

À JOUR 02/2023 ART AND RESPONSIBILITY

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LEMPERTZ

1845

**MASTER OF THE HOLY BLOOD
(MAÎTRE DU SAINT-SANG)**

ACTIVE IN BRUGES, CIRCA 1520
ALTARPIECE DEPICTING THE VIRGIN AND CHILD IN THE CENTRE
(DETAIL), SAINT ELISABETH OF HUNGARY ON THE LEFT WING
AND A DONOR ON THE RIGHT, WITH THE ANNUNCIATION ON THE
OUTER PANELS

OIL ON PANEL, 73 x 106 CM

ESTIMATE: € 400,000 – 450,000



A POWERFUL BOXWOOD NETSUKE OF
SHOKI FURIOUSLY TRYING TO TIE UP AN
ONI IN HIS SACK

LATE 18TH/EARLY 19TH CENTURY, H 5 CM,
PROV. OLD GERMAN PRIVATE COLLECTION

ESTIMATE: € 6,000 – 8,000

Gallery #1

ROBERT MAPPLETHORPE (1946 – 1989) made a name for himself in America in the 1970s and 1980s with his controversial and provocative work in the fields of nude photography, portraits and still life. His photographs are characterised by precise compositions, sharp contrasts and often taboo-breaking motifs. Not only did his work significantly influence the photography scene of his time; it also raises important questions about art, freedom of expression and social tolerance, especially in the context of his nude photographs and the depiction of sexuality.

The supine nude of the young man *Ajitto* demonstrates *MAPPLETHORPE'S* mastery of minimal lighting, tonality and framing. The male body is depicted here in its beauty and an almost humble fragility.

ROBERT MAPPLETHORPE

AJITTO, 1981
GELATIN SILVER PRINT
45.4 x 35.4 CM (50.3 x 40.3 CM)
FROM AN EDITION OF 15
ESTIMATE: € 10,000 – 15,000

AUCTION 1232
PHOTOGRAPHY
— FR 01.12.23



PIERRE SOULAGES

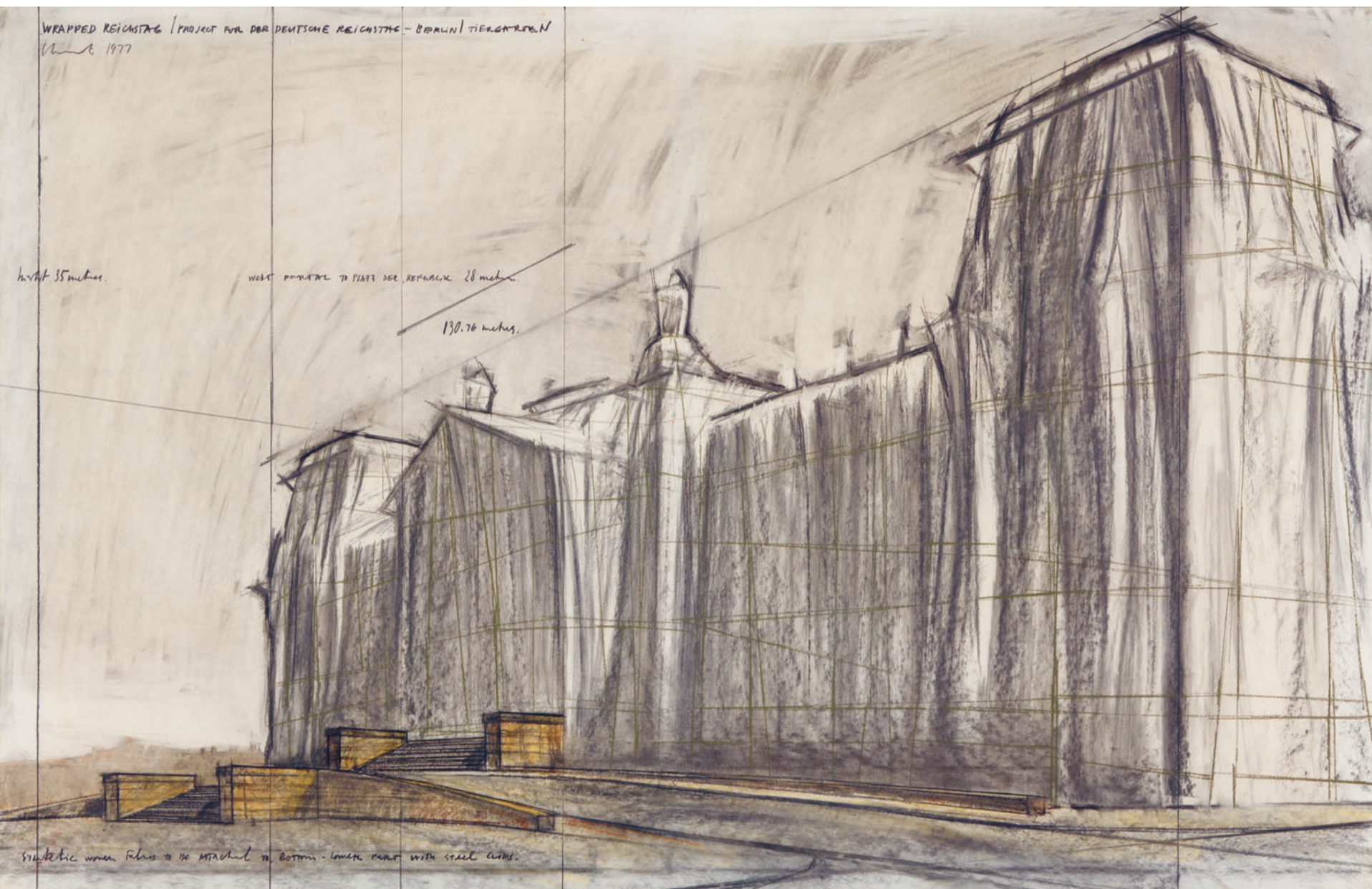


UNTITLED, 1961
INDIAN INK ON CARDBOARD
ON CANVAS, 87 x 66 CM
ESTIMATE: € 160,000 – 180,000



AN 18K GOLD DIAMOND RING WITH A 10.34 CT
EMERALD-CUT DIAMOND SOLITAIRE
ESTIMATE: € 90,000 – 120,000

Gallery #2



CHRISTO

WRAPPED REICHSTAG, 1977
CRAYON AND CHARCOAL DRAWING
ON CARD, 106.5 x 165 CM
ESTIMATE: € 100,000 - 150,000

AN OPULENT PARISIAN PARCEL GILT TRAVEL
NECESSAIRE, SILVER, PARTLY GILDED
BOX H 12, W 23, D 15 CM
PARIS, MARTIN GUILLEAUME BIENNAIS, CIRCA 1800

ESTIMATE: € 25,000 - 30,000

AUCTION 1230
DECORATIVE ARTS
— FR 17/11/23

P. 4-5



The name *MARTIN GUILLEAUME BIENNAIS* is above all linked to his position as imperial court goldsmith for Napoleon I. His high-quality Empire designs were appreciated not only in Paris but found their way to almost all the courts in Europe.

Less known are his elaborate cabinet pieces, some of them with sophisticated mechanical functions, which Biennais presented in his sale rooms in the Rue St. Honoré 119 in Maison 'Le Singe violet'. He also often called on Parisian goldsmiths for the receptacles of his elaborate nécessaire.



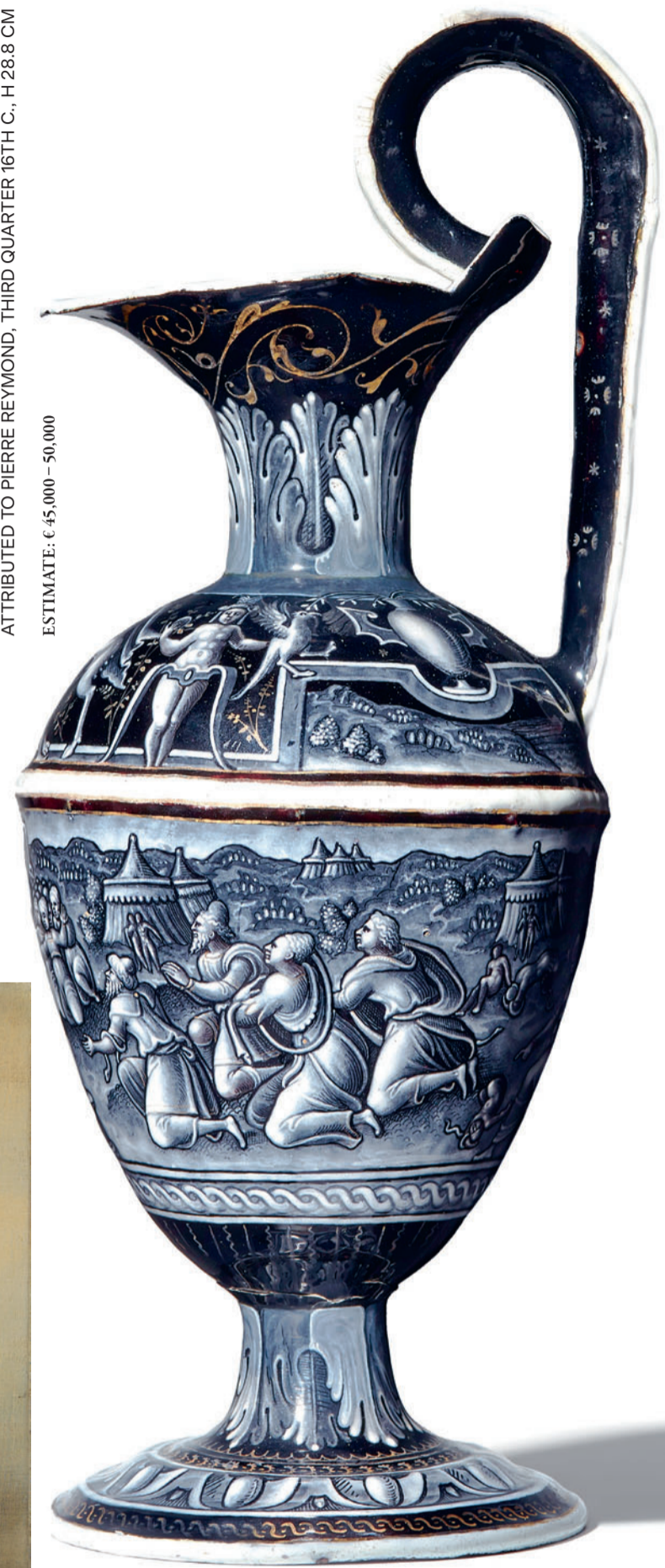
YVES TANGUY

SANS TITRE, 1929
OIL ON CANVAS, 50 x 65 CM

ESTIMATE: € 300,000 – 400,000

A LIMOGES GRISAILLE PAINTED ENAMEL EWER DEPICTING MOSES
AND THE BRONZE SERPENT
ATTRIBUTED TO PIERRE REYMOND, THIRD QUARTER 16TH C., H 28.8 CM

ESTIMATE: € 45,000 – 50,000



'Sans titre' is from *YVES TANGUY'S* best creative period and displays his fully formed Surrealist style.

Inspired by Giorgio de Chirico, *TANGUY* first began painting autodidactically around 1923, with his artistic beginnings in figurative-metaphysical representations. The fundamental turning point towards Surrealism occurred with his acquaintance with André Breton in 1926. *TANGUY* turned away from figuration and discovered his typical painting style in which he applied the colours in a glazed manner to a fine canvas without preliminary drawing. In 1927, Galerie Surréaliste organised his first solo exhibition, and his mystical landscapes became a major source of inspiration for Salvador Dalí.

AUCTION 1233
MODERN AND CONTEMPORARY ART
EVENING SALE — FR 01.12.23

AN ART CRITIC
OIL ON CANVAS, 67 x 55 CM
SCHÄTZPREIS: € 200,000 - 250,000

Even *WILHELM LEIBL*, the most important painter of German Realism, initially had to pass examinations. As a student of the Munich Art Academy, the Cologne-born artist presented himself to the respected history painter Carl Theodor Piloty – with success. For the works of the then only 24-year-old young man convinced the critical professor. *LEIBL* captured this moment, the examining gaze of the critic deciding the fate of the young artist, in the picture 'Ein Kunstkritiker' (An Art Critic) in 1868. It marked *LEIBL'S* breakthrough as a genre painter.

AUCTION 1231
OLD MASTERS AND 19TH CENTURY
—SA 18.11.23

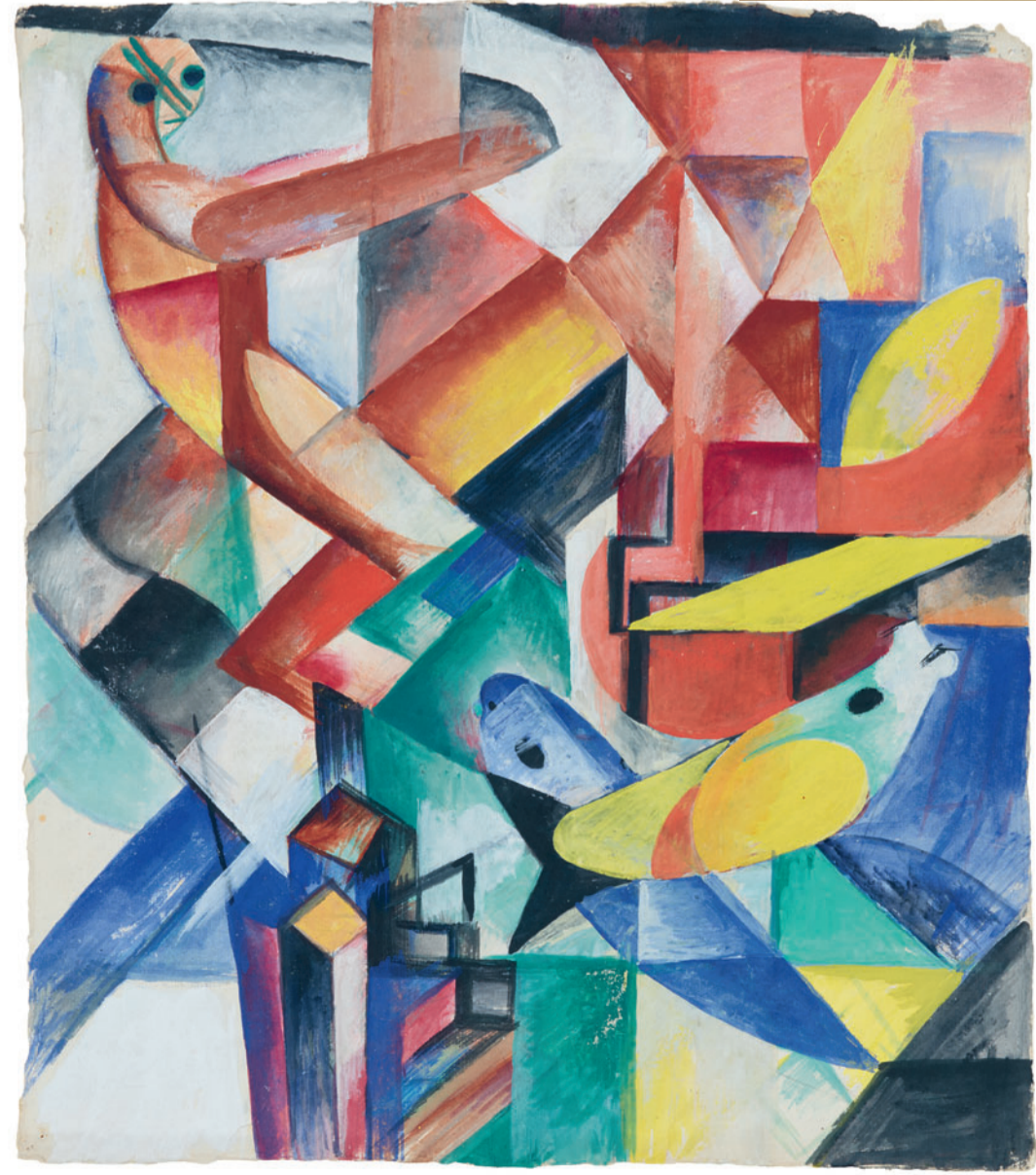


WILHELM LEIBL

HEINRICH CAMPENDONK

KIND MIT FISCHEN, UM 1913
GOUACHE AND WATERCOLOUR OVER PENCIL
ON STRONG WATERCOLOUR HANDMADE PAPER,
45.5 x 40 CM

ESTIMATE: € 200,000 - 220,000

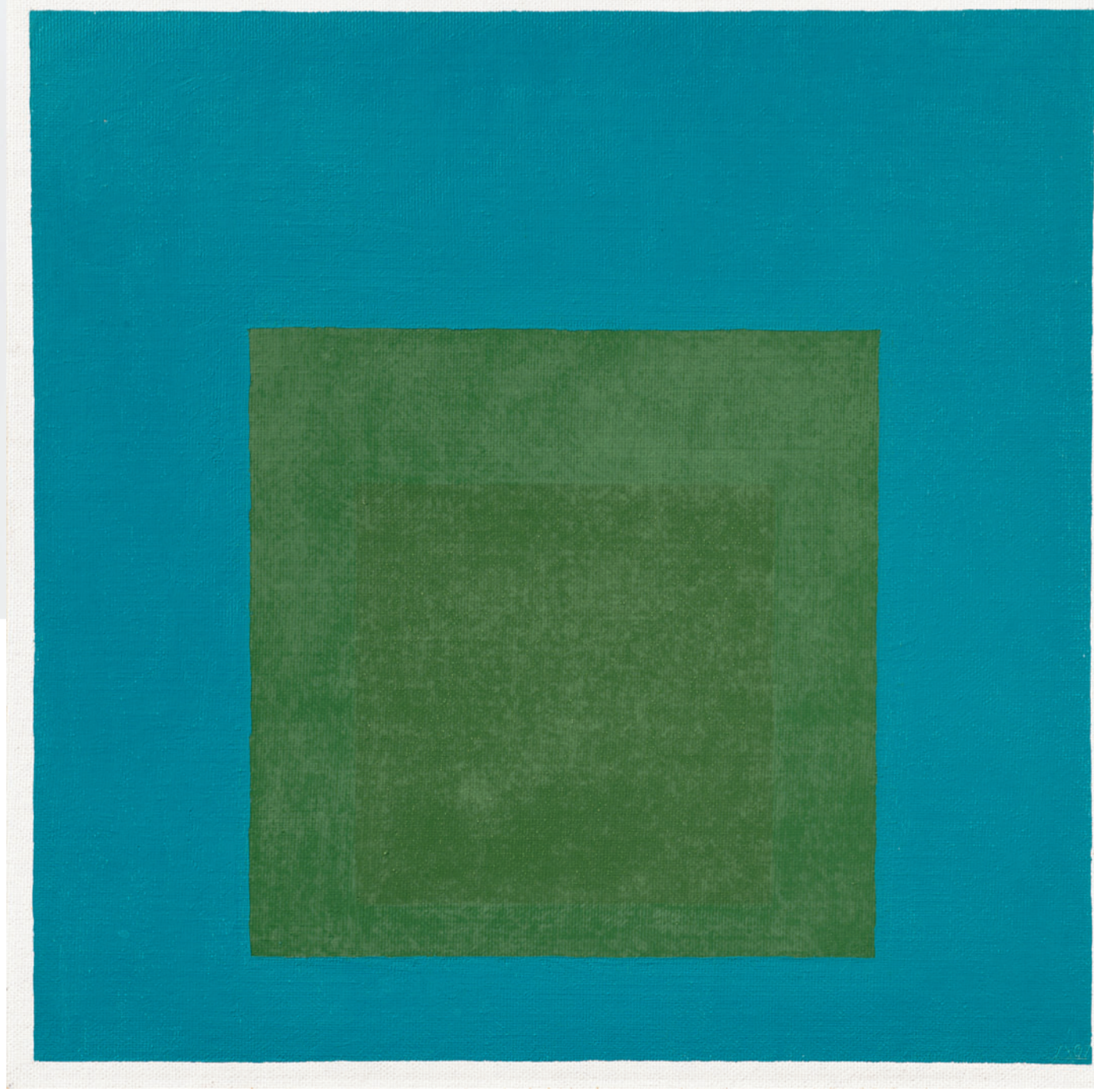




GÜNTHER UECKER

FELD, 1993
NAILS AND PAINT ON
CANVAS ON WOOD,
55 x 45 x 14.5 CM

ESTIMATE: € 150,000 – 200,000



JOSEF ALBERS

STUDY FOR HOMAGE TO
THE SQUARE, 1967
OIL ON MASONITE, 60.7 x 60.7 CM

ESTIMATE: € 250,000 – 350,000

Over a period of 26 years, *JOSEF ALBERS* dedicated himself to his most famous series of works “Homage to the square”. These works are each a bow to colour and its individual, subjective perception.

The artist’s affinity for mathematics underlies the series of works. Around 1950, he developed the compositional scheme; in the final pictorial solution, the squares are shifted downwards, resulting in an optical compression and the impression of gravity seemingly acting on the squares. He places extraordinary value on the craft process and the resulting expressiveness of the paint surface.

Gallery #3

What is “just and fair”? Prof Dr Rainer Jacobs on dealing with Nazi looted art

For over 40 years, Professor Dr Rainer Jacobs has worked as a lawyer for trademark, design and copyright law as well as competition and advertising law, and expropriation law. Distinguished by ‘Best Lawyer’ multiple times, he has published on the subjects of art law, restitution law, copyright and art forgery, additionally property and compensation law. He talks to Isabel Apiarius-Hanstein about looted art, property law and the current handling of the Washington Principles.

I.A.H. When is it looted art?

R.J. Nazi-looted art refers to artworks that were forcibly taken from persecutees of the Nazi regime during the period from January 30th 1933 to May 8th 1945. This includes artworks that owners had to sell or sold during this time as it is presumed that they would not have sold them without persecution.

Immediately after the end of the war, the Central Collecting Points established by the Western Allied powers returned looted art to owners. Subsequently, there was restitution and financial compensation based on the restitution rights of the Allies and later based on the Federal Restitution Act. The deadlines provided in these regulations for filing claims have long expired. The issue resurfaced in public attention through the Washington Conference in December 1998. The ‘Washington Principles’ were established for the first time, outlining international principles regarding artworks confiscated by the Nazis (‘Nazi-Confiscated Art’). This declaration aims to identify affected artworks, research their provenance, locate the pre-war owners or their heirs, and reach a “just and fair” solution with them.

I.A.H. To whom do the Washington Principles apply?

R.J. These are exclusively non-binding recommendations.

The principles of the ‘Washington Declaration’ were implemented in the Federal Republic of Germany by the ‘Joint Declaration of the Federal Government, states and leading municipal associations’ of 1999 and were made binding for public museums, libraries, and archives. All public cultural institutions are obliged to comb their holdings and establish if they contain Nazi looted art. This has led to the return of looted art to the heirs or the former owners and to “just and fair solutions” with them.

The ‘Washington Declaration’, conversely, does not bind private individuals and private collectors. This would have been contradictory for the ownership of Nazi looted art legally acquired since. The obligation of private collectors to return such works of art to their former owners or their heirs would mean expropriation, which, according to the Basic Law, is only permissible against compensation. This compensation would then have to be state borne.

I.A.H. Is it possible to legally acquire ownership of such looted art?

R.J. Under German law, a person who has possessed an artwork for at least 10 years and acquired it in good faith—meaning they did not know and could not have known that it was Nazi-looted art—acquires ownership through a process known as ‘acquisitive prescription’ or ‘Ersitzung’ (acquisitive prescription). This is based on the consideration that ownership and possession should not be permanently separate. Additionally, the claim for restitution based on ownership expires after 30 years, so it is already long past its limitation period. The answer to the question is clearly yes: one can acquire legal ownership of such looted art. The situation is different under US law. According to US law, Nazi-looted art is generally considered ‘stolen’, and nobody can acquire ownership it. However, American law does allow for the expiration of restitution claims in specific cases.

I.A.H. If a private collector suspects they may own looted art, how should they proceed?

R.J. They should ask the Lost Art Register in Magdeburg whether the work of art is registered as missing. If not, the suspicion is usually resolved. However, the information does not provide absolute certainty that it is not looted. Due to an entry in the Lost Art Register only being made on application. If no one makes an application, a work of art is not listed. In such cases, if there are still doubts, consultation with an expert follows, such as an art historian specialising in provenance research or an art dealer.

I.A.H. What is the Lost Art Register and what effect does an entry in the register have?

R.J. The Lost Art Register was launched in April 2001 shortly after the adoption of the ‘Joint Declaration’ to implement the ‘Washington Declaration.’ A plausibility check takes place when applying for an entry, although the current owners of the affected artworks are not informed. I see this as a fundamental flaw of this database. Since it, as a private foundation, performs a public task, it should grant the affected parties an opportunity to be heard before. The entry has devastating effects on the potential sale of the artwork. Once the artwork is registered, it becomes practically unsellable. This deeply encroaches upon property rights. The Federal Court of Justice recently ruled that entry in the Lost Art Database does not constitute an impairment of property rights. However, I consider this highly doubtful, even unrealistic.

I.A.H. How can such a registration be deleted?

R.J. In the mentioned verdict, the Federal Court of Justice advised the plaintiff, also a private collector, to sue the foundation in Magdeburg for deletion. In my legal opinion, the registration must be deleted if the applicant cannot prove that it is Nazi-looted property. There is no legal basis for presuming that all art sales between January 30th 1933 and May 8th 1945, were ‘persecution-related’, as invoked by the Federal Court of Justice, at least not in relation to private collectors.

I.A.H. Wouldn’t the state also be liable if works of art were acquired in good faith after the war?

R.J. This question is likely aimed at whether the state is generally liable to heirs of the previous owners if the current owners acquired the artwork in good faith and thus have legal ownership. Such a liability of the state could be implied, as according to the case law of the Federal Constitutional Court, the Federal Republic of Germany is identical with the German Reich, thus identical with the perpetrator. Nevertheless, there is no statutory provision establishing such liability.

I.A.H. How do you think these regulations should be changed in the future?

R.J. Insofar as the Federal Republic of Germany has subjected public cultural institutions to the Washington Principles, it is primarily up to provenance research and the provision of corresponding research funds to return as many works identified as looted art as possible to the heirs of the previous owners or to reach a ‘just and fair’ solution with them. Compensation claims resulting from expropriation do not arise in these cases because the federal government, states, and municipalities are not holders of fundamental rights and cannot claim property protection for themselves. The situation is much more difficult for Nazi-looted art owned by private individuals, as property protection in favour of current owners comes into play, and deprivation would only be permissible with compensation. For such cases, I can envision a state-funded fund that can help find solutions that are in line with the interests and appropriate.



HERMANN MAX PECHSTEIN

SELBSTBILDNIS, LIEGEND, 1909 / 1910
OIL ON CANVAS, 73.5 × 98.5 CM

ESTIMATE: € 1,500,000 – 2,000,000

ISAACK VAN OSTADE (1621 – 1649)

WINTER IN HOLLAND
OIL ON CANVAS, 101.5 x 148 CM

ESTIMATE: € 340,000 – 400,000



EMIL NOLDE

NACHMITTAGSWOLKEN, FRIESLAND, 1940
OIL ON CANVAS, 86.2 x 100.2 CM

ESTIMATE: € 1,000,000 – 1,200,000

AUCTION 1233
MODERN AND CONTEMPORARY ART
EVENING SALE – FR 01.12.23

Contrasting and expressive blue, green and yellow tones and a pastose application of paint turn the North German landscape 'Nachmittagswolken, Friesland' (Afternoon Clouds, Friesland) by *EMIL NOLDE* into a dramatic pictorial structure. Like no other artist before, he captures the native landscape with its wide plains, the crouching farmhouse and the endless expanse of the sky with a firework of colours. There is nothing monotone about this nature. The atmosphere, light and colour changes constantly and reflects the power of natural phenomena. 'Nachmittagswolken, Friesland' is an exceptionally large and well-preserved landscape painting by *NOLDE* which is now offered for sale. Painted in 1940, it is one of his major works from a period of artistic maturity.

GARTENLOKAL
AN DER HAVEL, 1916
OIL ON CARDBOARD,
32 x 39.8 CM

ESTIMATE: € 180,000 – 220,000



PS:

MAX LIEBERMANN

BLUMENSTAUDEN AM GÄRTNERHAUS
NACH OSTEN, 1928
OIL ON CANVAS, 54 x 74 CM

ESTIMATE: € 380,000 – 420,000



HIGHLIGHTS
LIEBERMANN WORKS

A stroke of luck for the arts: Liebermann's garden

MAX LIEBERMAN was just in time. When the great Impressionist acquired a plot of land on the banks of the Berlin Wannsee in 1909, the enthusiasm for a garden of one's own and the picturesquely rustic lifestyle outside metropolises such as Berlin had already triggered a move to the countryside. Große Seestraße 24, today Colomierstraße 3, was one of the last waterfront plots on the Wannsee still available for purchase.

A stroke of luck for the painter and his family. For the desire for a country summer villa had attracted wealthy Berliners to the south since its genesis in the mid-19th century, and had continued to grow in strength, accelerated and systemised by the investor Wilhelm Conrad's Alsen villa settlement. His entrepreneurial activities in this context would be described today as that of a real estate developer.

It was only in a second wave, starting in the Gründerzeit, that the Wannsee bank in particular was developed. The Wannsee railway provided an easy connection to the area which at that time still lay outside the city. Here, the villas were even larger and their gardens even more splendid, and the clientele attracted there were correspondingly so: prominent citizens such as the publishers Carl Langenscheidt and Ferdinand Springer or the physician Ferdinand Sauerbruch lived in Liebermann's immediate neighbourhood. Eduard Arnhold, one of the greatest patrons of his time, was probably the most important neighbour in this illustrious Wannsee society when it comes to the arts. His collection included Liebermann's paintings alongside works by Manet, Monet, van Gogh and other international artists as well as the most famous German painters of the 19th and early 20th centuries.

The house which Max Liebermann built in the midst of this community followed models in Hamburg. One of the main reasons for this connection lay in the artist's friendship with the then director of the Hamburg Kunsthalle, Alfred Lichtwark, who showed his Berlin visitor various summer residences in Hamburg, two of which became models for Liebermann's Wannsee project.



DIE GROSSE SEESTRASSE IN WANNSÉE
MIT SPAZIERGÄNGERN, 1921
OIL ON CARDBOARD, 27.7 x 42.1 / 42.8 CM

RESULT: € 205,700

AUCTION 979

MODERN ART
— 31.05.2011

The fact that Liebermann created the garden together with Alfred Lichtwark, already indicated that this project was, of course, also about painting. Lichtwark was not only a good friend of Liebermann, but was involved in the planning of the garden, and proved himself early on to be a champion of the new reform ideas which sought to replace the shape of the landscaped garden. He later worked with architects on the design of Hamburg City Park, which was presented to the Hamburg Senate in 1908, the year before Liebermann arrived at the Wannsee. The aspect of usability played an essential role, for the intended use of the garden at Wannsee was admittedly different to that of the park in Hamburg. There, the aim was to provide an optimal recreational opportunity for the inhabitants of the ever more densely populated city, whilst the villa on the outskirts of Berlin was intended to benefit not only the residents, but also the artist's work.

Liebermann's purchase of the plot thus also proved to be a stroke of luck for art history. It has the villa, and, as well as the garden, some of the most beautiful and atmospheric works of German Impressionism. The garden was Liebermann's inspiration and motif for around 200 pictures. After the outbreak of the war in 1914 in particular, Liebermann's usual trips to the Netherlands could not continue, and he found summery motifs instead at his 'castle by the lake'. Only ten kilometers from the City Palace in Berlin, it offered Liebermann a resort amidst plants and light beneath deciduous trees for which Monet had to travel over 80 kilometers from Paris to reach Giverny. In some summers of the 1870s, Liebermann himself had also had to travel a distance of 60 kilometers from his own studio in Montmartre to rural Barbizon.

JUDENGASSE IN AMSTERDAM, 1909
OIL ON CANVAS, 125 x 175 CM

RESULT: € 856,000

AUCTION 1134
MODERN ART
— 31.05.2019

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Auctions and Previews 02/2023

AUCTIONS

16. NOV
REVERSE GLASS PAINTINGS
FROM FOUR CENTURIES
COLLECTION GISELA AND
PROFESSOR WOLFGANG STEINER

16. NOV
150 YEARS OF MODERN GLASS:
A GERMAN PRIVATE COLLECTION

16. NOV
JEWELLERY AND WATCHES

17. NOV
DECORATIVE ARTS

18. NOV
OLD MASTERS AND 19TH CENTURY

1. DEC
PHOTOGRAPHY

1. DEC
MODERN AND CONTEMPORARY
ART – EVENING SALE

2. DEC
MODERN AND CONTEMPORARY
ART – DAY SALE

8. DEC
ASIAN ART

31. JAN
ART OF AFRICA, THE PACIFIC
AND THE AMERICAS

ASIAN ART ONLINE
21. NOV – 15. DEC

CONTEMPORARY ONLINE
23. NOV – 6. DEC

JOSEPH BEUYS –
MULTIPLES & EDITIONS
29. NOV – 8. DEC

PREVIEWS

MUNICH
6. – 7. NOV
OLD MASTERS / DECORATIVE ARTS /
MODERN AND CONTEMPORARY ART /
JEWELLERY AND WATCHES

BERLIN
11. – 13. NOV
MODERN AND CONTEMPORARY ART /
PHOTOGRAPHY

BRUSSELS
25. OCT (VERNISSAGE)

26. – 29. OCT
OLD MASTERS / DECORATIVE ARTS /
MODERN AND CONTEMPORARY ART /
JEWELLERY AND WATCHES

COLOGNE
9. NOV (VERNISSAGE)

10. – 15. NOV
JEWELLERY AND WATCHES

10. – 16. NOV
DECORATIVE ARTS

10. – 17. NOV
OLD MASTERS

24. NOV (VERNISSAGE)

25. – 30. NOV
MODERN AND CONTEMPORARY
ART / PHOTOGRAPHY

2. – 7. DEC
ASIAN ART

COVER: AUGUST MACKE

KINDER MIT ZIEGE IM WALD, 1912
OIL ON CANVAS, 47 x 60.7 CM

ESTIMATE: € 700,000 – 800,000

CONCEPT AND DESIGN: MEIRÉ UND MEIRÉ