLD MASTER & 19th CENTURY ART

Hamburg Opening: Monday, 20 April 2020, 6 – 9 p.m.

Pre-sale viewing: Tuesday, 21 April 2020, 11 a.m. – 4 p.m.

Munich Opening: Wednesday, 6 May 2020, 6 – 9 p.m.

6-14 May 2020, Mo-Fr, 10 a.m.-6 p.m. | Sa & Su, 11 a.m.-5 p.m. | 14 May 2020 until 5 p.m.

MODERN ART, POST WAR & CONTEMPORARY ART

Vienna Opening: Wednesday, 3 June 2020, 6 – 9 p.m.

Pre-sale viewing: Thursday, 4 June 2020, 11 a.m. – 4 p.m.

Dusseldorf Opening: Saturday, 6 June 2020, 6 – 9 p.m.

Pre-sale viewing: Sunday, 7 June 2020, 11 a.m. – 4 p.m.

Hamburg Opening: Monday, 8 June 2020, 6 – 9 p.m.

Pre-sale viewing: Tuesday, 9 June 2020, 11 a.m. – 4 p.m.

Munich Opening: Wednesday, 17 June 2020, 6 – 9 p.m.

18 – 24 June 2020, 10 a.m. – 6 p.m. | Sa & Su 11 a.m. – 5 p.m.

For further preview dates and all places please visit karlandfaber.com. (Subject to change)

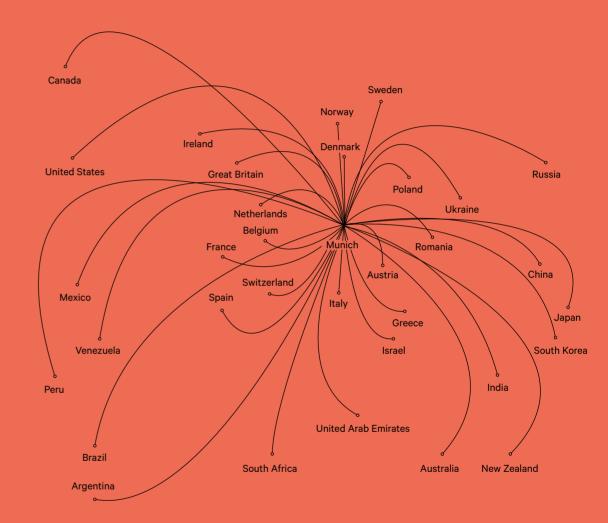
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#karlundfaber

Make sure you don't miss any of the upcoming auctions or events at KARL & FABER! Become a member of our community and find out more about remarkable artists and artworks.



Top Results 2019



... world wide! 2019: Buyers from 92 countries "Collectors can succumb to an artwork's fame in the same way consumers fall for the image of a luxury brand. The Munich auction house Karl & Faber shows this in their sale of Classic Modern, Post-War, and Contemporary Art in early December."

Sabine Spindler, Handelsblatt, 27/28/29 December 2019



Oil and synthetic resin on canvas, 164.5 × 140 cm

11



Acrylic over photograph on cross shaped panel, 150 \times 80 cm

12

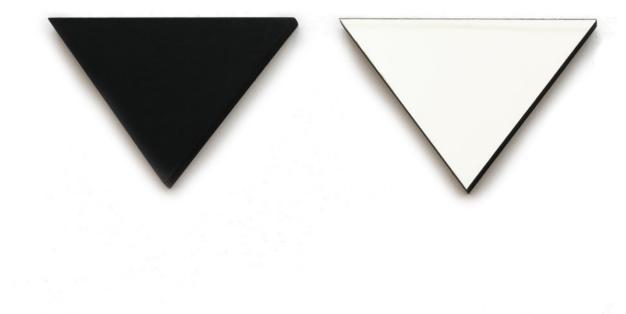


Crayon and gold paint on packing paper, 126×82 cm

Result: € 162,500*



Letterpress printing in colours on primed canvas, 68 × 78 cm



Plywood, painted in black and plywood, painted in black with mirror, each part c. $32 \times 27 \times 3$ cm

"The battle for Alexej von Jawlensky's "Abstract Head", that was worth over half a million euros (587,000) to one saleroom bidder was noted with satisfaction in the Munich auction house KARL & FABER."

Dorothea Baumer, Süddeutsche Zeitung, 4/5/6 January 2020



Oil on paper with linen embossing, laid down on cardboard, 47 × 34 cm



Oil on canvas. 100 × 120 cm

"Ernst Wilhelm Nay's "Blauklang" became one of the leading works [...] The work [...] had previously achieved around €123,000 at Christie's in London in 2012, including buyer's premium: Thanks to a private bid of €260,000 (estimate 250,000/350,000) this previous result was more than doubled under the hammer; and almost tripled when including for the buyer's premium."

Brita Sachs, FAZ, 12 July 2019



Oil on canvas, 70.5 × 80.5 cm

"Max Pechstein's handsome 1917 "Still Life with Calla in the Mirror" was also sold in 2012 at Sotheby's in London, though only in the post auction sale, to a bidder in Berlin: This time around, it sold straight away to a Continental bidder for €190,000 (180,000/240,000)."

Brita Sachs, FAZ, 12 July 2019



Oil and silver bronze on plywood, 101 × 101 cm



Oil on canvas, 60 × 73 cm

"Prominent results among the drawings included (among others) a watercolour and ink drawing of Monastiraki square in Athens attributed to Karl Wilhelm von Heideck and executed in around 1830, which was sold to a Greek bidder for €22,000 (estimate €2,800)."

Brita Sachs, FAZ, 12 July 2019



Pen in grey ink and watercolour on wove, 62.5 × 93.5 cm

Top Results

FRIEDRICH NERLY View of the Palazzetto Contarini-Fasan called "Casa di Desdemona" at the Canal Grande, c. 1850 CARL SPITZWEG Landscape with small figures, c. 1870/75

Result: € 68,800*



Oil on cardboard, 15.8 × 32.7 cm



Oil on canvas, 55 × 45 cm

Result: € 93,800*

25

"The prints once again achieved excellent results in their own separate catalogue."

Brita Sachs, FAZ, 12 July 2019



Woodcut on laid paper, from 39.2×28 cm up to 39.3×28.3 cm



Oil on panel, 51.4 × 74 cm



Oil on canvas, 61 × 51 cm

Result: € 125,000*

"Art with the mark of Cain

During a conference in Munich it became clear how difficult it is to deal with Nazi looted art without a restitution law. "Just and fair?" The question mark in the conference title already hinted at the doubts of many art dealers [...] Something that was also of great concern to the seven lawyers speaking at the conference was the discrepancy between the current law and moral obligations with regard to Nazi looted art."

SABINE REITHMAIER, SÜDDEUTSCHE ZEITUNG, 18 OCTOBER 2019

Provenance

and

Restitution

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The Art Dealer and Auctioneer as a "Mediator"?

Restitution in Practice

By Rupert Keim

The question of restitution is often sprung upon art owners and art dealers out of the blue. Even though cases of restitution remain relatively rare considering the large amounts of artworks which are bought and sold each year, a lot of uncertainty still surrounds the topic due to its high publicity and undisputed historical and moral significance. So how should it be dealt with in practice?

From our auction 265, 13.11.2015

FRANZ VON STUCK Sensuality, c. 1897, oil on canvas

Thanks to the mediation of KARL & FABER, a contractual arrangement was agreed upon between the descendants of the Jewish couple Florence and Martin Flersheim and those of the Jewish art dealer Carl Laszlo in the spirit of the Washington Convention in June 2015 which freed this work from further restitution claims.



The starting point is always the context and circumstances in which the question of restitution arises for private individuals. As a rule, the two most commonly occurring scenarios are as follows: Either the representatives of the heirs of Jewish collectors and art dealers who are searching intensively for the artworks which were taken from them during the Nazi era of 1933-45 (known as looted art) discover them in private collections, or art dealers and auctioneers find out during their research prior to a sale that the work in question may have been expropriated due to political persecution. This can come to light when a work corresponds with an entry in a database such as the Art Loss Register or the Lost Art Database. However, what is problematic in this case is that many of these entries are too vague to allow for an exact identification of the works. This can hamper the sale of artworks since, due to the currently often inaccurate entry methods, their inclusion in such a database burden the works with a stigma that causes potential buyers to shy away.

Due to the far-reaching consequences of the restitution question, which interfere substantially with the right to private property guaranteed to citizens under article 14 of the German constitution, the German Lost Art Database in particular is subject to constitutional concerns. The factual interference with the right to private property directly contradicts current German law, which under no circumstances obliges private individuals to restitute or

provide compensation for artworks, even if they are proven to be looted art. In almost all cases, the property has either already been transferred to the current owner or the heirs' claims to the work are subject to a statute of limitations, since the expropriation took place more than 30 years ago. A restitution law could provide a clear framework in which such cases could be handled in accordance with both constitutional law and societal politics.

However, it remains unclear whether such a law could ever be applied to the many different situations and levels of evidence presented in individual restitution cases. Apart from the obligation to research stipulated by the 2016 law for the protection of cultural goods, the 1998 Washington Convention also defines the only existing regulations with regard to restitution in Germany. Like the "shared agreement" put in place by the German federal government, federal states, and municipal organisations in December 1999 which defines the obligation to find and return cultural goods looted due to Nazi persecution, especially those belonging to German Jews, such restitutions are without legal foundation. Also, only museums and public institutions have agreed to abide by these principles. They do not apply to the property of private individuals.

In practice, many collectors and art dealers find themselves over-whelmed by the far-reaching legal and moral questions involved in restitution cases. This is where experienced art dealers and auctioneers can provide assistance; not as lawyers, but in the role of mediators, since their previous experiences with restitution cases allow them to intercede between the various parties involved and help them to achieve solutions. There is generally no shortage of good will between the participants, they simply have to achieve "just and fair" solutions that work for both parties, in so far as this is possible considering the historical background of such cases. However, this task re-



From our auction 285, 5.12.2018

LOVIS CORINTH Lake Walchen, 1923, watercolour

This painting from the former collection of Prof.

Dr. Curt Glaser was sold at auction by Max Perl of
Berlin in May 1933. Through KARL & FABER's
mediation, a "just and fair" solution was agreed upon
between Curt Glaser's heirs and the former owners

A panel discussion with Prof. Dr. Hans-Jürgen Hellwig, Prof. Dr. Hans-Jürgen Papier, Dr. Rupert Keim, and Dr. Johannes Nathan (from left to right) moderated by Dr. Christina Berking dealing with the just and fair handling of Nazi looted art within and on behalf of the art market.



quires a clear course of action and set regulations which are simply not provided under the current laws.

Against this backdrop, the conference "Just and Fair? Restitution and Provenance in the Art Market. Practice. Problems. Perspectives." came at the right time. The event was organised by the Interest Group of the German Art Market and held in KARL & FABER's Munich branch on 14th October 2019 under the auspices of the Bavarian State Minister for Arts and Sciences Bernd Sibler MdL. The conference was the first occasion in Germany at which this historically and legally complex topic was discussed primarily from the point of view of the art market.

The keynote speech "Law, Justice, Peace" was given by Professor Dr. Michael Wolffsohn, widely acclaimed historian, author, and publicist on the topic of modern history. A transcript of his speech is provided in this journal. Other contributions to the conference included talks and speeches by renowned researchers such as Dr. Uwe Hartmann, head of the provenance research department at the German Lost Art Foundation in Magdeburg, prominent lawyers such as Prof. Dr. Hans-Jürgen Papier, chairman of the Advisory Commission (the former so-called Limbach Commission) and former president of the Federal Constitutional Court, and the Berlin based lawyer Prof. Dr. Peter Raue, alongside numerous other renowned legal professionals and art market leaders. A publication documenting the entire conference is currently under preparation and interested parties can register under info@interessengemeinschaftdeutscherkunsthandel.de to be informed as soon as it is ready.

This cover story is rounded off by a summary of the discussion panel with Prof. Dr. Sophie Schönberger on the topic "What does art heal?" held at KARL & FABER's Düsseldorf branch in November 2019.

Law, Justice, Peace

Guilt, Atonement, and Reconciliation

By Michael Wolffsohn

Restitution – just and fair? For many years, this broad topic has been reduced to the discussion of looted art, when really it is a question of humanity. Of guilt, atonement, and reconciliation.

Keynote speech given by Prof. Dr. Michael Wolffsohn at the conference Just and Fair? Restitution and Provenance on the Art Market. Practice. Problems. Perspectives. Organised by the Interessengemeinschaft Deutscher Kunsthandel.



Restitution – just and fair? For many years, this broad topic has been reduced to the discussion of looted art, when really it is a question of humanity. Of guilt, atonement, and reconciliation. We cannot simply narrow it down to looted art. It is a question of looting itself, of the looting carried out by the Nazis – and a question of their many profiteers. It is not enough to merely examine the profiteers or the looters. We have to examine the thieves themselves as well as those who were stolen from, victims and perpetrators, fathers, sons, and grandchildren.

Although the many ifs and buts involved are well known, the Federal Republic of Germany is and will remain a state governed by the rule of law (even after the "right wing terror of Halle" and the release of numerous Islamic knife criminals). Despite known and unknown deficits within the legal system. There will always remain some discrepancy between ideal and reality. The same applies to this country. Although



Panel discussion on provenance and restitution in practice with Dr. Christian Fuhrmeister, Dr. Uwe Hartmann, Silke Thomas, Dr. Christoph Andreas, Carl-Christof Gebhardt, and Prof. Dr. Peter Raue (from left to right) moderated by publicist Thomas E. Schmidt (third from left).

many German parents, children, and grandchildren may potentially still be profiting from the crimes carried out by the Nazis, one cannot simply describe "the Germans" as willing or knowing profiteers or even accomplices to these crimes. That would be a vast exaggeration.

There will always be a large and dominant choir of voices who say: Return or reparation. Others say, with just as much right: Return and reparation. It is a matter of justice. And when the law does not allow for this (such as when a crime falls under a statute of limitations) the law should be changed.

Legally, it is extremely problematic to change the law retroactively, it is actually unacceptable. But this is something that supporters of the rule of law have to come to terms with. It is hard, but necessary for the above mentioned reasons. The law works for the people and not against them, although it may at times appear otherwise.

Law truly does not always lead to justice, but the law protects against acts of vengeance. It is not seldom that the "justice" which is called for by the "will of the people", or by "healthy common sense" is in fact merely another name for vengeance.

Law and justice (however one chooses to define them) are higher goods. So is inner peace. An inner peace based on reconciliation. However, as harsh as it sounds, this inner peace based on reconciliation is occasionally endangered by law and justice. Let me explain:

A crime occurs at point one. Its punishment occurs at point two, three, four, or even later. The punishment is a reaction to the action of the crime. The punishment is applied to the person who committed the crime or action. Punishing a person's children or grandchildren for crimes committed by their fathers or grandfathers goes against this system. So much for the situation of the perpetrators and their descendants. With regard to the descendants of the victims: Under this system, all of the property stolen from my grandfather Karl Wolffsohn by the Nazis would be returned to me. I would probably also receive compensation for lost profits. That would be just and lawful.

The operation was a success, but the patient is dead. Scorched earth. No reconciliation to be seen. No reconciliation between the descendants of side A or B, Jews and gentiles, the descendants of thieves who are not thieves themselves, and the descendants of those who were robbed but who were not robbed themselves. Scorched earth and no reconciliation. I renounced return and reparation, but called for historical reappraisal which I received and partially carried out myself. The results can be found in my family history "Deutschjüdische Glückskinder". The law stated: Statute of limitations. That was not just, and a subsequent change to legislation would be a perversion of justice. The law is indispensable for a functioning society. The idea that legal decisions are always right or even have anything to do with justice is wishful thinking at best. The Wolffsohn family (among others) have experienced this many times.

The law is not enough, justice is not enough. What we need to achieve is reconciliation. Reconciliation does not mean to repress or forget. "Never again", such a cliche. Of course we will never forget. How could, how should, the millions of Nazi crimes ever be forgotten? The idea is absurd.

Denying either the truth or reality is impossible in the long run. Historical truths always come to light in the end, even though the breath of history occasionally runs short. Eventually, Nazi looted art was brought into the public eye and became a topic of discussion, although this occurred decades after the fact. People like me could and should be discussing the return of looted real estate and other looted goods along-side artworks. What a value-orientated society needs alongside law and justice is historical truth. Historical truth forms the basis of reconciliation. Reconciliation through truth. Truth instead of punishment. Without prosecution. That seems shocking. But, in all honesty: Did the sentences meted out at the Auschwitz processes in Frankfurt and Nuremberg or in the Demjanjuk process in Munich, many of which were not even served, really correlate to the severity of the crimes? No. The punishments may have been in accordance with the law, but not with our sense of justice. Did the judicial farce that took place after the fall of the GDR in any way amount to law or justice? Erich Honecker was able to live out the remainder of his life far away in sunny Chile. As far as I know, the only thing missing from his garden there were the gnomes

in order to complete the peaceful idyll he created there alongside his wife Margot. Renouncing a right that is apparently certain or certifiable and which, although this is less likely, is intended to achieve justice, is thoroughly in alignment with Old Testament thinking. **Think of the story of Cain and the mark of Cain.** After murdering his brother, Cain is neither punished by God nor by man. He must simply bear the mark of Cain for the rest of his life. It is both a sign of shame and of protection. The mark protects him from punishments meted out by others. Aside from the metaphorical aspects of the story, it also contains an immeasurable wisdom: Murder can neither be atoned for nor justly punished. The most effective punishment for a murderer is lasting, lifelong moral scorn and isolation from society following the revelation, and branding, of his crime through the mark. **The truth of their crimes is the harshest punishment for the perpetrators.**

The mark of Cain can only be applied by one figure: A moral authority. In the Bible, this role is fulfilled by God. The way in which this biblical imagery could be transferred onto human reality would be to provide an amnesty whilst simultaneously naming the criminal and his crimes. As I mentioned, this amnesty is provided by man, but not just any man: A moral authority. A true authority, and not merely ex officio. But who and where are the Nelson Mandelas or the Mahatma Ghandis of the present day?

The children and grandchildren of the perpetrators are not criminals themselves, the children of the victims are not victims. Although academic psychology documents that the historical crimes or sufferings of parents often go on to burden or traumatise their children and grandchildren.

Reconciliation through truth. That was always the maxim of myself and my family when we renounced long term profits from the listed Berlin property *Gartenstadt Atlantic* upon its renovation, as well as renouncing the rights to other looted goods.

Why did we renounce them? Because the vicious circle of crime and retribution through punishment has to broken. It sounds noble, but it was not difficult for us. We were able to plan and achieve enough in life without this property, this inheritance. Although in the tradition of European and American democracy, inheritance is a natural right "Life, liberty, property", in which property is understood as inheritance.

However, unlike our family there were many Holocaust survivors and their descendants who were forced to live in bitter poverty after the Shoah. It was, and is, a scandal. But why should you want to have more, or to have again, if, like my family and I, you already have enough despite the Nazi looting, even without reimbursement? We don't need more than enough, and we don't want it either.

Looking back, the return would have been just and fair according to natural law and history. But looking forwards, it would have re-opened old wounds. Anyone for whom life is at least as important as property will agree with me. That is my view. I would not take it upon myself to declare it universal. **Reconciliation is the goal. That is the task.** Following guilt: Introspection. Following introspection: Atonement. Following atonement, reconciliation and through reconciliation comes peace. Guilt-introspection-atonement-renouncement-reconciliation, peace. Guilt, introspection, and atonement were the tasks of the perpetrator generation. On a state-wide macro level and, where necessary, on an individual micro level. **Reconciliation and peace are the tasks of the perpetrators' descendants** and those of the victims' descendants. As



Questions from the audience at the restitution conference moderated by Birgit Maria Sturm, manager of the Federal Association of German Galleries and Fine Art Dealers in Berlin with the lawyer Dr. Nicolai von Cube. Frankfurt.

difficult as it (sometimes) is for the victims' descendants, myself included, on a macro and micro level, as unjust, as hollow sounding, careless and thoughtless as the memorial speeches of the politicians are – for the sake of peace and reconciliation, the wealthy descendants of the victims (not those living in poverty) should renounce the property that was stolen and not returned. However, this property should be permanently marked as stolen. As a mark of Cain.

Who, if not us? When, if not now? I would never be so bold as to compare us or even myself to Mandela, but why else do we have role models? We cannot live up to them. I, we, certainly cannot. But we can and should struggle to be more like them. We have to, if we want to achieve peace and reconciliation after so much inhumanity.

Professor Dr. Michael Wolffsohn is one of the leading experts in the analysis of international politics and the relationships between Germans and Jews on a state, political, economic, and religious level. He has received numerous awards as a historian, political scientist, and publicist, and has participated in debates surrounding current affairs, military politics, historical and religious questions in multiple media outlets. He was born in Tel Aviv in 1947 into a family of Jewish merchants who had fled to Palestine in 1939. He and his parents relocated to West-Berlin in 1954. Following his military service in Israel and studies in Berlin, Tel Aviv, and New York, he worked as a Professor of modern history at the Bundeswehr University in Munich from 1981 to 2012. He has authored numerous books, essays, and specialist articles and continues to be active as a publicist and acclaimed conference speaker.

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What can art heal?

This was the question posed by Professor Dr. Sophie Schönberger in her latest book about the late restitution of Nazi looted art. How can the victims' heirs arrive at just and fair solutions with the current owners?

Dr. Rupert Keim, managing partner at KARL & FABER, invited the author to KARL & FABER's Düsseldorf branch to discuss the moral and legal aspects of restitution together with Julia Ritterskamp.

Excerpts from the conversation on 15th November 2019 at KARL & FABER Düsseldorf. Moderated by Julia Ritterskamp



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Dr. Rupert Keim: Welcome, in future we would like to combine our previews with lectures, discussions, and conversations. This year's topic is "Restitution in Art". I would like to welcome Dr. Schönberger, Professor of Public Law, Legal Theory, and Sociology of Law at the Heinrich-Heine University in Düsseldorf and head of the Institute of German and International Party Law and Party Research. I am happy that you accepted our invitation, and would like to take this opportunity to thank you for coming, as well as to thank the art historian and curator Julia Ritterskamp who will be moderating our conversation today.

Julia Ritterskamp: Professor Dr. Schönberger, you recently published your book "What Can Art Heal? – Late Restitution of Nazi Looted Art as a Means of Confronting the Past". How did you arrive at this topic?

Prof. Dr. Sophie Schönberger: Through the Gurlitt process. Before that, I spent a lot of time researching public cultural law. I always avoided the topic of looted art because I thought it was a matter of historical and memorial law, but the discovery of the art trove in Schwabing brought the topic into the focus of my attention and I decided I wanted to analyse these grave moral and legal questions in a more extensive work.

Various forms of expropriation took place during the Nazi era: The houses of deportees were looted, people were compelled to sell their artworks and property for partially ridiculously low prices. Your book does a very good job in outlining the timelines and legal processes involved. How were you able to find evidence for these things in retrospect?

Prof. Dr. Sophie Schönberger: It is true that the expropriation of artworks was only one small aspect of what was occurring in Germany during that time: Namely the attempt to eradicate Jewish life in its entirety. It is difficult to reconstruct this process nowadays, and that is one of the biggest problems when trying to organise restitutions. Only in very rare cases can we reconstruct what truly happened to these works of art with any certainty.

What can be done in such cases?

Prof. Dr. Sophie Schönberger: You work with presumption rules: Anything that was sold by a racially or politically persecuted individual after a certain time – the introduction of the racial laws is often taken as the starting point – is assumed to have been sold under duress due to persecution. This can only be proven wrong if there is evidence that the sale would have taken place in the absence of such persecution and that the property was sold for a normal market price. But what was a normal market price in 1942?

That would mean that all sales carried out by persons persecuted due to racial or other motives during the Third Reich should be investigated...

Prof. Dr. Sophie Schönberger: ... whereby we usually differentiate between two main phases, before and after the introduction of the racial laws in 1935. During the initial phase you can generally assume that sales took place freely, whereas this was the exception to the rule in the time after 1935.

Nowadays, restitution applies to the descendants of the victims, as the victims can rarely represent themselves. The grandchildren and great grandchildren of the perpetrators say that they have no idea what happened dur-

ing that time, as they never met their grandfathers or great grandfathers. But when they are then told that the inherited painting hanging on the living room wall is looted art, what is the legal situation in such cases?

Prof. Dr. Sophie Schönberger: It is very difficult from the point of view of the current owners, as usually nothing can be proven for certain. Legally there is no obligation for private owners to return looted works, except in very specific circumstances. However, works with such dubious provenance are very difficult to sell on the art market, and this often leads owners to arrange a compromise with the heirs in which the work is sold and the profits are split 50/50. However, this is an extrajudicial practice that is used to make the proceedings more manageable. No frameworks exist in which such claims can be legally enforced nowadays.

Can't the damaged party – that is, the descendant of a deported person – assert legal claims against the German state?

Prof. Dr. Sophie Schönberger: They can. The occupying forces established the framework for such claims immediately after the war. The Allies wanted to create special measures to remedy and make up for the unimaginable injustice done. At the time, it was without historical precedent. Artworks were only a small proportion of the property to be restituted. One can imagine that the authorities in a post-war Germany that was slowly re-establishing itself were not all too pleased with the thought, especially as claims could be made not only against the German state but also against private profiteers. As a compromise at the time, the Allies granted the Germans rigid statutes of limitations. Anyone who had not placed their claims before the statute of limitations expired was no longer eligible to any demands. The last statute expired in mid-1950. This legal framework still applies today, but we act as though it didn't. Instead, many new restitutions have been carried out since the late 1990s – but only of works of art.

In your book, you describe the period until 1950 as "phase one". At that time there were Allied "collecting points" where movable property could be collected and documented.

Prof. Dr. Sophie Schönberger: These collecting points were used as a place to assemble important works, especially those taken from museum collections or from the possession of Nazi high officials. The regulation also applied to all other works of art which had been stolen, looted, or forcibly sold. Technically, everybody in possession of such a work was obliged to bring it to a collecting point, but you can imagine how rarely this happened.

In addition to this, the first collecting point was already closed down in 1949 and all further organisation was handed over to the German administration. Since the majority of bureaucrats had served under the Nazis and were thus not suitable to represent the new Federal Republic, how was this supposed to work?

Prof. Dr. Sophie Schönberger: Many things worked like that at the time, so this area was no exception.

Aggrieved parties were only able to place claims until the 1950s. What happened after that?

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Prof. Dr. Sophie Schönberger: Phase two began following the reunification of Germany in 1990, as there had been no obligations to reinstate looted works in the GDR. People confronted the injustices of the Nazi era once again and created a new phase within the new federal states in which the restitution principles established by the Allies were applied once again. The same short statute of limitations was implemented. It ran until 1991/92, six years before the Washington Conference of 1998, at which point everything began again – but this time without a legal framework.

What was the Washington Conference?

Prof. Dr. Sophie Schönberger: Representatives from over 30 states gathered at the conference to discuss the restitution of Nazi looted art. For the art world, phase three began in 1998 with the spectacular seizure of Egon Schiele's "Portrait of Valerie Neuziel". The MoMA in New York had loaned the work out from Vienna, but following the end of the exhibition, a dedicated prosecutor had the piece seized as stolen goods, thus bringing the topic into the international public eye once again.

The film "The Woman in Gold" deals with a central work by Gustav Klimt and its American heiress's dispute with the museum in Vienna. What I find most fascinating is that it is less about legal claims and more about emotions.

Prof. Dr. Sophie Schönberger: Of course it is a matter of emotions – I say that with complete objectivity. These emotions are then played off against money and every time a restituted work comes up on the market, people are quick to point the finger and say: You see, it was never about emotions, they just wanted to sell the work. But it's never just about money. It is about emotions, recognizing the persecution, and about reparation.

What are just and fair solutions?

Prof. Dr. Sophie Schönberger: The so-called Limbach Commission, which is supposed to provide moral suggestions on the basis of law if both parties request it, has not proven to be a particularly effective model. Few processes have been carried out and in recent years we have noticed that the processes which are being carried out fail to resolve the conflict. Many heirs then pursue subsequent processes in the USA, where things are much easier.

A further argument for all those who say that it only about driving up the price. **Prof. Dr. Sophie Schönberger:** This is a constant criticism. During the time of the last great restitution in the year 2006, namely that of Ernst Ludwig Kirchner's "Berlin Street Scene" from the Brücke Museum in Berlin, the FAZ published an article with the dubious title "They say Holocaust but mean money". This plays into anti-Semitic cliches and reflects the difficulties that occur when artworks are restituted and then sold. When we attempt to restore the circumstances as they were previously, it means that the owner can do whatever they like with their property, since they were able to do so before. Works also often have to be sold because there are ten heirs among whom the proceeds are to be divided. That is their right.

<u>Is it even possible to design a law that applies only to the restitution of artworks?</u> Are they not simply another item of property.

"It is about emotions, recognizing the persecution, and about reparation."

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Prof. Dr. Sophie Schönberger: It poses a question of equality: Does it breach the principle of equality before the law if we renew the statutes for artworks and create new entitlements for artists but not for other goods? It is a problem that would have to be discussed, but this is not happening at the moment, things are simply being done. We could create a special regulation for works of art, because special regulations apply to them in other areas which do not apply to other goods, but it would have to be discussed beforehand.

Dr. Rupert Keim: What happens in practice is this: When works are consigned to us for auction, we search for them in the Lost Art database and the Art Loss database. The Lost Art database in Magdeburg is a civil organisation in which artworks suspected of being looted can be registered. The database was originally only intended for works in museum collections. The Art Loss database in London was founded in the early 1990s, before the Washington Congress, and was created upon the initiative of the insurance branch and the art market. This database includes looted works as well as stolen objects. Anything valued at over €1,000 is checked for in both databases. If somebody places a claim after our catalogues have been published, we can function as a kind of mediator between the two parties.

What actually happens when there is a suspicion?

Dr. Rupert Keim: I experienced my first case of this kind in 2010. Since then, we have investigated 18 paintings suspected of being looted. However, no concrete case of expropriation could be proven in any of these examples. In this case, what happens is as described earlier: The parties involved come to a civil arrangement and organise for the proceeds to be split between them according to the body of evidence. I have never experienced a 50/50 split, as the majority of the percentages paid to the representatives of the heirs were very low due to unclear evidence. In return, you receive the guarantee that no claims will be placed on this object. But when there is no proof that the family was ever in possession of the item, it poses the question of whether this procedure is ideal.

And does it?

Dr. Rupert Keim: The sellers often go along with the process in order to keep the object fungible and to receive a so-called indemnity against claims from other parties: They would then have to appeal to the party which already received money. When I have reached an arrangement and know that I am allowed to announce its existence in the catalogue, interested buyers bid without hesitation and prices rise. This also leads to situations in which, although the current owner has to relinquish part of the proceeds, they do not receive less than they would have without consent. The objects also become available for purchase by museums again. Museums are extremely careful about provenance nowadays. Thus, such arrangements often work out well for all parties involved.

Are works with dubious or uncertain provenance unsaleable?

Prof. Dr. Sophie Schönberger: Legally it is freely negotiable, but they are factually unsaleable.

Dr. Rupert Keim: Although it must be said that cases like this are not all too common. The vehemence of public discussion at the moment would suggest

that all artworks created before 1945 are highly problematic, but in my experience this only applies to a minute percentage of works. Nevertheless, we still carry out checks, and this obligation to research works has even been standardised in § 44 of the law for the protection of cultural goods. The buyer should feel as secure as possible. This is also the reason that I am currently consulting with a large German insurance firm to discuss the creation of a product designed to protect buyers in the case of subsequent claims.

But even if only a small percentage of works is affected, would it not still be a great sign from the state to say: We'll take care of it?

Prof. Dr. Sophie Schönberger: Yes, especially since it is a state injustice that should be atoned for. The art market was partially involved in this injustice, but in essence, the state was responsible. This should be accounted for today.

Dr. Rupert Keim: So far, everything has been discussed outside of parliament, but surely the societal and moral discourse on such an important issue should take place within the German Bundestag as part of the enactment of a restitution law in which the state is obliged to provide compensation.

An excellent closing statement for our conversation, thank you!

Transcription: Maresa Pradler and Sebastian Stoltz Editing: Nicola Scheifele



Prof. Dr. Sophie Schönberger speaking with Julia Ritterskamp at KARL & FABER's Düsseldorf branch.

Prof. Dr. Sophie Schönberger studied law in Berlin, Rome, and Paris. She completed her doctorate at the Humboldt University in Berlin in 2006 and graduated as a professor at the Ludwig-Maximilians University Munich in 2012. She became holder of the chair for constitutional, administrative, media, artistic, and cultural law at the University of Koblenz in 2012. Since 2018, she has been professor of public law, legal theory, and legal sociology at the Heinrich-Heine University in Düsseldorf and also heads the Institute of German and International Party Law and Party Research. Her book Was heilt Kunst? Die späte Rückgabe von NS-Raubkunst als Mittel der Vergangenheitspolitik (What Can Art Heal? – Late Restitution of Nazi Looted Art as a Means of Coming to Terms with the Past) was published by Wallstein Verlag in 2019.

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Harvard Fogg Museum Busch-Reisinger Museum Arthur M. Sackler Museum Arthur M. Sackler Museum

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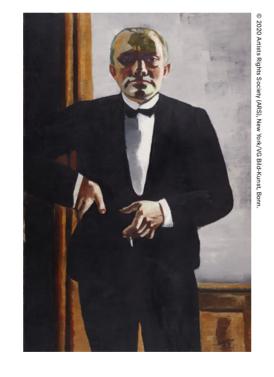


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(Source: artnet)

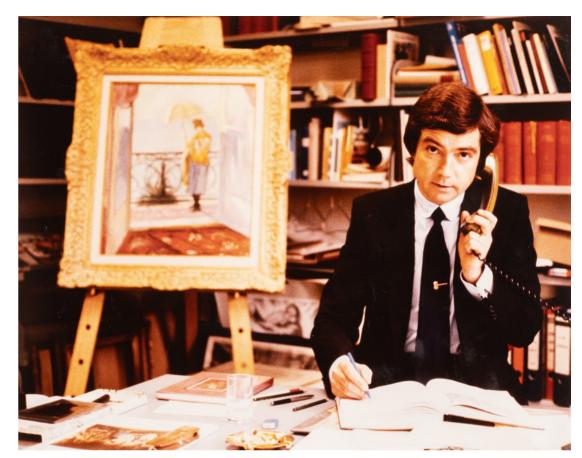
"A True Gentleman" is gone from us

KARL & FABER mourns the loss of Louis Karl

Louis Karl, former sole owner (1971 – 2003) of KARL & FABER and one of the most renowned German art auctioneers of our times, passed away in early November 2019 at the age of 77 in his home town of Munich. KARL & FABER regret the passing of this long time advisor and auctioneer. Immediately after leaving school in 1961, "the smartest of Munich's auctioneers" (Elisabeth Müller, in: *Abendzeitung*, 1985) entered the firm which his father, Dr. Georg Karl, had founded together with Curt von Faber du Faur in 1923. Following an apprenticeship at Kornfeld auctioneers in Bern, Louis Karl set to work on developing the company's Modern and Post War art department. The book department, which formed the foundation of the firm, split off in 1971 to become the auction house Hartung & Karl.

One important factor in Karl's success lay in his continued expansion into the US market, which he had begun systematically exploring in 1964. As a publicly appointed and sworn auctioneer, Louis Karl was in constant demand among both American and German courts as an appraiser for German Modern art. He experienced the high point of his career around the year 1980. The first important event was in 1979, when in auction 150 he sold a highly significant collection of works on paper by the German Romantics, which culminated in a hammer price of 110,000 Deutsch mark for an ink drawing by Philipp Otto Runge. Another sale which attracted a great deal of international attention was that of the estate of the publisher and friend of Barlach, Beckmann, and Kubin, Reinhard Piper in June 1981. The sale achieved a total result of 3.3 million Deutsch mark and set a new market record for Modern German works on paper.

However, the turbulent art market of the 1990s, growing competition and especially the early death of his beloved wife Michaela put Louis Karl under increasing pressure. In 2003 he decided to hand over the running of KARL & FABER Kunstauktionen GmbH to the Keim family under the aegis of Dr. Rupert Keim. Louis Karl remained active in the firm as a consultant and auctioneer for over 12 years before withdrawing in 2015.



Louis Karl in his office in June 1981

The many condolences received show how well respected he remains to this day: "Louis Karl was truly a wonderful gentleman and superb auctioneer and lover of Art" wrote a long time customer from Chicago. Another letter from the USA read, "We wish to convey our sincere condolences to a great man of high integrity, knowledge and support in keeping KARL & FABER one of the top most trusted auction houses." 3

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¹Excerpt from a condolence mail from B. C., New York.

²Excerpt from a condolence mail from E.-M. W., Chicago

³ Excerpt from a condolence mail from R.D.G, USA

What does an artist's path look like today?

First Academy, then art association and gallery, finally museum? Nowadays, an artist's career rarely runs as smoothly as this, but what possibilities are there instead of, or aside from, this traditional path in a city like Munich? As part of the Munich Contemporary Arts initiative *Various Others*, Dr. Rupert Keim, managing partner of KARL & FABER, invited Maximiliane Baumgartner, Anton Biebl, Maurin Dietrich, Florian Matzner and Deborah Schamoni to a podium discussion to find answers.

Excerpts from the podium discussion from 18.09.2019 at KARL & FABER

Moderator: Tobias Haberl



A view of the exhibition on occasion of the Art Prize 2019 at KARL & FABER with installations by Barbara Posch, Roman Cherezov, Justina Seiler, and Judith Adelmann (from left to right) and paintings by Bastian Meindl (upper left), Ralf Hannes (upper centre and right), and Roman Cherezov (lower center). Hanging from the ceiling: The sculpture POS (Point of Sale) by Michael Ziegler

Dr. Rupert Keim: Welcome to our podium discussion "Academy, Art Association, Gallery, Museum – What does an Artist's Path look like Today" This debate, which promises to be highly insightful, is moderated by Tobias Haberl from the "SZ Magazin", thank you! I would like to welcome Anton Biebl, cultural attaché of Munich, Maurin Dietrich, new director of the Munich Art Association, Florian Matzner, Professor of Art History at the Munich Academy of Fine Arts, the artist Maximiliane Baumgartner, and the Munich gallerist Deborah Schamoni.

Tobias Haberl: Welcome! Mr Matzner, I will start with you, as the trusted professor of many art students: Is it more difficult today than it was ten or 20 years ago to become an artist, position oneself within the market and succeed?

Florian Matzner: More art is being produced, traded, exhibited, bought and sold than ever before. However, the situation for artists leaving the Academy and beginning their careers is still harder than it has ever been, as opportunities have become more homogeneous. You rarely see an artist's path leading straight

from the Academy, via a scholarship to the first gallery, then the first Art Association, then into a museum. Today, our students pursue a broader range of options and careers. Creativity is spread more widely, and in broader categories. Now you have to be able to think and act internationally and globally.

But don't artists then have less time, and less freedom, to develop their art, if they are constantly busy positioning and marketing themselves. Are they not in danger of getting sidetracked?

Florian Matzner: I don't think so. But working environments are now larger and more diverse than they used to be. In Munich especially in the past ten to 15 years, the entire public sphere has developed into a new place for artists to work, play, and prove themselves. This has opened up entirely new spheres and strategies for artists to deal with.

Frau Baumgartner, you studied under Professor Matzner and completed your studies 12 years ago. Do you share his views? How did things work out for you?

Maximiliane Baumgartner: The pressure to advertise ones own competence has certainly increased. This pressure has also infiltrated the Academies and artistic teaching. The Bologna process has meant that art, artistic processes and practices are now subject to strict evaluation processes. Artistic work and practice should remain open in their outcomes and process-orientated. I don't know if artists had it easier in the past, but in Munich there is currently an acute and increasing existential problem for those active in the cultural sector, friends, and colleagues: Namely the shortage of living, working, and being space.

I found this quote by Wilhelm Busch: "You meet more people who paint pictures than people who are willing to pay for them." In Munich it is almost the other way around. It is rare to find anyone producing art, painting, making photographs, or organising performances. Ms Dietrich, you are from Berlin and worked as a curator there before coming to Munich. You mentioned to me before that it saddens you how little art is being produced here.

Maurin Dietrich: What I said is that Berlin has emphasised its role as a creative centre in the past and in its own narrative. For me, as someone with experience in other institutional landscapes, Munich seems to be more a place where art is received than made, because I have the feeling that many people think about the location with regard to the problem with studio space and decide upon other cities. It was interesting for me from a professional standpoint to see what was being shown here. Now that I am here, I look forward to the meetings with artists and conversations in the galleries. There will be a lot to evaluate in those dialogues.

You are still young yourself. Is it more or less difficult to enter the art market nowadays?

Maurin Dietrich: It is certainly easier than it used to be, up until around the late 1970s, when the art market was primarily white, male, and heteronormative and when art institutions and collection histories dominated the scene. The American artist Diamond Stingily is a good example of this. She dropped



Detail from Félix Klajnerman's Goldene Legende

out of her studies after just half a year because she came from a working class background and couldn't afford to take out a student loan of €30,000 every year – an extreme situation that you don't yet find in this form in Germany. She went on to produce her own radio show in Chicago and was thus able to gain a platform which suited her style of writing and artistic production and made it visible. This has become possible in a history of art and reception which is still being written from the Western centres.

So if we assume that becoming an artist is a bourgeoisie concept – would you say that it has been broken down?

Maurin Dietrich: No, that is sure to take at least another 2,000 years – or perhaps not quite so long. I find it interesting in Germany that there is barely any debate about the role of social class in relation to artistic production. I don't mean that purely from a material and economic perspective but also from the point of view of what expectations one can develop as a result of a certain level of embeddedness within a social class.

You now have the cultural attaché of Munich here – is there anything you would like to say to him?

Maurin Dietrich: Mr Biebl, how would you imagine the city as a centre of artistic production? What would be your wildest dream?

Anton Biebl: I actually wanted to mention this in conclusion, but I can imagine the creation of a kind of future congress... But more about that later. We have put together a team of cultural and creative economy experts to strengthen Munich's standing in this sector. The team carries out around 3,000 consultations every year, and that provides us with a good insight into the lives of real artists. One particular image has emerged to describe the scene here: That of a patchwork. You rarely encounter a traditional artistic biography, more often than not you find people who pursue several careers simultaneously, either in permanent employment, part time, or freelance. Very few of them manage to make a living from their artistic work alone. I see this as an important starting point for the future: "Art but fair". We make sure that the artistic projects which we promote are remunerated fairly. The sums that artists ask for in project proposals are often far too low...

Are you suggesting that artists have internalised their own exploitation? Anton Biebl: We often receive project proposals that don't include any payment at all for the artist. This is problematic and has to change. We also need to develop a different awareness of this during the education process. According to Magnus Resch's Global Art Gallery Report, artists should build a brand for themselves, become entrepreneurs and be present on the market. This is something that has to be talked about, and it is with this in mind that I developed the vision of a future congress to discuss where we want to go from here.

Frau Baumgartner, you "fled" from Munich to the Rhineland. Was this for personal reasons or because you found it difficult to live as an artist in Munich?

Maximiliane Baumgartner: For professional reasons. I was offered a position as a research and artistic associate at Cologne University's Institute of Art and Art Theory. I find Munich fascinating from a historical point of view and found the funding structures here to be very helpful and effective - for example the cultural and social department for the project "Der Fahrende Raum" (the travelling space). I developed and lead this project in collaboration with the social organisation Kultur und Spielraum e.V. over the course of many vears. There are many interesting initiatives and dialogue structures, but it is always a question of whether these things can exist for any length of time and develop sustainably. This cannot take place in the context of a project, but instead has to be discussed with a long-term perspective, things have to be given a chance to simply be, we need to be allowed to try new things, experiment, and make mistakes. This is currently almost impossible in Munich.

Ms Schamoni, what are your thoughts? Your gallery deals almost entirely with younger artists.

Deborah Schamoni: I would like to thank Mr Matzner for mentioning at the beginning of our discussion how art students nowadays are more or less forced to diversify. What do we mean by that? Does this mean that an artist should not only be able to paint, but also create sculptures and make videos, or that they should have to show themselves everywhere? Despite our broad media landscape, artists should still follow or be interested in something specific. Their

work would certainly become more interesting, the more focussed they become. Also for the gallerists who select pieces and come into contact with artists.

Anton Biebl: Can I answer that? When a young artist leaves the Munich Academy, they cannot live from their art immediately due to the cost of living, high rents and the studio situation here, which is becoming more acute. They need to pursue another creative niche, for example many students here also study to become art teachers, to give them another more steady source of income in order to finance their artistic endeavours.

I find it problematic that this is so positively connotated. Is it not terrible that artists are forced to look for one or more other sources of income?

Anton Biebl: I didn't mean it in a positive way. But artists have to start thinking very early on about what they are going to do after leaving the Academy. What project scholarships are available to them? If they are going to travel abroad, how will they finance it? Should they do the Masters programme etc. That is what I mean when I say that there is no longer an "easy" way.

Deborah Schamoni: That is true, and it is good that there are so many scholarships and possibilities. This way, artists can also be paid for institutional exhibitions.

Maurin Dietrich: I have to comment on that. I was extremely surprised that here in Munich, although gentrification is so far advanced, there is no public discourse about artists' payment. The gallery model is one form of remuneration, but as soon as there is any pressure to professionalise, there have to be other possibilities for artists, for example panels like this one. In Berlin, where rents have doubled in the last 15 years, there was a rapid development: Artists became more social, created unions, and adopted models copied from free enterprise. As soon as you become professional, you gain access to simple tables provided by the senate that show you how much you should be earning for panels, solo- or group exhibitions.

I would like to change the subject slightly at this point. Mr Metzner, you experience every day what happens to people once they leave the sheltered environment of the Academy and enter the free market. Has your students' attitude changed? Are they more anxious or more optimistic today than they were in the past? I was shocked when I saw a table of statistics for Berlin, according to which there are around 8,000 freelance artists living there and their average yearly income from their art was €8,000 for female artists, and for men – another gender-gap – between €12,000 and 13,000. You cannot live from that in Berlin, and certainly not in Munich.

Florian Matzner: Of course, almost half the alumni of the Munich academy went to Berlin, hoping that it would work out for them there. I hope that more and more people stay, that they begin to grapple with the city, change things, or even move to Munich and confront the city. This city lacks a free artistic scene and that sense of provocation and anarchy that brings artists together. Maurin Dietrich: That cannot be created artificially, it is something that has developed slowly in cities like New York.



Katharina Ranftl's futuristic wooden sculptures Moon rave

But perhaps we can create opportunities?

Maurin Dietrich: Certainly, for artists who decide to study under a certain professor. Young people who show an interest in art want to study under those artists whose works interest them. That is a significant draw. Galleries and institutions also play a role in deciding whether artists can remain in the city if they find partners there who support their work. I have had many productive conversations about this with Dr. Martin Rohmer, head of the residence program at the cultural department, especially with regard to the potential of these "production free zones". The idea was to invite people to Munich to spend time here and truly enter into dialogue with the city with no clear expectations as to what exactly should come out of it. We want the city to become a destination for international artists to explore potential living and working spaces.

I would like to change the subject slightly again at this point: In the wake of digitalisation, we have heard a lot of cries of "Kill the middle man". Ms Baumgartner, can you, as an artist, imagine a world without galleries?

Maximiliane Baumgartner: Personally, I would find it terribly boring if digital spaces were the only sphere of influence we had, so I am always pleased to see galleries in an urban context – as partners and producers or simply as sources of friction



Doppel, sculpture by Joseph Wandinger who also presented an installation on the roof of the Luitpoldblock

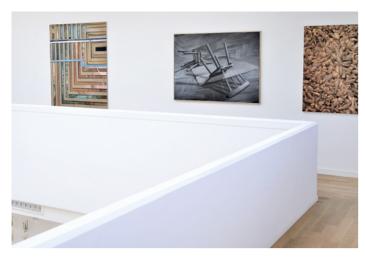
Mr Metzner, what is your opinion, do you think the expectations upon galleries have changed? People always criticise mega galleries that capitalise on and monetise everything, but at the same time they talk about a crisis among smaller and medium sized galleries. Do gallerists today need to position themselves differently with regard to artists?

Florian Matzner: Ten years ago, if I thought one of my diploma students was especially good, I could ask a gallerist to take a look at their portfolio. In my experience, that doesn't work any more nowadays.

Deborah Schamoni: It always depends upon who you are approached by, and who is being suggested or recommended. But it could be that it is actually more frequent for galleries to discover new artists themselves, and that they are always on the look out within their immediate circle, for example among artists with whom they have collaborated in the past. But gallerists do also still visit annual exhibitions and artist-run spaces.

Ms Dietrich, now that we have spoken about galleries, what do you think young Academy alumni and emerging artists have to do to market themselves in order to succeed? Should these skills be being taught at the Academy?

Maurin Dietrich: It is already happening. But Academies should also make



Untitled (Presto) by Bastian Meindl,
Painting no92 and Painting no113 by Ralf Hannes (from left to right)

sure that they create spaces for this themselves, in which perhaps not everything is immediately posted to Instagram. Spaces that do not simply function in an endless loop, which you can also go through as a curator.

Deborah Schamoni: Often the only thing you can recommend to students is that they talk to each other and keep an eye open for what they want to do – for themselves or together. This is even more interesting than a gallery, with which you can also work in parallel.

I would like to reiterate what Ms Dietrich said earlier: It should be one of the the goals of the Academy to let its students to forget that they are being prepared for a market ruled by supply and demand. Is that the case? The entire education system is becoming ever more economised...

Florian Matzner: No, I don't think that's the case. But students can develop projects independently, start their own artist-run spaces or producer galleries. However, it is difficult in a city like Munich for groups, cooperatives, or communes to find a location. There are far fewer artist-run spaces than there were five years ago. These kinds of interim uses for spaces are no longer free, no one can afford them. The free scene here is under-supplied, the city is too wealthy and too homogeneous. This is where the city officials and the state should intervene to provide platforms, but without the obligation to institutionalise them. There is a lack of free spaces in which to try new things and to be anarchic.

Mr Biebl, again: How can we make Munich a little wilder?

Anton Biebl: II admit, we do have to deal with the lack of available space, but some do exist, such as the municipal art spaces (städtische kunsträume). We have also provided spaces in the creative quarter (kreativquartier) for many years which have developed organically. We will also be investing over 90

million euros in the construction of two new halls there: Among many other things these will include a performance platform, exhibition and practice rooms as well as around 60 workspaces. Alongside that there will also be further spaces and interim usages, which we are of course very happy about, although there has been some criticism. What we saw recently at Z Common Ground was wild and uninhibited...

Oliver Schweden (Gallery owner from the audience): But that's not enough. The problem here in Munich is that the city officials are sleeping and doing nothing. My gallery used to be in a very nice, small location in the old city. I was there in the same place for 27 years until 2014 and paid €850 rent. There is currently a sushi restaurant in the same location paying €8,500. More and more is disappearing: In 2014 you could find around 90 galleries listed in the Münchener Faltblatt, now there are only 45 because it is simply impossible to find affordable locations here.

Mr Biebl, in the knowledge that you do not have superpowers and cannot solve every problem on your own, what would be your answer to this?

Anton Biebl: We recently passed a new resolution in the city council to award galleries and artist-run spaces for their dedication. In previous times, this area was often ignored, because it was commercial and not something necessarily warranting cultural subsidies. We need to take a more nuanced viewpoint in the future.

Deborah Schamoni: As a gallery, you decide to become a commercial enterprise, don't you? When I realised that I enjoyed organising exhibitions and wanted to show art, I also considered entering an institutional position. But then I decided I wanted to open a gallery. It is commercial, a game of va banque if you will, and a very difficult business. However, in my experience there are also many people in Munich who are willing to purchase "difficult" and interesting art – even installations and videos – if it is good. It is like any other business, and can also go wrong.

Transcription: Anton Staisch Editing: Dr. Anne-Cécile Foulon, Nicola Scheifele

A Universe from Nothing

KARL & FABER art prize of the art academy foundation 2019



P. 62: Paul Valentin receiving the art prize from Dr. Anne-Cécile Foulon, director of communication and development at KARL & FABER, Dr. Florian Mercker, chairman of the Art Academy Munich Foundation, Dr. Rupert Keim, managing partner of KARL & FABER, and Dr. Jana Baumann, curator of the Haus der Kunst Munich, jury member and presenter of the laudatory speech (from left to right).

Come mid-September Munich once again opened its arms to the international contemporary art scene with numerous events. As part of the art initiative Various Others, KARL & FABER presented the KARL & FABER art prize of the Art Academy Foundation Munich for the third time. Upon the recommendation of their professors, 30 students from 17 classes of the Academy submitted 42 works. The exhibition, curated by Dr. Anne-Cécile Foulon, presented an impressive and varied selection of high quality paintings, installations, drawings, videos, photographs, and sculptural works. Jana Baumann, curator of the Haus der Kunst in Munich, Reinhard Spieler, director of the

Sprengel Museum in Hannover, and Jan T. Wilms, head of the Kunsthaus Kaufbeuren crowned the animated film *Nichts* (Nothing) by Paul Valentin as the winner.

The master pupil of Professors Stephan Huber and Alexandra Bircken, Paul Valentin spent nine months developing the almost 25 minute long video using computer graphics, creating everything himself – from the animations, to the rabbit as a main character, to the design of the virtual set and lighting. "In *Nothing*, he has created a radical alternative to our Western, Capitalist consumer society, that tends to want to compensate longings and emptiness" said the jury.

Sleepy Ride to the Airport

Solo exhibition by Paul Valentin, winner of the KARL & FABER art prize



Film still from the prize winning video work "Nichts" by Paul Valentin

When he received the KARL & FABER art prize of the art academy foundation 2019, Paul Valentin not only had the prize money to look forward to, but also a solo exhibition in the auction house's premises in the heart of Munich. In his prize-winning video piece "Nichts" (Nothing), the artist presents the theory that the idea of nothing helps us to repress the fact that the world itself does not exist. In his upcoming video project, which is currently under preparation, he plans to provide an-

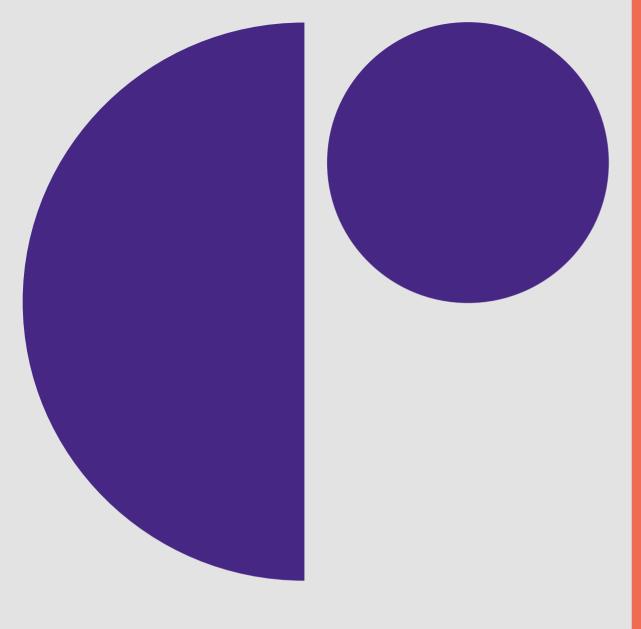
swers to the thought-provoking question that the world does not exist, referencing the ideas of the French speed theorist Paul Virilio. Valentin is also planning further works in various media to accompany this new film. He invites visitors to the exhibition to settle into the passenger seat of a nightly journey with no lesser goal than to answer the age-old question of what the world actually is. The art book that will accompany the exhibition was also sponsored by the KARL & FABER art prize.

OPENING: Saturday, 12 September 2020, 11 am

EXHIBITION: 12 – 25 September 2020, Monday to Friday 11 am – 7 pm, opening weekend of *Various Others*: 12.–13.9.2020, 11 am – 6 pm

LOCATION: KARL & FABER Munich





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Ways of Seeing

Max Scharnigg, author and editor at the Süddeutsche Zeitung writes here about his personal highlight of the upcoming Selected Works auction (Modern and Contemporary Art) on 26th June 2020. This time, he has chosen a brown chalk drawing by Pablo Picasso with a motif that the Spanish artist picked up and reiterated again and again in his late œuvre.

Alongside his qualities as an artist, we can also thank Picasso for numerous other aspects of everyday life which we enjoy today. For example, the fact that he lent an air of intellectual depth to a simple striped t-shirt. If a man wears a striped shirt today, he is only mistaken for a sailor until he begins to speak with a Southern French accent – at which point he immediately transforms into a renowned bon vivant. In his joyful œuvre, Picasso also managed to promote motifs that would otherwise have had a hard time finding their way into the world of modern art, such as female bull fighters and football players, or peculiar everyday scenes. One of his late etchings is entitled: "Man in leather slippers threatening a naked woman with a knife in front of two spectators". As if drawn straight from life! The present work clearly illustrates the debt owed to him by flute players the world over. There is probably no other artist on earth who has brought so many flute players into museums as Picasso, and the same can be said of watermelons. Melons for millions (of euros). The fact that this work combines several of his favourite motifs makes it a true gem.

From our Auction Selected Works (Modern & Contemporary Art) on 26 June 2020

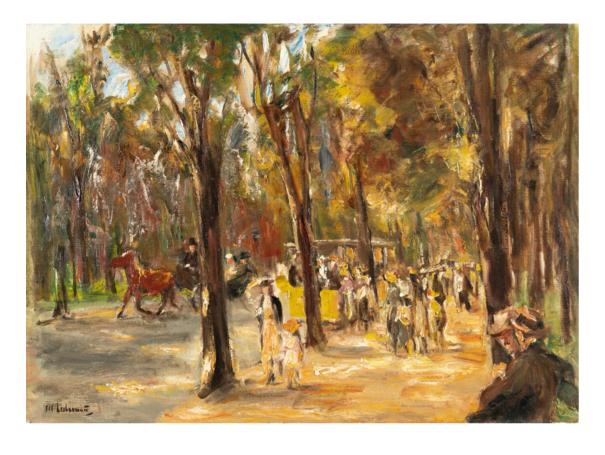


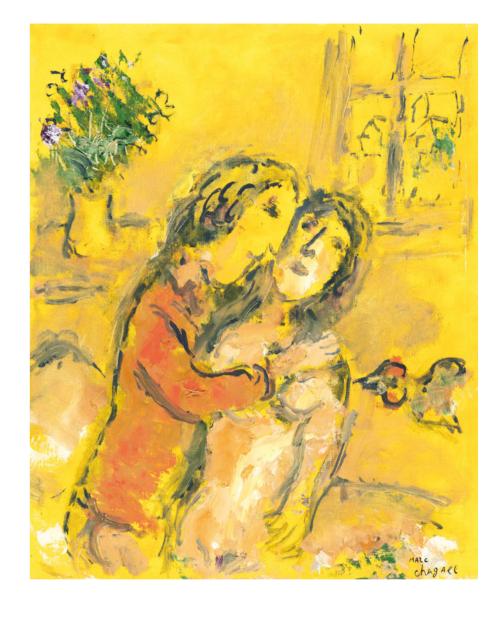
PABLO PICASSO

Homme à l'agneau, mangeur de pastèque et flûtiste, 1967 Brown chalk on wove paper, c. 48 × 63 cm Zervos XXVII, 436; The Picasso Project 67-042

Estimate: € 250.000/350.000

Ways of Seeing - Max Scharnigg





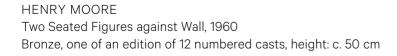
MAX LIEBERMANN Avenue in Tiergarten with Walkers, a Hackney Cab, and a Tram, 1925 – 27 Oil on canvas, c. 51.5×71.5 cm

Estimate: € 250,000/350,000

MARC CHAGALL Intérieur jaune, 1978 – 80 Oil on canvas-backed card, c. 41 × 33 cm

Estimate: € 280,000/350,000





Estimate: € 120,000/150,000



ALBERTO GIACOMETTI James Lord, (1954)/1960 Pencil on sturdy laid paper by Lana, c. 44.5 × 31.5 cm

Estimate: € 65,000/85,000

Preview 2020

Modern Art

A rush of colours

The broad spectrum of Katharina Grosse

By Caroline Klapp

What makes Katharina Grosse one of the most exciting artists of our times? Perhaps it is the radical and consistent way in which she breaks boundaries: The traditional distinction between painting, sculpture and architecture is of minor importance to her, as is the division between interior and exterior space, and if clichés still exist with regard to "male" and "female" art, Katharina Grosse leads them into the realm of absurdity. With gigantic colour installations, she creates walk-in pictorial worlds. Her astounding, pulsating colour energies fascinate visitors throughout the world.

At the latest since her legendary project for the MoMA PS1's Rockaway! Series in 2016, the Berlin artist has no longer just been an insider tip in the USA: In Fort Tilden on the New York coast, she used vibrant red and magenta spray paint to transform a dilapidated water sports centre into a shimmering mirage by the sea. One year prior to this at the Venice biennale, she was able to redesign the Arsenale room as a sculptural environment under the name "Untitled Trumpet". With the help of swathes of fabric, the existing surface of the historic walls, mountains of rubble and sculptural forms cut from styrofoam, Grosse developed a guivering polychrome colour space. The diverse materials used for this project highlight a central aspect of Katharina Grosse's work: An image can appear

anywhere, even on stony ground. It helps in this process that she already abandoned paint brushes in the 1980s in favour of airbrushes (compression driven spray guns). For the installation at the Biennale in 2015, the artist created several polymorphic sculptures out of styrofoam, which were then cast in aluminium and blended into the surreal colour landscape of the Arsenale like extraterrestrial objects. We are especially pleased to be able to present one of these lively, colourful sculptures in our spring auction on 26th June. Alongside the galleries of Barbara Gross in Munich and Johann König in Berlin, Katharina Grosse has also been represented by Larry Gagosian in New York since 2017. In April 2020, the Hamburger Bahnhof in Berlin will be showing an installation of hers in their historic hall which, according to the museum's announcement, "will radically destabilise and renegotiate the established order of the museum space".

Caroline Klapp M.A has been an expert for contemporary art at KARL & FABER since early 2017. Before this, she spent six years as director of the Karl Pfefferle Gallery in Munich. She regularly contributes articles on current topics in contemporary art for FRESKO, the art and cultural magazine of the Münchener Merkur.

Contemporary Art



KATHARINA GROSSE
Untitled, 2015
Acrylic on cast aluminium
One of an edition of four (+ 1 AP) with unique polychromy
c. 43 × 110.5 × 110 cm

Estimate: € 20,000/35,000





ADOLPH VON MENZEL Coffee outdoors, 1852 Watercolour and gouache on brown paper, 25 × 36 cm

Estimate: € 150,000/200,000

REMBRANDT HARMENSZ. VAN RIJN Portrait of the Preacher Cornelis Claesz. Anslo, 1641 Drypoint etching on laid paper, 18.8 × 16 cm

Estimate: € 50,000/60,000

Ancient myth as an allegory of princely virtue

Johann Heinrich Tischbein's "Theseus and Ariadne"

By Peter Prange

The story of the cunning Ariadne, who gave her lover Theseus the thread that allowed him to enter the palace of Minos, slay the Minotaur, and escape the winding labyrinth unscathed, is familiar to us all. In the ancient tradition, the story takes similarly labyrinthine turns, as recorded by Plutarch: One of King Minos' sons was murdered in Attica, whereupon Minos began a war against the region and only promised peace under the condition that every nine years, seven youths and virgins from Attica should be sent to Crete. It is unclear whether they were killed by the Minotaur, but when Theseus, the legendary ruler of Athens, volunteered for the task, he promised to put an end to this injustice. Upon his arrival in Crete, Minos' daughter Ariadne fell in love with Theseus and later helped him with her clever plan.

But as is so often the case in ancient myths, their love story had a tragic end: Theseus left Ariadne behind on the island, and this inspired many artists – including Johann Heinrich Tischbein the Elder – to paint tearful farewell scenes. However, the present work contains no foreshadowing of this upcoming tragedy. The two are shown together on a terrace between two mighty columns. Ariadne leans forward in her chair and hands Theseus the bundle of yarn in order to explain her ruse, whilst Theseus is shown standing as he tells of his plan, indicating with a humble gesture to-

wards the palace of the King where the Minotaur awaits him. Tischbein, who was born into a large family of artists based in Hanau and is also known as the "Tischbein of Kassel", depicts his protagonists in stage-like surroundings, close up and compact in half-length against a magnificent backdrop of a curtain and columns. Engrossed in their conversation, the restrained emotions of the figures already portend to the upcoming rise of Neoclassicism, however the spectacular colour palette of contrasting red, blue, and green tones still places the painting firmly within the midst of the 18th century. The balance of imposing elements - such as the mighty columns which, still in the spirit of the Baroque, embody the princely virtues of Constantia and Fortitudo - with an intimate closeness is a product of the budding Enlightenment. This small, intimate antique narrative scene embodies the regal attributes that every Enlightened ruler aimed to represent: Strength and stability, benevolence and intelligence, but also foresight and cunning.

Dr. Peter Prange has been responsible for the 19th century art department at KARL & FABER since 2016 and has headed the art historical art historical cataloguing and provenance research since 2019. He specialises in art from the times of Goethe and the Romantic era.



JOHANN HEINRICH TISCHBEIN the ELDER Theseus and Ariadne, 1779 Oil on canvas, 70×61 cm, in the original carved frame

Estimate: € 20,000/25,000

Mediators

100 years of Gerhard Hoehme

"I see my art as an investigation [...]", this was how Gerhard Hoehme described the first decades of his artistic career in 1974. Alongside the reoccurring motif of colourful plastic ties, his works from this time also utilise a variety of other industrial materials. They create startling contrasts and underline the experimental character of his œuvre. The sales exhibition "Mediators" will focus on his sculptural works from the late 1960s. On the occasion of his 100th birthday, the exhibition in our

Düsseldorf branch will be dedicated to the varied œuvre of this artist who passed away in 1989. Gerhard Hoehme participated in the documenta II and worked as a professor at the Düsseldorf academy from 1960 to 1984. The exhibition project was organised in cooperation with Schloss Reuschenberg in Neuss and Villa Goecke in Krefeld. In parallel to the Düsseldorf exhibition, these locations will also be showing a comprehensive selection of Gerhard Hoehme's works.



Gerhard Hoehme, Untitled (from the series "Mediator"), circa 1969, polyester heads, each circa 29 × 15 × 19 cm, private collection, © VG Bild-Kunst, Bonn 2020

OPENING: Thursday, 27 August 2020, 6 pm LOCATION: KARL & FABER Dusseldorf SALES EXHIBITION: 28 August - 25 September 2020 FURTHER EXHIBITIONS: Sonnenstand – Judith Maria Kleintjes, 11.3. – 4.4.2020, powered by LT FINE ART ADVICE. You will find the opening times on our website

Artists and their forgeries – a special relationship

A lecture by Hubertus Butin

It is not only collectors, dealers, experts, and museums who are increasingly being confronted with forgeries, but also the artists themselves whose works are being fraudulently copied. How do they deal with this issue? Most try to defend themselves against forgers, but some accept the forgeries in retrospect or reflect on the fraud in an artistic way. Some artists are even active as forgers themselves, both of their own works and those of others. Occasionally they even allow themselves a playful joke at the expense of the art market. In his art historical lecture, the forgery specialist Hubertus Butin from Berlin reflects upon the diverse and often surreal forms in which artists come to terms with their own forgeries.

Hubertus Butin worked as an art historian in the studio of Gerhard Richter in Cologne throughout the 1990s. Starting in 1991 he began publishing numerous books and articles on contemporary art and artistic theory. He has also worked as a guest curator for numerous international museums, most recently for the Kunstforum in Vienna and the Kunsthaus Zurich. He is also active as an appraiser for collectors, art dealers, auction houses, and investigating authorities worldwide. Hubertus Butin lives and works in Berlin. His latest book Kunstfälschung. Das betrügliche Objekt der Begierde will be published on 9th March 2020.



Hubertus Butin is looking forward to the publication of his latest book.

In Cooperation with





LECTURE: Saturday, 09.05.2020, 7 pm FREE ENTRY: Limited number of participants, first come first served LOCATION: KARL & FABER Munich IN COOPERATION WITH: Stiftung Literaturhaus and Suhrkamp Verlag literaturhaus-muenchen.de / suhrkamp.de

The "Private Deal" – Helpful Service or "Shady Business"?

By Rupert Keim

On the art market, a "private deal" is understood as a sale that takes place away from the public eye – in contrast to an auction. In the press, private deals are often characterised as being shady, because it is assumed that the seller has something to hide, and they are frequently associated

with illegal dealings such as tax evasion etc. The reality is usually very different. Private deals are especially useful in cases where a traditional auction scenario would not provide enough time to facilitate a sale. This is particularly relevant if the potential buyer is a museum, as they often take longer to finance the purchase of new works. This is usually either because they have to access the often very meagre public funds or because they need more time to acquire ad-

ditional sponsors. In recent years, KARL & FABER have sold numerous works to museums, including the Metropolitan Museum of Art (New York), the Hamburger Kunsthalle, the Pinakothek der Moderne (Munich), the Städtische Galerie im Lenbachhaus (Munich), and the Italian Ministry of Culture for the art collection of Arezzo. In such

cases the seller often has to be patient. Discretion also plays an important role. Not everyone wants to announce the sale of a work from their collection, and the influx of liquidity from such a sale also does not have to become public knowledge. This is especially relevant for well-known art col-

lectors or works. Some artworks are also so rare that it is impossible to find enough comparable pieces to set an appropriate price for an auction. In such cases, a private deal can be the better way. There are also scenarios in which a sale has to happen quickly, and the seller would prefer not to wait until the auction date.

Although, like an auction, a private deal is also subject to commission, the direct aquisition of an artwork can be

arranged in certain exceptional circumstances. At KARL & FABER, our focus is on auctions, but we do provide interested clients with important works the opportunity to arrange a private deal. If you would like to find out more about this service, feel free to write to us or send us an email under management@karlundfaber.de.



Practical Tips

Subscribe to our newsletter at karlandfaber.com

Caring for works on paper

By Heike Birkenmaier



Works on paper belong to the delicate items in a collection. In order to avoid damaging them and to prolong the life of these sensitive works, there are a number of important conservation principles which should be observed. These not only apply to the handling of the works, but also to their display and storage. In the following article you will find a number of practical recommendations which have stood the test of time.

Handling

As a rule, works on paper should be touched and moved as little as possible. When handling paper, it is advisable to use both hands and to wear white cotton gloves. A stable mount will protect the work during handling. During transport, unframed works should be placed between two pieces of sturdy cardboard. Shipping the works rolled up in tubes can damage them.

Storage

When works on paper are not being displayed, it is best to store them lying down or, if necessary, standing up in dust-proof folders, cases, or storage containers made from archival non-ageing materials. In order to avoid damage caused by pressure, it is best not to store too many sheets on top of one another. Placing a layer of thin, non-ageing paper or a mat between the works reduces the danger of pigment transfer (set-off).

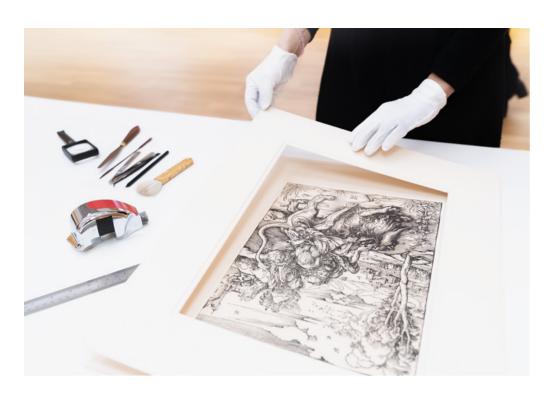
Mounting and framing

When storing and displaying valuable works on paper for a longer period of time, it is best to choose mat cards which adhere to the DIN-ISO 9706 standard. This standard defines the requirements placed on non-ageing paper, including its pH value and alkaline reserve. So-called museum boards made from 100% cotton cellulose with an alkaline buffer substance of at least 2% and a cold water extract with a pH value between 7.5-10 fulfil this standard. Groundwood and semi-chemical pulp are fibrous raw materials and thus unsuitable for this purpose. They are recognisable by the development of yellowed edges after a very short time. It goes without saying that the back panel of the mat should be of the same high quality material as the mat itself, as it is in constant contact with the entire back of the work and thus has the largest surface contact. When archiving photographs, it is important to remember that the photographic paper should not come into contact with the buffered packaging material or mat. Non-buffered paper and card exists for this purpose which still meets the same standards as non-ageing paper. There are also norms in place for this.

Synthetic glues, self-adhesive tapes, gummed brown paper tapes and materials intended for heat sealing should never be used for mounting, as the glue can leach out and cause lasting damage to the paper. The most usual mounting method is to use of strips of bookbinding tape made from non-ageing paper to glue the work to the mat along the upper edge or along one side of the piece using wheat or rice starch adhesive or methyl-cellulose. These strips can be removed without leaving any residue. One can also use special strips of non-ageing alpha-cellulose or Japon with a wet adhesive layer of pure protein glue and methyl-cellulose without further additives, which becomes activated upon contact with moisture. These are available in specialist stores under the brand names Repatex G5 or G30. Works on paper should never be stretched or glued on all sides to the back of the mat. Each work requires a certain amount of room to move in order to react to

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Caring for works on paper Practical Tips



changes in air humidity. Pastel and charcoal drawings should never be framed under acrylic glass, as the acrylic can become electrostatically charged and attract pigment particles from the work. When framing, one should always ensure that there is a gap between the work and the glazing through the use of a mat or place holders.

Extremely corrosive woods such as oak, birch, or chestnut should never be used in frames. Wood contains carboxylic acids such as acetic and formic acid, as well as organic compounds such as methanol, formaldehyde and methyl-acetate which are emitted upon contact with humidity and can damage works of art. It is better to use untreated woods such as pine and spruce, or American and African woods such as mahogany, Douglas fir, and elm. When hanging your works, it is important to ensure that air is able to circulate behind the frames. Otherwise this closed space can generate a microclimate that is difficult to control. You should always ensure that there is a large enough gap between the wall and the artwork. This can be achieved through the use of spacers attached to the back of the frame. Cold or damp outward facing walls are generally unsuitable for displaying works of art.

Indoor climate

Like all organic materials, paper contains a certain amount of water. If water is removed from these materials (when relative air humidity is low), they shrink, causing them to warp or even tear. Too much humid-

ity rarely causes mechanical damage, but can lead to the growth of bacteria and mould. The ideal constant humidity level for paper lies between 45 and 55%, although values between 40 and 60% at a room temperature of 20° are still tolerable. It is recommended to keep track of room temperature and humidity levels with the help of a thermo-hydrograph and react to changes in these values accordingly by using humidifiers or de-humidifiers as needed. Small changes throughout the course of the year are less damaging than dramatic changes over the course of the day. Rooms exposed to drastic changes in temperature and humidity, such as non-insulated attics and cellars, are unsuitable places for storing works of art.

Lighting

Lighting plays a highly important role in the aesthetic presentation of art works, but it is also responsible for a lot of damage. Who among us has not seen a faded watercolour, or a print yellowed within its mat? It is best to display light-sensitive works on paper in windowless areas such as corridors and staircases or on north and east facing walls. When choosing lighting fixtures, it is important to pick a lamp that does not emit infrared or UV radiation, or at least to use filters that cancel out these rays. In order to avoid or limit light damage, you can also use framing glass with integrated UV protection to filter out the majority of UV rays.

The light level to which works on paper are exposed to in museum exhibitions is usually limited to 50 lux (measured directly against the object). However, even minimal amounts of light can cause damage to paper and pigments – it just takes longer. Light damage is cumulative, which is why it is important not to display the same objects permanently, but instead to change them around.

Heike Birkenmaier M.A. studied art history at LMU in Munich and restoration/conservation of artworks on paper in Camberwell College of Arts in London. Her previous workplaces include the restoration department at the Bavarian state archives and the Bavarian National Museum in Munich. She was also head of print restoration at the Germanisches Nationalmuseum in Nuremberg. She has been head of the Old Masters department at KARL & FABER since 2009, as well as head of the 19th Century art department since 2019. Her specialisations include old master prints, especially those of Dürer and Rembrandt, as well as Dutch painting of the Golden Age.

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