AUKTION 392

Reclaiming the Galerie Stern, Düsseldorf

Essay by Dr. Catherine MacKenzie

Pencilled onto an ageing file card housed in the Archives of the National Gallery of Canada are references to 1933 and 1935 transactions with Walter Westfeld (1889-1943?). They help tell the story of this German-Jewish art dealer whose career is slowly being brought into focus by researchers on both sides of the Atlantic. Westfeld operated a successful art gallery in Elberfeld-Wuppertal, near Düsseldorf, from 1920 until 1936, when he was forced by the National Socialists to close it. Continuing to deal in art, he was arrested and convicted for having defied regulations created to 'purify' every corner of the German art world. Westfeld served out his sentence, only to exit into an environment with even harsher approaches to its Jewish population. He was picked up again and sent to Auschwitz.[2]

The file card is to be found in the Max Stern fonds, among the few surviving business records of the Galerie Stern. This Düsseldorf enterprise, along with its owner, was caught up in the same web of the thinly-veiled racist legislation Westfeld paid so dearly for having violated. Under direct orders from government officials who ultimately reported to Propaganda Minister Josef Goebbels, Dr. Max Stern (1904-1987) was forced to liquidate the gallery's stock and refrain from all activities as an art dealer by 15 December 1937. Effectively, the end of the Galerie Stern, which Stern had inherited upon his father Julius' death in 1934 and for which he had battled many months to save, came at Auktion 392. With over two hundred Old Master and Northern European works of art on the block, Auktion 392 was held in Cologne at the Kunstauktionshaus Math. Lempertz on 13 November 1937.

Little more than two years later, the same auction house disposed of paintings confiscated from Walter Westfeld.[3]

A connection with Westfeld is one of many openings onto a dark landscape encountered in a provisional mapping out of the history of the Galerie Stern.[4] There are far happier vistas, of course. Prior to 1933, the gallery had for two decades been a major component of the Düsseldorf art scene, with Stern family members being accepted, even respected by the community (fig. 1). Then things changed. Following four years of uncertainty culminating in Auktion 392, the Galerie fell into a deep crevice. Only occasional, affectionate remarks from Dr. Stern prevented it from vanishing altogether. In the years immediately following the Galerie's demise he was otherwise occupied: first as an exile in England negotiating, among other things, his mother's exit from Germany; next as a 'civilian alien' confined in a series of British and Canadian internment camps; and finally as a still-young man struggling to reestablish his career in Montreal. He would go on to own the Dominion Gallery in Montreal, becoming a vigorous supporter of 'living art' in Canada and a major donor to museums on two continents.[5] Either too busy or too determined to put a bitter past behind him, he never penned the story of the Galerie Stern.

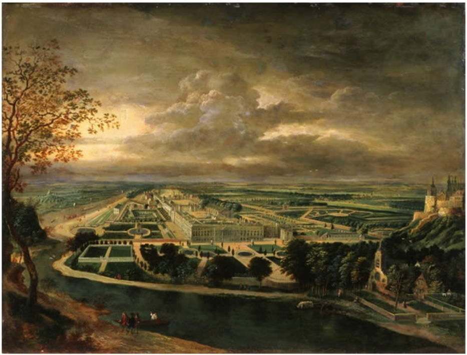


FIG 2: Jan Griffier the Elder (1652-1718), *View of Hampton Court Palace*, c. 1710, Tate Gallery, London, Great Britain. Photo: Tate Gallery, London/Art Resources NY

If Stern found neither time nor reason to linger over the details of his first gallery, a reclaiming of the Galerie Stern's place within pre-War Germany and Northern Europe is warranted. The Galerie may not have had an especially glamourous profile—it was neither a passionate advocate of any form of modern European art nor exclusively dedicated to 'blue-chip' Old Masters—but it does represent dozens of commercial galleries and auction houses in Germany, and many more throughout Nazioccupied Europe, dismantled because of Jewish ownership. All too few of these have been brought back into textual existence. In some respects the lapse is understandable: normally art historians broach the world of the art dealer with reluctance and barely disguised contempt. Still, such hesitation does leave largely uncharted the role of Jews in the dynamics of the art trade in the early twentieth century, an important sphere of their participation in European life and one that the National Socialists worked hard to eliminate from the very moment they assumed power. That role should be remembered.[6]

Auktion 392 is a practical and strategic tool to assist in a reclaiming of the Galerie Stern. The Lempertz catalogue, *Die Bestände der Galerie-Stern-Düsseldorf,* contains the longest single listing of works of art known to have been in the possession of the Galerie and conveniently provides illustrations for 72 of them. Just as importantly, perhaps even more importantly, a focus on Auktion 392 situates the Galerie where it belongs. Not merely an object in need of historic retrieval, it is an entity to be firmly planted in the terrain of unfinished business. That the Galerie Stern today may best be known, if it is known at all, through reports of the first restitution case settled by the Spoliation Advisory Panel of Great Britain is strangely appropriate. The Panel proposed, in 2001, government compensation for the legitimate owners of Jan Griffier the Elder's ca. 1710 *A View of Hampton Court Palace* (fig. 2), a painting hanging in the Tate Gallery in London. Sold in Belgium in the early 1940s by the owners' mother "for an undervalue" amounting to the price of an apple and an egg, the painting was one of several she had taken into exile

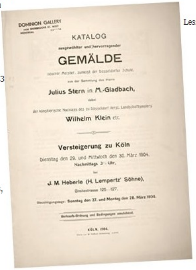
GALERIE STERN

FIGS 4 & 5: Exteriors of the Galerie Stern, 25 and 23 Königsallee, Düsseldorf, before 1937, Max Stern fonds, National Gallery of Canada Archives. Photo: National Gallery of Canada, Ottawa

after her husband, a German-Jewish banker from Düsseldorf, was presumably murdered by the Nazis in 1937. He had purchased the Griffier, along with much of the rest of his collection, from the Galerie Stern in the early 1930s.[7] While the works of art brought forward at Auktion 392 are not the material vessels of comparable trauma, they too are protagonists in the on-going exploration of how seriously the concept of 'under duress' is to be taken as governments, cultural institutions, art workers, collectors, and museum goers continue to confront the legacy of Nazi Germany.

"A VERY BEAUTIFUL GALLERY," 1913-1933

When it was forcibly closed, the Galerie Stern was listed as being at 23-25 Albert-Leo-Schlageter Allee, but until the National Socialists insisted that the street honour one of its earliest 'martyrs', the address had been 23-25 Königsallee. The 'Kö' was then, as it is today, an elegant tree-lined boulevard. It was also an especially enviable location for an art gallery at a time when the Düsseldorf art world, a glory of Germany from the 1840s to 1860s, was once again a flourishing and diverse community. Immediate neighbours included the Galerie G. Paffrath, one of Germany's oldest art dealerships that was and still is devoted to the art of Düsseldorf, as well as the Galerie Flechtheim, owned until 1933 by Alfred Flechtheim, a colourful and energetic supporter of modern French art often cited by the Nazis as a major Jewish 'defiler' of the German spirit.[8] Close by were the premises of Johanna 'Mutter' Ey, cafeowner/ gallerist who assisted in the financial survival of the avant- garde artists who gathered in the city.[9]



DOMINION GALLERY

KATALOG
ausgewählter und hervorragender
GEMÄLDE
neuerer Meister, zumeist der Düsseldorfer Schule,
aus der Sammlung des Herrn
Julius Stern in M.-Gladbach,
dabei
der künstlerische Nachlass des zu Düsseldorf verst. Landschaftsmalers
Wilhelm Klein etc.

Versteigerung zu Köln
Dienstag den 29. und Mittwoch den 30. März 1904,
Nachmittags 3½ Uhr,
bei
J. M. Heberle (H. Lempertz' Söhne),
Breitestrasse 125–127.
Besichtigungstage: Sonntag den 27. und Montag den 28. März 1904.

Verkaufs-Ordnung und Bedingungen umstehend.

KÖLN, 1904.

FIG 3: 1904 auction catalogue for Julius Stern collection. Photo: Max Stern Collection, Rare Books and Special Collections Division, McGill University Libraries, Montreal

Less easy to characterize in terms of its artistic turf, the Galerie Stern was as important a part of the Düsseldorf art scene as its neighbours. It was established in 1913, after Julius Stern (1867-1934) sold off his failing textile factory in München-Gladbach, the town in which he and his wife Selma Heilbron Stern (1871-1964) had seen their three children—Hedi, Gerda and Max—born.[10] There Julius had become an avid accumulator of nineteenth-century German and Northern European art and may have done some art dealing (fig.3).[11] A switch to the art gallery business and a move to a larger centre made sense. By 1917, the family was ensconced in the buildings on Königsallee (figs.4 & 5), linked structures serving both businessand domestic purposes. Photographs published in 1920 (fig. 6) show a gallery in every way a match for its privileged location on the 'Kö'.[12] Working from these premises, Julius Stern was able to make a substantial place for himself in the city's art world. Initially drawing upon a clientele made up of acquaintances from München-Gladbach, he expanded steadily outwards, and also established close friendships with major museum officials, scholars and other dealers. According to Albert Herzfeld, an affluent Düsseldorf collector and artist whose diary entries from 1933-1937 make compelling if devastating reading, Stern senior was noted for the honourable nature of his dealings and for his selfless work on behalf of 'his' artists.[13]

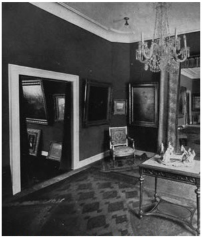


FIG 6: Interior, Galerie Stern, ca. 1920, Photo: Max Stern fonds, National Gallery of Canada Archives. Photo: National Gallery of Canada, Ottawa

Julius Stern was a particular devotee of the socalled Düsseldorf School, comprised of teachers and students who had come to the city in the middle third of the nineteenth century to work at the Düsseldorf Art Academy, and of others, including Americans, who were attracted to the city because of the lively art climate these 'pioneers' established.[14] He handled works by Wilhelm von Schadow (1788-1862) almost from the outset, an honour in a city whose very reputation as an art centre had been established by this cultivated, Berlin-born artist and Director of the Düsseldorf Art Academy from 1826-1859. A portrait of von Schadow's children (fig. 7), now hanging in the Kunstmuseum im Ehrenhof, is an especially fine example of the pictures associated with the Galerie.[15] Other nineteenth-century stars in the city's historic firmament whose paintings frequently found their way onto the Galerie's walls were the Achenbach brothers, Andreas and Oswald.[16] Andreas (1815-1910), the elder of the two, was an international force in the nineteenth century for his Dutch-inspired seascapes, one American collector owning no fewer than twelve of his works.[17] Brother Oswald (1827-1905) turned south for his geographic inspiration, and produced a much-appreciated series of almost panoramic views of southern Italy.[18] The Galerie also gave preference, in the form of dedicated exhibitions, to Christian Kröner (1838-1911) and Richard Burnier (1825-1884). Kröner was a specialist in scenes featuring game animals, these appealing to a broad spectrum of German buyers, while Burnier was a Dutch-born painter who had come to the city in the late 1860s, and developed a small international following for his gentle landscapes populated by cattle and their female attendants.[19]

Living Düsseldorf artists were also important to Julius Stern, none more so than Eduard von Gebhardt (1838-1925). Known as 'His Excellence' in the city's art community, von Gebhardt was an Estonian-born history painter whose conservative values and artistic strengths can be seen in the 1874 *Two Scholars* (fig. 8), one of many paintings by the artist to go through the Galerie's hands.[20] His major forte was the realistic representation of New

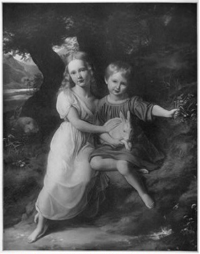


FIG 7: Wilhelm von Schadow (1788-1862), *Die Kinder des Künstlers*, 1830, Kunstmuseum im Ehrenhof, Düsseldorf. Photo: Max Stern Collection, Rare Books and Special Collections Division, McGill University Libraries, Montreal

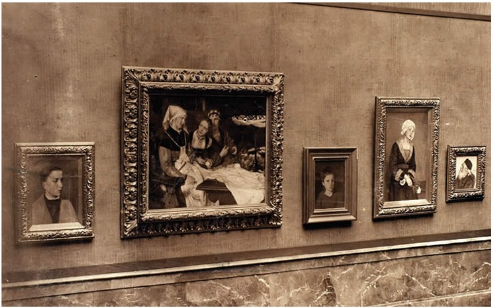


FIG 9: Eduard von Gebhardt memorial exhibition, Kunstmuseum Düsseldorf, 1925, Max Stern fonds, National Gallery of Canada Archives.
Photo: National Gallery of Canada, Ottawa

Testament religious scenes. Well before the end of the nineteenth century, he had gained acceptance as an important reformer of German sacred art and, from a business perspective, brought major clients to the Galerie. In drafts for an autobiography he never published, Max Stern noted with obvious pride that his father had arranged for the purchase of von Gebhardt's Ascension of Christ by August Thyssen, one of the leading steel barons of the Ruhr Valley. The painting hung in the industrialist's bedroom at the Schloss Landsberg.[21] Dr. Stern also recalled the days when "old" von Gebhardt appeared in the gallery accompanied by Clara Stinnes, the wife of another powerful economic force in the first quarter of the twentieth century: Hugo Stinnes was labeled "the New Emperor of Germany" by *Time Magazine* in 1923 for his political influence and what was described as the largest personal fortune ever to have been accumulated in Germany.[22]

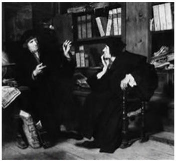


FIG 8: Eduard von Gebhardt (1838–1925), *Zwei Gelehrte / Pendelschwingungen* (Two Scholars), 1874, location unknown.
Photo: Galerie G. Paffrath, Düsseldorf

The relationship between von Gebhardt and Julius Stern was close. The artist painted portraits of Julius and Selma Stern, creating precious family possessions later moved to England.[23] In turn, Stern presented the city's museum with an early painting by the artist. When, in 1925, it came time to say goodbye to the person so instrumental in his gallery's success, Julius agreed to help organize a memorial exhibition, retaining an installation view for the remainder of his own life (fig. 9). The Galerie's association with von Gebhardt continued beyond the artist's death: in 1931, his copies of Italian Old Master paintings were exhibited, with a warm catalogue introduction written by Stern junior.[24]

Von Gebhardt brought other artists, ex-students and friends, into Julius Stern's orbit, including the Estonian-born painter, Gregor von Bochmann (1850-1930). Again a tight association, possibly in the form of an exclusive contract, emerged. The

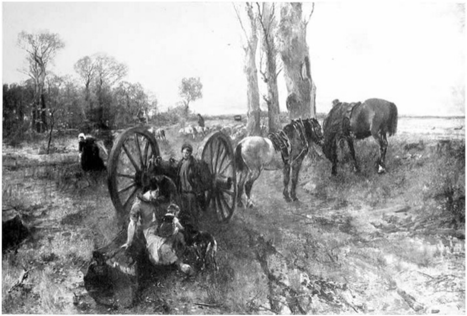


FIG 10: Gregor von Bochmann (1850 - 1930) , *Abendfrieden*, location unknown
Photo: Dr. Gregor von Bochmann, Ottawa

artist, whose landscape and genre paintings are almost unknown today (fig. 10), was highly regarded at the time, with his works appearing in some of Germany's major museums.[25] The memorial exhibition for von Bochmann held in 1930, and underwritten by the Galerie Stern, drew upon the holdings of important Düsseldorf collectors, the names of whom provide further insight into the elite crowd that would have frequented Königsallee during the 1920s.[26] Not the least of these was Fanny Kaiser Leiffmann, who, together with her banker husband, had assembled an extensive collection of paintings and rare carpets in their villa. The Villa Leiffmann was later destroyed to make way for the grounds of the *Reichsausstellung Schaffendes Volk* (Exhibition of the Creative World), a Nazi showcase that brought Adolf Hitler through the streets of Düsseldorf, including Königsallee, in early October 1937.[27]

Düsseldorf and some of its most 'establishment' artists may have been at the centre of Julius' engagement with contemporary production, but it did go beyond the local. A particular favourite was Heinrich von Zügel (1850-1941), an artist born of humble parentage in a small town in Baden-Württemberg, "whose fame ... penetrated into all lands where art is at all cultivated" for his landscapes filled with sheep and cattle.[28] An exhibition of his work, including In the Wash (fig. 11), was held at the Galerie in 1927. The unusually sophisticated catalogue for the show featured a scholarly introduction from Dr. Walter Cohen, a museum official and friend of the Stern family who was to die in Dachau in 1943 after his conviction for giving false attributions to works of art.[29]

As this rapid sampling of its artists has suggested, the Galerie Stern was firmly in the conservative wing of the German art scene for much of its existence. Genre scenes, landscapes, seascapes, and animal/game paintings made up the bulk of its business, with experiments in impressionism and post-impressionism representing the most radical of styles embraced in the work of its 'newer masters.' Yet an advertisement for the gallery in the 1930 von Bochmann memorial catalogue contained the names of a few artists who had no place whatsoever in such a profile. The presence of Gert Wollheim (1894-1974) on the list is nothing short of astonishing. Contrary to the fulminations of Adolf Hitler, there were few German-Jewish artists involved in politically charged, avant-garde painting. Wollheim decidedly was one of them, having already gained the scorn of Düsseldorf's censor in 1922, and destined to have some 800 of his paintings and drawings destroyed under the Nazi regime.[30]

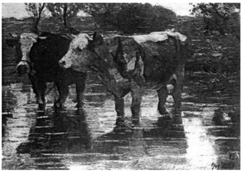


FIG 11: Heinrich von Zügel (1850-1941), *In der Schwemme (In the Wash)*, location unknown. Photo: Max Stern Estate

What accounts for the presence of Wollheim on the Galerie's roster, and for exhibitions given to his work in 1928 and 1930, when, to be sure, his painting had lost much of its expressionist fervour (fig. 12)?[31] It is tempting to ascribe this radical addition to the newly minted Dr. Max Stern. Following five years of studies outside of Düsseldorf and a graduation reward of several months in Paris, he took up an active role in the Galerie in late 1928. Dr. Stern placed an exhibition of paintings by the Italian-Jewish artist, Amedeo Modigliani, at the top of his list of projects. Julius Stern rejected the idea and instead suggested his son tackle a show dedicated to a well-known nineteenth-century German Romantic painter, an event that reportedly brought to the Galerie a wave of new clients, including Baron Heinrich Thyssen-Bornemisza.[32] Despite this setback to his plans, Dr. Stern remained open to the modern. Nevertheless it is far more likely to have been the newest member of the Stern family, Dr. Siegfried Thalheimer (1899-1977), who played the greater part in bringing Wollheim's art into the Galerie. Thalheimer, the son of the owner of the progressive newspaper, *Düsseldorfer Lokal-Zeitung*, had married Gerda Stern in 1928. Educated as an economist and historian, he was interested in modern and avant-garde art, lent paintings to one of Alfred Flechtheim's adventurous exhibitions and wrote art reviews for the *Lokal-Zeitung*.[33] One suspects he also arranged for the 1930 exhibition of Wollheim paintings to be reviewed in the Volkszeitung, Düsseldorf's socialist newspaper and a publishing venue somewhat at odds with the tenor of Julius Stern's life, though not with that of his son-in-law.[34]

These fresh breezes may not have been quite to the senior Stern's liking, since his obituary pointed to his increasing dedication to Old Master paintings paintings during the final years of his life.[35] They had never been absent from Julius' interest nor from his business dealings, but a small stream of high quality Northern Renaissance and Baroque paintings can be identified with the Galerie from the late 1920s on. Several paintings were purchased in 1929 from the Loeb-Caldenhof Collection in Hamm, among them Reinier Nooms' ca. 1653 *Battle of Leghorn*, now at the National Maritime Museum in London. In 1932, the Galerie sold a vibrant 1550 Paul Brill landscape, today in the collection of the Art Gallery of New South Wales in Sydney, Australia, and a sixteenth-century School of Lucas Cranach altarpiece that eventually ended up in the hands of Field Marshall Hermann Göring.[36] Julius was assisted in his Old Master dealings by his son, who began to search the castles of the Rhineland for good paintings, a practice he maintained until he left Germany.

The diversity of the Galerie's business at this stage was also determined by financial realities. Depression-era economics resulted in many galleries being drawn into the auction business. The Galerie Stern was one such case. In 1931, the Sterns began to hold auctions in two of Düsseldorf's most prestigious hotels, the Breidenbacher Hof and the Park.

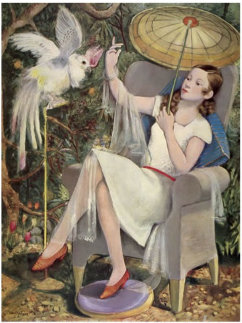


FIG 12: Gert Wollheim (1894-1974), *Dame mit Kakadu*, 1929, lost: illustrated in Die Kunst für Alle, Vol 46 (1930-31) n.p. Photo: Max Stern Collection, Rare Books and Special Collections Division, McGill University Libraries, Montreal.

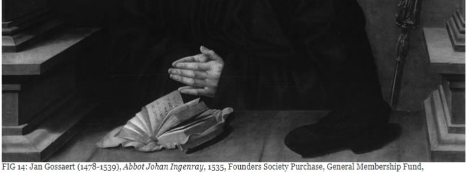


FIG 14: Jan Gossaert (1478-1539), *Abbot Johan Ingenray*, 1535, Founders Society Purchase, General Membership Fund, The Detroit Institute of Arts. Photo: © 1944 The Detroit Institute of Arts, Detroit

In seven such events held from 1931 to late 1933, over 1200 paintings were handled through the Kunstauktionshaus Stern, with an ever-increasing emphasis on Old Masters and a greater diversity of more recent offerings, including smatterings of late nineteenth-century French art. It is currently impossible to know what percentage of the art consisted of actual gallery stock, but the presence of von Zügel's *In the Wash* in one of the 1933 auctions insists on a mixture of the owned and the consigned.[37] In light of Max Stern's later advice to Canadian collectors to avoid auction houses and always buy from art galleries, whose owners had time to know their art and know their clients, the auctions may have been difficult events for him to witness. There was far worse to come.

FIGHTING FOR A FUTURE, 1933-1937

The appointment in January of 1933 of Adolf Hitler as Chancellor of Germany had immediate consequences for everyone in the country, most obviously for those classified by Nazi ideology as 'un-German.' The Stern family would have felt those chilling winds from the outset, as professional colleagues like Flechtheim fled the country and such well-known artists as Paul Klee had their studios 'visited' by the Gestapo. The family was also directly affected by the earliest phase of the Third Reich. Under the leadership of Isaak Thalheimer, the *Lokal-Zeitung* had been both appreciated and despised for its "non-ideological and sometimes cheeky" reactions to anti-Semitism.[38] After renewed attacks on the paper in early 1933, this time from house organs of the National Socialist Party, personal reprisals for Siegfried Thalheimer, who now owned the paper, must have seemed imminent and the prospects for questioning Nazism impossible. Siegfried and Gerda, with their young child, left Germany that first spring. They went to Saarbrücken and then on to Paris. In both cities, Thalheimer edited journals that opposed Nationalist Socialist ideology.[39] Max Stern's brother-in-law was no small fish. Knowledge of his oppositional activities was shared between the police offices of Cologne and Düsseldorf in 1934, and though well out of reach in the winter of 1937, Thalheimer was still an irritant, causing the University of Bonn to rescind his doctoral degree.[40]

Julius Stern, according to his son, was broken by events in Germany and the need to disinherit Gerda so assets destined to come her way could not be seized. His health went into a steep decline, probably exacerbated by another shift in the Galerie's mode of operation, and he died in October 1934. As later reported by Max Stern, the Galerie became subject to new regulations precluding Jews from holding auctions: certainly a specific Reich-wide law to that effect was in place by 1935.[41] The auctions ceased at the end of 1933 and instead major exhibitions began to be held on gallery premises. Each was really an auction in disguise, a mélange of works of art either owned by the Galerie, placed on consignment or lent for the purposes of exhibition. Accompanied by partially illustrated catalogues, these exhibitions featured a wide, exciting array of nineteenth-century Dutch and Belgian work, along with the Galerie's classic German stand-bys, including in 1935 von Zügel's *In the Wash*.[42] Prominent as well were Old Master paintings: Adam Elsheimer's ca. 1607-08 *Landscape with Latona and the Lycian Peasants* (fig. 13), now in the Wallraf-Richartz Museum in Cologne, was one of a large number of important Renaissance and Baroque paintings offered for sale.[43]

Just as suddenly as they had begun, the exhibitions came to a halt. On 29 August 1935, Max Stern received notification from the President of the Reichskammer der bildenden Künste (RKdbK: Reich Chamber for the Fine Arts) that he had lost his professional accreditation and had four weeks to sell or dissolve the Galerie.[44] The RKdbK, one of seven cultural chambers reporting to Josef Goebbels and legalized in November 1933, was charged with deciding who was entitled to practice in the visual arts fields. Though the founding legislation did not contain a 'non-Aryan' clause, it has been confirmed by any number of scholars that Paragraph 10, making membership contingent upon "necessary reliability and suitability," was used over the next five years to eliminate Jews from open participation in German culture.[45] Some shelter existed for those of 'mixed' heritage, the definition of which changed from time to time, but by late 1938, no full Jew was a member of the RKdbK. This was, it bears repeating, no accident, no coincidence. The letter sent to Stern in 1935 and those to follow were copied to the Düsseldorf Gestapo, where notes were appended describing him as "Nichtarier" (not-Aryan) or as a "Jude" (Jew).

Jewish-run galleries had already begun to be sold or turned over to owners deemed racially acceptable to officials charged with controlling German culture. Still, Stern was not prepared to accede to the demise of what he would later call "a very beautiful gallery" without a fight. He appealed the Reichskammer decision, doing so in a climate about to give birth to the insidious Nuremberg Laws that removed citizenship from Jews and declared them mere 'subjects' or 'nationals.'[46] The closure order was suspended and Stern was forced to wait nearly a year for a direct response, a delay related to government dissension over how quickly the art economy could afford to be disrupted. He began serious work on a different plan. The Galerie would be temporarily 'Aryanized' and Stern would open up an art gallery outside of Germany, there to wait out the Third Reich. After initial, and in retrospect incredibly naïve conversations with an Amsterdam-based Jewish art dealer, Nathan Katz, he settled on Cornelis van de Wetering, a young Dutch art historian working in Berlin, as a 'front man' for the Galerie.[47] When Stern's appeal was rejected on

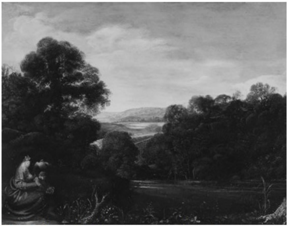


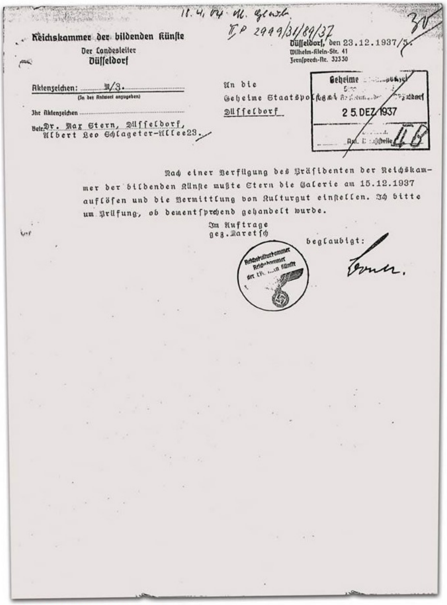
FIG 13: Adam Elsheimer (1578-1610), *Landscape with Latona and the Lycian Peasants* ca. 1607-1608, Wallraf-Richartz Museum, Cologne, from Dominion Gallery fonds, National Gallery of Canada Archives. Photo: National Gallery of Canada, Ottawa

29 July 1936, his lawyer moved quickly, proposing van de Wetering. This time a response came with much greater rapidity. The letter employed ludicrous reasoning—the Galerie was too important to be put in the hands of a foreigner and therefore should close—and set another deadline for the Galerie's termination.[48] Surrounded by an art world steadily being stripped of its Jewish participants, and trying to function in a milieu where his father's friends and clients would not meet with him openly, Stern got the message. In 1936, his older sister Hedi went to London (via Palestine), taking with her several dozen Old Master paintings.[49] Together with van de Wetering, she opened West's Galleries, a small but well-advertised operation up and running by the summer of 1937.[50]

With some kind of future in England on the horizon, Stern still continued to explore options for an Aryan 'owner' for the Galerie. Dr. Karl Koetschau (1868-1949), an old family friend and Director of the Kaiser Friedrich Museum in Berlin, agreed to take up the task.[51] In anyone's books, this would have been a coup. However, a few months before Stern received yet another rejection letter from the RKdbK, he capitulated to Nazi harrassment. In March 1937, most likely after an alert from a friend that Koetschau would be rejected because one of his great-grandparents was Jewish, a fact that had been hidden from view in Berlin while his services were needed, Stern sold the Königsallee buildings. The final rejection letter arrived on 13 September 1937, giving him all of seventeen days to close out the Galerie and indicating that no further appeals would be considered. By then, Stern was almost ready for what we now understand was the inevitable: an extension was granted until 15 December, but information about the forthcoming auction in Cologne had already begun to circulate in Holland by October.[52]

The Galerie's administrative future was by no means all that preoccupied Stern during his final two years in Düsseldorf. There were no further exhibitions, and thus nothing short of a focussed research project can do more than suggest the full story of those years, much of which it is already safe to say did not show its face at Auktion 392. Clearly Stern was busy, attempting to salvage what he could while being subjected to a stream of official signals constituting nothing short of persecution. Travelling to Holland and Belgium and throughout Germany, he engaged in a frenzy of buying and selling. He purchased from the Rhineland's aristocrats, found an American buyer for a Simon de Vlieger painting in 1936, and a temporary Amsterdam 'home' for, among other paintings, a 1535 Jan Goessaert portrait, brought back into the Stern orbit at West's Galleries in 1939 and now owned by the Detroit Institute of Art (fig. 14).[53] He also traded paintings, most notably 'with' Hermann Voss, a prodigious scholar and museum official who had been warehoused as Director of the municipal gallery in Wiesbaden for his anti-Nazi views, but would later become the final collections director of Hitler's project for a vast museum complex in Linz, Austria, to house the glories of Aryan culture.[54] One such exchange brought Stern a work-on-paper by the Dutch Symbolist painter Jan Toorop that he classified as part of his private collection upon leaving Germany, assuming he would later be able to get it, and other purchases, out of the country.[55] From an historian's perspective, one of the most striking of the transactions during Stern's final months in Germany was with Robert Pferdmenges (1880-1962), by 1937 well into his tenure as the extremely powerful 'Aryan' protector of the renowned Sal. Oppenheim Bank in Cologne. The frightening schizophrenia of Germany at the time is here crystallized. The two men could engage in business—perhaps even friendship, since Pferdmenges had also been born in München-Gladbach—while one was being denuded of all rights and the other enjoyed the confidence of those responsible for the ever-increasing violence of attacks on Jewish life and lives.[56]

Stern left Germany in December 1937, after scrambling to sell what had not met what he considered to be even marginally acceptable prices at Lempertz, and reportedly carrying nothing but a suitcase. Perhaps his later, muted public references to the Galerie and to Auktion 392 can be attributed to a sense of guilt or failure. He had, after all, lost the family gallery for all time, and less than a year later would have to turn over the funds he had left behind in Germany—the very money from the sale of the Galerie buildings and the auction—in order to obtain an exit visa for his mother.[57] We do not need the individual stories of Walter Westfeld and Dr. Walter Cohen to understand, in retrospect, how fortuitous Stern's departure was, forced though its timing may have been. What they do tell us is that when, on 23 December, the Gestapo was asked to verify his compliance with RKbdK orders, the request had every likelihood of being taken seriously (fig. 15). Interestingly enough, Stern crossed over into Belgian territory from Aachen the same day.



11. 4. 04 M. [illegible]

II P 2999/31/89/37

30

Reichskammer der bildenden Künſte
Der Landesleiter
Düſſeldorf

Düſſeldorf, den 23.12.1937/5.
Wilhelm-Klein-Str. 41
Fernſprech-Nr. 32330

Aktenzeichen: M/3.
(In der Antwort anzugeben)

Ihr Aktenzeichen

Betr.: Dr. Max Stern, Düſſeldorf,
Albert Leo Schlageter-Allee23./

An die
Geheime Staatspo[illegible]
Düſſeldorf

Geheime [illegible]
25. DEZ. 1937
Anl. [illegible]
4B

Nach einer Verfügung des Präſidenten der Reichskammer der bildenden Künſte mußte Stern die Galerie am 15.12.1937 auflöſen und die Vermittlung von Kulturgut einſtellen. Ich bitte um Prüfung, ob dementſprechend gehandelt wurde.

Im Auftrage
gez. Maretſch

beglaubigt:

FIG 15: Letter of 23 December 1937 from the Reichskammer der bildenden Künste to the Geheime Staatspolizei, Düsseldorf.
Photo: Max Stern Estate

AUKTION 392

Auktion 392 must have been a humbling event for Dr. Max Stern, who by all later accounts was a proud man. He thought of himself as one of the few art gallery owners in Germany to hold a doctoral degree in art history, and he was the male head of a family once able to rub shoulders with the likes of the Thyssens. Yet imposed time limits forced him to close out the Galerie through a liquidation sale, a type of business event that is rarely, if ever pretty. In this case, Stern had earlier moved what we must assume he considered some of the better Old Master paintings to London and Amsterdam, and some of the auction offerings had almost certainly been in the Galerie for years or had been hastily acquired during the period when Stern was in a state of frenetic limbo. While its proprietor worked hard to produce a catalogue in keeping with more normal times, one which, with a new cover, he used in December to help sell 'left-overs,' the Galerie Stern did not go out on the highest note.

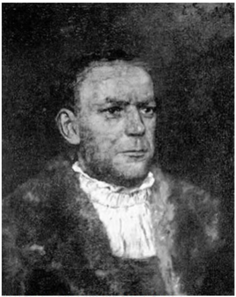


FIG 16: Eduard von Gebhardt (1838–1925), *Bildnis des Düsseldorfers Malers Ludwig Keller,* location unknown. Photo: Max Stern Estate

That being said, the paintings and works on paper under the gavel at the Kunstauktionshaus Lempertz accurately reflected most of the history of the family enterprise, and some of them did so with considerable grace. Literally dozens of art objects recalled the specialized interests and associations of Julius Stern. No matter how late it came into Galerie stock, the strong self-portrait by Wilhelm von Schadow (cat. 135) eloquently evoked the Düsseldorf component of those interests. So too did the presence, if not the actual quality, of a number of works by Eduard Bendemann (1811-1889), von Schadow's brother-in-law and his handpicked successor as Director of the Düsseldorf Art Academy (cat. 7). Other 'historical' favourites—the Achenbachs (cat. 1 & 3), Kröner (cat. 97) and Burnier (cat. 30)—found their way to Cologne. Oswald Achenbach's *Evening Promenade in Naples*, while far from being his most adventurous composition, would have been of more than passing interest to the painter's admirers, since it was said to include a self-portrait.

Not surprisingly, the work of the Düsseldorf artists with whom Julius Stern was reported to have had special contracts was well represented, though not generally illustrated. Only Eduard von Gebhardt received that privilege, with two of ten works illustrated. His *From the Sickbed* (cat. 54) was an especially resonant item. The artist's wife served as the model for the painting, purportedly related to a larger composition owned by Alfred Krupp, another of the steel barons to whom the Estonian's art appealed. From an altogether different perspective, von Gebhardt's portrait of his friend and fellow artist, Ludwig Keller (fig. 16) may have spoken to the history of the Galerie; it seems to be in one of the 1920 interior photographs of the Königsallee premises and thus could have been in stock for close to two decades.

German art from outside the Düsseldorf region also figured prominently in Auktion 392. Von Zügel's *In the Wash*, a leitmotif in the Galerie's business from 1927 until 1935, must finally have sold, and in its place was a less ambitious painting (cat. 182). Hans Thoma, an internationally respected painter whose work had been advertised as being in the Galerie in 1930, was represented by two landscapes, one of which was particularly fine (cat. 161). Less firmly inserted into the Galerie's history were Franz Xaver Winterhalter (cat. 181) and Friedrich August Kaulbach (cat. 88), both artists whose work had high standing among Germany's aristocracy, the source of many Stern transactions at the time. Oddly enough, their paintings would also appeal to those responsible for collecting art for Hitler's planned museum at Linz.[58]
Only a hasty purchase or trade can explain the presence of a very large painting by Carl Alexander Brendel (cat. 27), an interesting artist to be sure, but one forced to support himself through book illustration. Perhaps Stern had been persuaded to buy or to acquire it because it had been part of the Prussian state collection.

In terms of the 'new masters' section of the Auktion, some of the strongest entries were in fact by Dutch and Belgian painters who had achieved fame in the nineteenth century. Such production had been well represented in the Galerie's exhibitions in 1934 and 1935, gaining the attention of collectors and dealers in Holland. Auktion 392 paintings by the likes of Johannes Hermanus Koekkoek (cat. 94), the founder of a virtual artistic dynasty in Holland, and Jan Hendrik Weissenbruch (cat. 176), an artist well known to Canadian collectors over a hundred years ago, reflected the growing Stern reputation in the field. To date, it has not been possible to explain why four of the Northern European works, including the Weissenbruch and Emile Wauter's orientalist *Kairo* (cat. 173), along with two French paintings, one of which was Emile Vernet-Lecomte's vibrant *Aimée: a Young Egyptian* (cat. 168), were all from the same collection, sold off by the A. Preyer gallery in 1895 in The Hague. How did six paintings from the sale of 124 items belonging to N. A. Steengracht van Moyland come to be in Düsseldorf in 1937?[59] It is hard to imagine an early purchase by Julius Stern, with the works then simply remaining with the family for over four decades.

Old Master paintings were far less prominent at Cologne than would have been the case had Dr. Stern not already found escape routes for some of the Galerie's holdings. Still, there were some very choice pieces available, perhaps acquired in the few months leading up to November. The 'Ludovico Carracci' Saint Jerome (cat. 185) was a treasure, coming onto the market not long after being credited to this important early Italian Baroque painter. Exciting as well was the Phillips Wouwerman (cat. 228), a work by the prolific seventeenthcentury Dutch painter that had a prestigious local pedigree. Stern thought enough of this canvas to advertise it, through a large reproduction, in a German newspaper: the preserved clipping in the Max Stern fonds unfortunately does not identify the date. For very refined collectors, the small Willem Willemsz. Buytewech painting of goats in a landscape (cat. 184) might have elicited great interest: to this day it is one of very few works accepted as being by the son of Willem Buytewech the Elder, a highly regarded Dutch artist of the early seventeenth century. Other Old Masters were less electric. The eccentric painting on copper by Jan van Kessel (cat. 204) had been with the Galerie since at least 1935, and the Cornelis Lelienbergh still-life of dead birds (cat. 206) even longer.

Almost entirely absent in Auktion 392 were the more radical directions which had emerged in the Galerie in the late 20s. One object—a painting by Ernst Schumacher-Salig—may have pushed the boundaries of conservative aesthetics. Schumacher-Salig, born in 1905 and a member of 'Mutter' Ey's circle, was to have at least one painting removed from a museum for its 'degeneracy' in either 1937 or 1938, but without an illustration and a date to consult, it is difficult to know whether the work in Cologne would have generated any stir in a climate officially opposed to 'foreign-inspired' experimentation.[60] Understandably, there were no Wollheims. For that, one had to look to the art Stern defined as being part of his private collection. There an untitled 1929 still-life by Wollheim is listed, along with a major painting by Otto Dix (1891-1969), the noted German Expressionist. Dix, like Wollheim, had been a troublemaker early on, with one of his paintings rejected for official purchase in 1925 by Konrad Adenauer, at the time the mayor of Cologne.[61] Both artists had had their work included in the *Entartete Kunst* (Degenerate Art) exhibition, a show opened in Munich in July 1937, which triumphantly marked the end of freedom in German visual expression, as well as the end of any tolerance whatsoever for Jewish participation in its creation.[62]

RECLAIMINGS

If there was any consolation at all for Dr. Stern in Auktion 392, other than the delusion that he would be able to take its financial proceeds out of Germany, it would have resided in the nature of the venue in which the Galerie met its end. The Kunstauktionshaus Lempertz, under the ownership of the Hanstein family, had a long history dating back to 1875. It also had a place in the Stern family. After he confronted the inevitable and sold the Königsallee buildings in March 1937, Max Stern had used its Cologne services for the sale of household furnishings and some paintings, but much earlier one of its predecessor branches had handled the 1904 sale of Julius Stern's München-Gladbach collection. It is both poignant and chilling to note the relationship between those two Stern auctions. Although one painting—an early work by Max Liebermann acquired via a Wiesbaden trade—was retracted from Auktion 392, it was left in the catalogue's listing of 228 objects, precisely the number of paintings and drawings in the 1904 sale of Julius' collection.[63] Whether intentional or not, the circle of the Stern legacy in Germany was closed in the tidiest of fashions.

Auktion 392 came at a transition point in the Kunstauktionshaus Lempertz' history. By 1939, Hermann Göring—Hitler's deputy and the most avaricious of art looters—is known to have been buying art from Lempertz auctions,[64] and after the invasion of Holland in 1940, Lempertz sold more than its share of the cultural property that Dutch Jews were forced to deposit with the state-run LiRo.[65] The firm allegedly also handled works from Alois Miedl, the German banker who had taken over the Amsterdam-based Jacques Goudstikker gallery, including its famed collection of over 1200 paintings, the first choice of which went to Hitler and Göring, with the lesser works being put onto the market.[66] In other words, Lempertz was on the verge of adapting exceedingly well to the changing climate of the German art trade. Or perhaps it already had done so by 13 November 1937.

Such observations might not be pertinent here were we in a position to know who actually attended Auktion 392. Human nature virtually compels us to want information about the crowd that gathered for the event, to have a sense of who was there to witness and participate in the Galerie's public demise. Were there Nazi officials in attendance, those who had already begun to collect art and give art as gifts, in emulation of the highest echelons of the country's leadership?[67] Did Galerie clients make the trip to Cologne, where they could openly engage in business with Stern and perhaps even provide moral support? Alternately, might some Stern competitors have been there, eager to take advantage of what were guaranteed to be low prices? Were there buyers from Holland, where dealers and collectors had been alerted to the sale in at least two newspapers, one of which provided a list of the major works to be auctioned off?[68] At the moment, given both the oft-repeated statement that Lempertz records were detroyed in a wartime bombing of Cologne and Dr. Stern's own silence on the subject, only the names of three of the attendees, including the individual who purchased the Winterhalter painting, can be established with certainty.[69] Photographs of the interior of Dr. Karl Wilharm's 'castle' in Hofgeismar, once posted on the internet and showing the Winterhalter in place, suggested that at least some of the buyers were of considerable means, if not influence.[70]

It would be especially interesting to know the names of buyers for the paintings and drawings in Auktion 392 created by Jewish artists. They were not numerous since the Galerie does not appear to have focussed in any special way on such production. But they were there, in 1937 mutely reminding their audience of a world unravelling, a world we now know was on the brink of a planned extinction. One wonders who would have bought, at open auction, three of the five available works by Eduard Bendemann. As a former Director of the Düsseldorf Art Academy, he might have had some appeal for collectors from the region. But he was also the son of a wealthy Jewish banker and his wife from Berlin, and though a convert to Christianity, had established his reputation through the 1832 Mourning Jews in Babylonian Exile, a subject the relevance of which in 1937 requires no explanation.[71] Similarly, one wants to know who would have bid in public for one of the two Max Stern paintings at the auction, neither of which was illustrated in the catalogue. This 'other' Max Stern, born in Düsseldorf in 1872 into a wealthy family and later married to Richard Burnier's daughter, enjoyed a successful career as an impressionist painter in the city. Like most other Jewish artists, he had lost his right to make art for public consumption, and a work of his had recently been pulled from a Düsseldorf exhibition.[72]

To argue that the only reason for wanting to know who was present and who bought what on 13 November 1937, is to gain some insight into the dynamics of buying art made by Jews in the months following Entartete Kunst, would be disingenuous indeed. There is another form of reclaiming at stake here. Ending a two-year period in which all transactions of the Galerie Stern and its owner were inflected by racist intimidation, Auktion 392 was a forced sale, something not said aloud at the time in Germany, but discussed openly in a Dutch newspaper before it took place.[73] It was a type of business closure now considered in most countries to have taken place 'under duress.' As objects subjected to sale because their owner was Jewish, the paintings and works on paper from Auktion 392, whether sold there or by Stern in the following month in Düsseldorf, are candidates for restitution claims.[74]

In order to be reclaimed, each object listed in *Die Bestände der Galerie Stern – Düsseldorf* may have to be run through a gauntlet of legislation and agreements, which differ from country to country. Some could face especially hard paths; the Neufchatel portrait of Jan van Eversdijck (cat. 207), for example, is part of a collection deemed by law to be part of the patrimony of the Illes Beleares province of Spain and conceivably may not be allowed to be removed from the region.[75] However, before claims can be addressed seriously, a process entailing a forensic analysis of the formula-driven compensation Dr. Stern eventually received for his 1937 financial losses, the objects from Auktion 392 must first be located. The Neufchatel was an easy catch, given that the painting was posted on a museum internet site until 19 August 2006. The artist's name was misspelled in an unanticipated way, but discovery was possible by playing on more expected variations of the sitter's name.

The task of locating the whereabouts of the other Auktion 392 items has been, and will likely continue to be much more challenging. Many of the paintings and drawings were not of museum quality, and thus the art trade becomes the primary site of discovery. There one encounters a major obstacle. The bulk of the Galerie Stern's final stock was not illustrated, few of the titles given to items in the sale contained components likely to have remained reasonably stable over the years, and in the case of the Old Master paintings, attributions are likely to have shifted over time. This is the stuff of nightmares, and ultimately the only truly fixed marker for each of the works is its possession on 13 November 1937 by the Galerie Stern. Yet art galleries and auction houses are under no firm legal obligation to provide the full provenance—the life story, if you will—of a work of art. This latitude has been used for as long as there has been an art market and continues, in some circles, to be used to this very day, notwithstanding growing agreement since the 1990s that much more needs to be done to sort out what happened to the vast quantity of art pillaged, in various ways, between 1933 and 1945.[76]

One might discuss at length why dealers leave gaps in the provenances they provide, missing links then passed on to private and public collections. They may not have the full information at hand, with the costs of further research being prohibitive for what is, after all, a business transaction. They may have the full story, yet suppress information for 'sensible' business reasons; if a painting has been in stock for a long time, or has moved around too much, such knowledge may suggest a lack of interest in the work. The list of reasons goes on and on, but the point of raising at least some of them is obvious. This longstanding attitude towards provenance makes identification of works through a specific instance of their ownership problematic. It also gives shelter for less than acceptable motivations. Specialists have been hired or consulted by the Max Stern Estate to pour through gallery and auction house catalogues, some digitalized, some not. Their findings, while steadily accumulating, have been disheartening from the perspective of provenance practices. Where evidence has been found for the movement of Auktion 392 offerings in the years since 1937, very rarely has it been accompanied by references to either the auction or Stern ownership. As some of the catalogue entries written by graduate students from the Department of Art History at Concordia University demonstrate, the absence of such information sometimes borders on the inexplicable.

Dr. Stern was as implicated as anyone else in the uneven provenance practices of his profession. Over and over again when reading the Lempertz catalogue, one asks, "from whom was the painting purchased?" Having such information at hand could help track the circulation of works of art for which knowledge of 1937 Stern possession has either been lost or suppressed. Stern was silent on the sources of most of his nineteenth and early twentieth-century holdings. Proportionately greater effort went into his documentation of Old Master works, but frustration is still there more often than not. The Wouwerman landscape, a prized item, is accounted for up until 1906. A copy of a 1936 article that Stern referred to as containing a discussion of the painting might provide insight into its location or locations during the intervening thirty years. Then again it might not. "Private collection" was and is an all too familiar phrase in scholarship, as well as in the art trade.

For those now seeking the return of the Galerie Stern's final stock, its owner thus has failed to be of much assistance. He becomes, due to the obvious irony of the situation, a compelling figure around whom a 'campaign' for the institution of more rigid provenance standards in his profession can be built. Dr. Stern can also serve as an equally forceful, posthumous reference for the argument that education provided to future inductees into the art world, including art historians, should encompass a sense of responsibility about maintaining and improving those standards. Private and museum collections around the world are diseased: they will not cure themselves.[77]

stories, most especially when they are 'small' and no one directly associated with them is left to perform advocacy services. The reclaiming of the Galerie Stern may lead to other reclaimings, both historical and material—an enviable legacy from Julius Stern and his son.

Stern's provenance habits have consequences for more than the locating of Auktion 392 art. In Die Bestände, Stern noted that a portrait of an Englishwoman by the eighteenth-century British artist Ozias Humphrey previously had been in the possession of A.S. Drey, a well-known art dealership in Munich. No date was given for the transfer—one more instance of spotty provenance, one more lost opportunity for a tracking aid. If, however, the painting was purchased out of the 1936 A.S. Drey sale, a new factor is introduced. The firm was compelled to auction off many of its holdings that year because it had received what recently has been interpreted as an extortionate tax bill from the National Socialist government, with several works of art being returned to descendants of the Drey owners as a result.78 Reclaiming the Humphrey painting—once it is located—may entail adjudication on the principle of 'first loss,' as will efforts to seek restitution of any Auktion 392 work of art which, knowingly or unknowingly, had been purchased by Stern from those 'under duress' from the Nazis.

A reference to the principle of 'first loss' offers an appropriate way of bringing this essay to a close. Micro-histories are interesting. They are more interesting when they move back or forward into larger contexts. The history of the Galerie Stern exposes how quickly acceptance gave way to forces of destruction; how a space firmly situated in elite Düsseldorf territory and busy in its later years inserting itself into the art worlds of Holland and Belgium, could simply vanish, and vanish well before Kristallnacht, all too often still thought of as the beginning of serious problems for Germany's Jews. Stories of other parallel losses, from private Jewish collections or from art galleries forced because of Jewish ownership to close earlier than the Galerie Stern, may eventually be found embedded within Auktion 392. This should not be greeted with consternation: in a climate of systemic persecution, some owners would have been well advised to cover their tracks. Rather, the invitation should be taken up to pursue those other

ENDNOTES

1 Although the auction of the holdings of the Galerie Stern was designated as Math. Lempertz'sche Kunstversteigerung 392 in 1937, the term Auktion 392 is here employed, based on the manner in which Lempertz currently records the sale on its list of auctions of collections and estates held since 1888: see http://www.lempertz.de/index.php?id=sammlungen

2 For Westfeld, see H. Schmidt, *Der Elendsweg der Düsseldorfer Juden*, Düsseldorf: Droste Verlag, 2005, pp. 273-278, and V.S. Reed, "Walter Westfeld (1889-1943?): Art Dealer in Nazi Germany," *Visualizing Memory: International Perspectives on Provenance Research*, Washington: American Association of Museums, 2005, pp. 154-160.

3 Ibid, p.18: the sale of Westfeld's paintings took place on 12 and 13 December 1939.

4 The use of "provisional" is deliberate: in many places in this study, undertaken over the past fourteen months, I am relying on the scholarship of others without having been able to consult original documentation in Germany. More authoritative will be Charles C. Hill's forthcoming biography of Max Stern.

5 For a discussion of Stern's career in Canada, as well as a chronology of his life, see *Max Stern: Montreal Dealer and Patron*, a catalogue published jointly in 2004 by the Montreal Museum of Fine Arts and the Leonard and Bina Ellen Art Gallery of Concordia University, which contains essays by Michel Moreault, Édith-Anne Pageot and François-Marc Gagnon.

6 Even a brief glance through the first volume of a 1930 directory of art dealers and collectors—*Maecenas*, 3 vols., Berlin: Joachim Stern, 1930—establishes the significance of the largely-forgotten European Jewish presence in spheres of critical importance to the cultural infrastructures of their respective countries.

7 *Report of the Spoliation Advisory Panel in Respect of a Painting Now in the Possession of the Tate Gallery, London*: The Stationary Office, 18 January 2001. This case has been widely covered in the press and the Panel's findings are available on the internet: http://www.culture.gov.uk/NR/rdonlyres/2ED97DA7-9E93-4F75-8301-AE8F496FC385/0/galleriesspoliation.pdf

8 See H. A. Peters and S. von Wiese, *Alfred Flechtheim, Sammler, Kunsthändler*, Verleger: [Ausstellung], Kunstmuseum Düsseldorf: 1937. Europa vor dem 2. Weltkrieg, Düsseldorf: Kunstmuseum Düsseldorf, 1987

9 For 'Mutter' Ey and the Junge Rheinland artists whom she assisted, see A. Baumeister, *Treffpunkt 'Neue Kunst': Erinnerungen der Johanna Ey*, Düsseldorf: Droste Verlag, 1999.

10 A brief consideration of Julius Stern's business history in the town (now called Mönchengladbach) is included in G. Erckens, *Juden in Mönchengladbach*, Mönchengladbach: Stadtarchiv, 1988, Vol. 1, p.257. The text indicates that Julius' birth name was Jacob Stern.

11 In the notes drawn up by Max Stern for an autobiography (Max Stern fonds, NGC), he gives various dates for when his father became an art dealer, some pre-dating the establishment of the Galerie Stern. Certainly, Julius had an unusually large collection to put up for auction in 1904—see *Katalog ausgewählter und hervorragender Gemälde neuerer Meister, zumeist der Düsseldorfer Schule aus der Sammlung des Herrn Julius Stern in M.-Gladbach: dabei der künstlerische Nachlass des zu Düsseldorf verst. Landschaftsmalers Wilhelm Klein etc.; Versteigerung zu Köln ... 1904, bei J. M. Heberle (H. Lempertz' Söhne)*, Cologne: Druck von M. DuMont Schauberg, 1904. This rare catalogue, part of the Max Stern Book Collection, is held in the McGill University Rare Books division.

12 P. Friedeberger, "Gemäldegalerie Julius Stern Düsseldorf," *Geistige Welt: Sammelwerk für Kunst und Kunstgewerbe*, Berlin: Adolf Ecksteins Verlag, Berlin, ca. 1919, p.2.

13 Hugo Weidenhaupt, *Ein nichtarischer Deutscher: Die Tagebücher des Albert Herzfeld 1935-1939*, Düsseldorf: Triltsch Verlag, 1982, p. 25.

14 There is a growing literature on the Düsseldorf School. For a handy English-language consideration of the important pedagogical achievements of the Düsseldorf Art Academy, see M.F. Deshmukh, "Between Tradition and Modernity: The Düsseldorf Art Academy in Early Nineteenth Century Prussia," *German Studies Review*, Vol.6, No.3 (1983), pp. 439-473. The artists associated with the Düsseldorf School have most recently been documented in H. Börsch-Supan, H. Paffrath, M. Sitt, and I. Valentien, *Lexikon der Düsseldorfer Malerschule: 1819-1918*, 3 vols., Munich: Bruckmann, 1997.

15 C.A. Grewe, *Wilhelm Schadow (1788-1862): Monographie und Catalogue Raisonné*, Inaugural-Dissertation: Universität zu Freiburg im Breisgau, 1998, is a rich examination of the artist's place in German art of the nineteenth century. Grewe notes that the Galerie Julius Stern had the portrait of von Schadow's children in 1937, and that an illustration of the work was included in M. Sauerlandt, *Kinderbildnisse aus fünf Jahrhunderten der deutschers und der niederländischen Malerei*, Königstein in Taunus: K.R. Langewiesche, 1937, p.68, the source for fig. 7.

16 From 1 November 1 to 1 December 1930, the Galerie held an exhibition of the work of the Achenbach brothers. Unfortunately, the one-page *Andreas Achenbach u. Oswald Achenbach: Werken*, Düsseldorf: Galerie Julius Stern, 1930, document which is in the collection of the Kunst-und Museumsbibliothek der Stadt Köln does not indicate what paintings were exhibited. For a study of the two artists' careers and production, see M. Sitt, *Andreas und Oswald Achenbach, "Das A und O der Landschaft,"* Cologne: Wienand, 1997.

17 The collector was John Longworth of Cincinnati: a letter from Achenbach to Longworth has recently been acquired by the Paris-based Fondation Custodia/Collection Frits Lugt: see: http://www.fondationcustodia.fr/francais/actueel/briefuitgelicht.cfm

18 For a thoughtful analysis of Oswald Achenbach's work, see M. Pontoff, *Oswald Achenbach: Sein künstlerisches Wirken zur Hochzeit des Bürgertums: Studien zu Leben und Werk*, Cologne-Berlin: P. Hanstein Verlag, 1995.

19 *Ausstellung von Werken von Christian Kröner mit d. Gruppe Jagdmaler und Bildhauer*, Düsseldorf: Galerie Jul. Stern, 1920, another one-page document in the collection of the Kunst- und Museumsbibliothek der Stadt Köln, merely gives the dates for the exhibition (14 March-15 April). The inventory of Max Stern's library in the Max Stern fonds, NGC, refers to a 1929 exhibition of Burnier's work.

20 Of the extensive scholarship on the artist, C. B. Gries, *Eduard von Gebhardt – Ein protestantischer Historienmaler im 19. Jahrhundert*, Aachen: Verlag Mainz, 1995, has proved most useful for this project. Gries, p. 186, indicates that the Two Scholars (Zwei Gelehrte / Pendelschwingungen), an historical painting showing an encounter between two fifteenth-century German scientists, Bernhard Walther and Johannes Müller von Königsberg, called Regiomontanus, was sold through the Galerie Stern in 1931. My gratitude to Hans Paffrath for permission to reproduce the image from 100 Jahre Galerie G. Paffrath, Düsseldorf: Galerie G. Paffrath, 1967, p. 39.

21 Notes for an autobiography, Max Stern fonds, NGC. A photograph of the painting is posted on http://www.uni-koeln.de/phil-fak/khi/landsberg/haus8.html.

taken against Cohen, see M. Sitt, *Auch ein Bild braucht einen Anwalt: Walter Cohen – Leben Zwischen Kunst und Recht*, Munich: Deutscher Kunstverlag, 1994.

22 According to a 6 December 1961 letter to his mother and sister, Stern met with Mrs. Stinnes in Europe that year and reminded her of her visits to the Galerie with "the old Gebhardt": Max Stern fonds, NGC. For Stinnes, see G. D. Feldman, *Hugo Stinnes. Biographie eines Industriellen 1870-1924*, Munich: C.H. Beck, 1998.

23 Both portraits were lost in a bombing raid that destroyed Max Stern's London apartment. A photograph of the Julius Stern portrait is to be found in *Max Stern: Montreal Dealer and Patron*, p.81.

24 *Kopien Nach Alten Meistern von Eduard von Gebhardt*, Düsseldorf: Galerie Stern, 1931, with a two-page introduction signed by Dr. Max Stern. The artist was especially interested in the work of Rubens and Titian, something of a surprise in light of the controlled nature of his own production.

25 A full bibliography and a large number of the artist's work can be accessed through http://www.site.uottawa.ca/~bochmann/Maler/, a site established by Dr. Gregor von Bochmann of the University of Ottawa. I am extremely grateful to Dr. von Bochmann, the great-grandson of Gregor von Bochmann, for permission to reproduce *Abendfrieden*, a painting sold at auction by the Galerie Stern in 1931.

26 *Gedächtnis-Ausstellung für Gregor v. Bochmann/ veranstaltet vom Kunstverein für die Rheinlande und Westfalen mit Unterstützung der Galerie Julius Stern*, Düsseldorf, Düsseldorf: Bagel, 1930.

27 For the Leiffmanns and the destruction of their villa, see F. Wiesemann, "Steiler Aufstieg ins Grossburgertum Die Villa Leiffmann in Düsseldorf," *Kalonymos*, Vol.3 (2000), pp. 23-24. A photograph of Hitler parading along Königsallee on 2 October 1937 is included in W. Alberg, *Düsseldorfer Kunstszene 1933-1945*, Düsseldorf: Landeshauptstadt Düsseldorf : Das Museum, 1987, p. 72.

28 E. Neuhaus, *The Galleries of the Exposition*, San Francisco: P. Elder, 1915. This response to a von Zügel painting exhibited in 1915 at the Panama-Pacific International Exposition, San Francisco, is available at http://www.books-about-california.com/Pages/Galleries_of_the_Exposition/Galleries_Exposition_world.html#germany

29 *H. von Zügel: Ausstellung in der Galerie Julius Stern, Düsseldorf*, Düsseldorf: Galerie Stern, 1927, with a fourpage essay by Cohen. For a full study of the actions

30 Wollheim, who immigrated to the United States after the end of World War II, is a fascinating artist whose work and political activities deserve to be far better known on this continent. The most comprehensive available study is S. von Wiese, M. Euler-Schmidt and J.Osterhaus, *Gert H. Wollheim 1894-1974, Monographie und Werkverzeichnis*, Cologne: Wienand, 1993.

31 As I have not yet accessed the newspaper review of the 1930 Wollheim exhibition held at the Galerie Stern—see footnote 34—I cannot be certain that the 1929 *Dame mit Kakadu (Woman with Parrot)* was in fact included. However, as von Wiese's text (ibid. p.230) suggests, the lost painting was certainly akin to works included in the November 1930 show.

32 Notes for an autobiography, Max Stern fonds, NGC and *Max Stern: Montreal Dealer and Patron*, p.19. The exhibition in question featured the works of Carl Spitzweg (1808-1885).

33 For a provisional biography, see I. Piel, "Siegfried Thalheimer" *Deutschsprachige Exilliteratur seit 1933*, ed. J. M. Spalek, Bern: Saur, 2004, pp. 537-576. Thalheimer's involvement with the visual arts, including his review of a fall 1928 Wollheim exhibition at the Galerie Stern, which also included works by the German Expressionist painter Christian Rohlfs (1849-1938), is discussed in H. Hirsch, "Siegfried Thalheimer und die Düsseldorfer *Lokal-Zeitung*-Eine Emigrations-und Reimigrationstudie," *Düsseldorfer Jahrbuch*, v. 63 (1991), pp. 167-186.

34 The Volkszeitung review is referred to in von Wiese, *Gert H. Wollheim 1894-1974, Monographie und Werkverzeichnis*, pp.230-231.

35 The obituary, several copies of which are in the Max Sterns fonds, appeared in the 2 November 1934 issue of the *Düsseldorfer Stadt-Nachrichten*.

36 I. von zur Mühlen, *Die Kunstsammlung Hermann Görings. Eine Provenienzbericht der Bayerischen Staatsgemäldesammlungen*, Munich, 2004, pp. 117-118; 247. Also posted on the website of The Central Registry of Information on Looted Cultural Property, 1933-1945 (http://www.lootedart.com/), an extremely useful 2001 initiative of the Commission for Looted Art in Europe.

37 *Gemälde Alter und Neuer Meister und Altes Kunstgewerbe, Sammlung Heinrich Horten + Köln und Deutscher Museumsund Privatbesitz: Versteigerung Samstag, den 18 März 1933*, Düsseldorf: Julius Stern Kunst-Auktionshaus, 1933, p.47.

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38 A. Kauders, *German Politics and the Jews: Düsseldorf and Nuremberg 1910-1933*, Oxford: Clarendon Press, 1996, p. 145

39 In Saarbrücken, Thalheimer founded and edited *Westland* and campaigned against the reunification of the Saarland with Germany. For his work in Paris, see H. Hirsch, "Der Publizist Siegfried Thalheimer und seine Widerstands-Zeitschrift ORDO," *Idee und Wirklichkeit des Journalismus: Festschrift für Heinz Starkulla*, ed. H. Wagner, Munich: Olzog Verlag, 1988, pp. 37-53

40 Police interest in Thalheimer is documented by Piel, "Siegfried Thalheimer," p.549; the University of Bonn's removal of his doctorate is discussed in Hirsch, "Siegfried Thalheimer," pp.178-179.

41 J. Petropoulos, *The Faustian Bargain: The Art World in Nazi Germany*, Oxford: Oxford University Press, 2000, p. 65.

42 *Gemälde Alter und Neuer Meister: Ausstellung Katalog 8*, Düsseldorf: Galerie Stern, 1935, p. 28 and illustration 29. The Max Stern fonds reveal that these exhibitions were well covered by the press in both the Rhineland and in Holland.

43 The painting, described as a depiction of Mary and the Christ Child in a landscape, was listed in ibid, p. 12, and was also photographically reproduced. The accepted title for the work was established in Keith Andrews, "Elsheimer's Latona uncovered," *The Burlington Magazine*, Vol.123, No.939 (June 1981), pp. 348, 350-351, 353, an article which notes that Max Stern had found the painting in the collection of the Bethmann-Hollweg family, most likely the descendants of Theobald von Bethmann-Hollweg (1856-1921), Chancellor of Germany from 1909-17. My thanks to Philip Dombowsky, Project Archivist, Dominion Gallery fonds, Library and Archives, National Gallery of Canada, for locating the reproduction of the painting.

44 I am grateful to the Max Stern Estate and Dr. Clarence Epstein for access to letters from the RKdbK, documents obtained in Düsseldorf by Dr. Willi Korte, a noted investigator and scholar in the field of looted cultural property.

45 F. Bajohr, *'Aryanisation' in Hamburg: the economic exclusion of Jews and the confiscation of their property in Nazi Germany, New York: Berghahn Books, 2002, pp. 74; A.E. Steinweis, Art, Ideology, & Economics in Nazi Germany: The Reich Chambers of Music, Theater, and the Visual Arts*, Chapel Hill: The University of North Carolina Press, 1993, in passim.

46 For one of many contextualizations of the Nuremberg Laws, first issued on 15 September 1935, and amended thereafter, see S. Friedländer, *Nazi Germany* and the *Jews:* Volume I: The Years of Persecution, 1933-1939, New York: HarperCollins, 1997, pp. 142-144 and in passim.

47 Van de Wetering was a specialist in early Netherlandish painting whose doctoral dissertation was published in 1938: Die Entwicklung der niederländischen Landschaftsmalerei vom Anfang des 16. Jahrhunderts bis zur Jahrhundertmitte, Berlin: O. Schloss. I have been unable to establish what happened to van de Wetering after World War II, but he does not appear to have continued his activities as an art historian.

48 The letter, dated 4 November 1936, gave a deadline of 21 November.

49 Based on documents in the Max Sterns fonds, it is clear that Hedi had left Germany for Palestine sometime in 1935, possibly taking the paintings with her.

50 Over its three-year existence, West's Galleries produced several small catalogues, with some of its exhibitions being reviewed in *The Burlington Magazine*.

51 Koetschau's relations with the Stern family are described on the website of Max Stern: Book Collection + Virtual Exhibition (http://digital.library.mcgill.ca/stern/koetschau.html).

52 A 13 January 1958 presentation from Dr. Stern's lawyer (Max Stern fonds, NGC) makes reference to an attached clipping about the Galerie and its forthcoming closure from the 19 October 1937 issue of the *Algemeen Handelsblad*. The clipping is missing and I have not yet accessed the article, but it may well have been the text mentioned in footnote 73.

53 Documents in the Max Stern fonds, NGC, establish that some of his purchases from aristocrats were made through intermediaries, most prominently Dr. Wilhelm Ewald, at that time a major museum official in Cologne. They also establish a G.L. Fisk as the buyer for the de Vlieger painting. The Detroit painting, sold in 1936, was one of several purchased by O. Hirschmann of Amsterdam, part of a set of transactions the full relevance of which I have not yet been able to establish.

54 According to information from a 16 February 1937 letter from Voss to a city official, at least one exchange, directly linking a Max Liebermann painting (see footnote 63) and a van Toorop work (see footnote 55) with two paintings by nineteenth-century artists, was arranged through Leo Pauly, described by Voss as an Aryan art dealer from Düsseldorf. Unquestionably, the need for an intermediary related to Stern's status as a Jew, a small but highly significant reminder of the difficulties he confronted from late August 1935 on: my deepest gratitude to Dr. Korte for bringing the letter to my attention. For Voss and the Linz project, see H.C.

Löhr, *Das Braune Haus der Kunst Hitler und der 'Sonderauftrag Linz,'* Berlin: Akademie Verlag, 2005, pp. 50-64.

55 Upon his departure from Germany, Max Stern left a number of paintings, designated as his private collection, with shipping agent Josef Roggendorf and with the Kunstauktionshaus Lempertz. Over time, the Gestapo seized most of them. Stern was able to locate the Toorop work—a large charcoal/pastel entitled *Glaube und Lohn (Faith and Work)*—after the war and received monetary compensation for it, but the whereabouts of close to a dozen paintings and prints from the private collection are to date unknown.

56 The transaction with Pferdmenges involved a painting by the nineteenth-century Belgian artist, Louis Pierre Verwee: Max Stern fonds, NGC. Pferdmenges would later become a close financial advisor to the post-war Chancellor of Germany, Konrad Adenauer; see C. Silber Bonz, *Pferdmenges und Adenauer: der politische Einfluss des Kölner Bankiers,* Bonn: Bouvier, 1997.

57 In order to meet expenses associated, directly or indirectly, with securing his mother's exit from Germany, a few paintings from the private collection he had left in Germany also had to be sold. These included Elsheimer's *Latona*, a painting that found its way back to Stern after the conclusion of World War II. Thanks to Charles C. Hill for clarifying this for me.

58 *Das Braune Haus der Kunst* lists several paintings by Winterhalter and von Kaulbach that are still missing from the collection formed for the planned Linz museum complex, and there were many others collected for Linz.

59 The Lempertz catalogue nowhere mentions the name of the collector whose paintings were sold through Preyer: it would be interesting to know if the original Steengracht van Moyland ownership was suppressed because his son, Gustav Adolf Steengracht von Moyland was in 1937 already well into his career as a leading Nazi official, one that would eventually lead to charges of war crimes.

60 For Schumacher-Salig, whose birth date is given incorrectly as 1900 in the Lempertz catalogue, see *Ernst Schumacher: 1905-1963; Haus am Waldsee*, Berlin; 28. Januar bis 13. März 1966, Berlin: Holten, 1966.

61 For Otto Dix and the work in question, a portrait of his wife Martha, see F. Löffler, *Otto Dix: Life and Work,* translated by R.J. Hollingsdale, New York: Holmes & Meier, 1982, in passim and p. 410.

62 *Entartete Kunst,* which traveled for a number of years throughout Germany, has been the subject of much scholarship. The most valuable English-language study of the exhibition is S. Barron, ed., *Degenerate art: the fate of the avant-garde in Nazi Germany,* Los Angeles: Los Angeles County Museum of Art; New York: H.N. Abrams, 1991. It is worth noting that a far more virulent attack on Jewish contributions to German culture, the exhibition *Der Ewige Jude* (The Eternal Jew), opened in Munich on 8 November 1937, just days before Auktion 392.

63 The Galerie Stern had handled works by Max Liebermann (1847-1935) from at least 1930, as indicated by the advertisement placed in the Gregor von Bochmann memorial catalogue. The reasons for the withdrawal, first brought to my attention by Charles C. Hill, from Auktion 392 of the Liebermann—his 1874 *Kartoffelsammler or Kartoffelpflücker* (M. Eberle, *Max Liebermann, 1847-1989,* Vol. I, Munich: Hermer Verlag, 1985, p.76) – are currently being studied in relation to the effects of auction reporting laws.

64 Von zur Muhlen's thorough study (*Die Kunstsammlung Hermann Görings*) of 126 works of art where original ownership is unclear, documents three paintings purchased by the Field Marshall from Lempertz. These findings, posted on The Central Registry of Information on Looted Cultural Property, 1933-1945 site, tentatively establish an April 1939 date for the beginning of his purchases from Lempertz, although there are well over 1000 additional paintings whose provenances have not yet been investigated with the same rigour. Somewhat ironically, the Central Registry's listings also bring the names of Göring and Lempertz together in another fashion: the auction house was one of several given paintings to sell from the Göring collection by the Bavarian State Painting Collection in the mid-60s. For a disturbing account of what has taken place with many of the 'non-returnable' or legally purchased paintings from the Linz project and the collections of leading Nazi officials, see J. Petropoulos, "For Sale: A Troubled Legacy," *Artnews,* Vol. 100, No.6 (June 2001), pp.114-120.

65 G. Aalders, *Nazi Looting: The Plunder of Dutch Jewry During the Second World War*, translated by A. Pomerans with E. Pomerans, Oxford: Berg, 2004, pp.186-189, has established the prominent place of the Lempertz organization in the sale of the cultural property that the country's Jewish citizens were forced to deposit with the Lippmann, Rosenthal & Co. Bank (LiRo) after May 1942: "Carpets were mainly bought by [Carl] Reinheldt [Berlin] and by Lempertz (Cologne). These companies were also by far the most important buyers of paintings, porcelain, antique furniture, Asian objets d'art, wearing apparel and 'various' items. Of the total proceeds from paintings (694,034.24 guilders), these two firms accounted for 522,552.54 guilders." The LiRo holdings were made available to Dutch and German dealers only after a number of Nazi leaders had been given the opportunity to 'purchase' looted items.

66 The Lempertz organization has not confirmed wartime dealings with Alois Miedl, although allegations of such activity were first made in the Art Looting Investigation Unit Final Report, Washington: War Department, 1 May 1946, p. 53, and have recently been repeated in a press release from the city of Cologne concerning its decision to return a painting to the heirs of Jacques Goudstikker: see "Stadt Köln gibt zwei Bilder an rechtmäßige Erben zurück," posted on 5 April 2006 on http://stadt-koeln.de/presse/mitteilungen/artikel/2006/04/05457/. The Goudstikker collection has been in the news again, with the long-anticipated decision by the Dutch government in February of this year to return 202 paintings to the heirs of Jacques Goudstikker.

67 J. Petropoulos, *Art as Politics in the Third Reich,* Chapel Hill: University of North Carolina Press, 1996, provides a compelling account of the collecting and gift-giving practices of leading National Socialist politicians.

68 Newspaper clipping from *Nieuwe Rotterdamsche Courant*, 9 November 1937, Max Stern fonds, NGC.

69 In a 6 August 1952 letter to Max Stern, Kasimir Hagen—a Cologne collector and gallery owner—indicated that he attended Auktion 392, and was seated beside Dr. Koetschau. The Max Stern fonds also include a listing of the paintings that sold at the auction, but no indications of the purchasers were given. Hagen later bought the Otto Dix portrait, as well as another painting, seized from Stern's private collection, but declined to give it up after its whereabouts was discovered, a decision Stern accepted.

70 Wilharm, born in Stadthagen in 1877, was a medical doctor and the author of a University of Heidelberg doctoral dissertation (*Die Milchversorgung von Heidelberg ; Wilharm, K[arl], Dr. med., a. Stadthagen,* Berlin: C. Siebert, 1905). The second husband of Countess Lilli von Platen-Hallermund, he was arrested in 1945 by the U.S. Military Government, and underwent lengthy and costly de-Nazification proceedings related to his activities for the Storm Troopers (SA) in Hofgeismar. Thanks to Dr. Korte for allowing me to consult copies of documents obtained from the Berlin Document Center and the Hessisches Hauptstaatsarchiv in Wiesbaden.

71 For Bendemann, see W. Aschenborn, *Eduard Bendemann (1811-1889): Das Direktorat an der Düsseldorfer Kunstakademie 1859-1867,* Inaugural-Dissertation: Universität zu Köln, 1998.

72 This Max Stern would later die during an Allied bombing raid, when he and his mother-in-law, Julia Furnivall Burnier, were denied access to an air raid shelter because he was a Jew: see W. Alberg, *Max Stern zum 50. Todestag,* Düsseldorf: Das Stadtmuseum, 1993.

73 Unidentified newspaper clipping, Max Stern fonds, NGC. The unsigned and undated article refers to Stern's attempts to form a Berlin-based consortium for the Galerie, noting that these had been rejected because he was "niet-Ariër." It also indicated a forthcoming liquidation sale "te Keulen."

74 As a result, the Max Stern Estate has posted all items from Auktion 392 on the Art Loss Registry as well as the Lost Art Internet Database, a project of the Koordinierungsstelle für Kulturgutverluste, Germany's central office for the documentation of lost cultural property, that "registers cultural objects which as a result of persecution under the Nazi dictatorship and the Second World War were relocated, moved or seized, especially from Jewish owners" (http://www.lostart.de/).

75 The 2004 resolution making the Neufchatel portrait part of the province's patrimony can be found at http://www.derecho.com/xml/disposiciones/min/disposicion.xml? id_disposicion=74074&desde=min.

76 For information about activities (including the passing of legislation in various countries and the formation of international agreements and protocols) relating to these concerns, consult the website of The Central Registry of Information on Looted Cultural Property, 1933-1945 (http://www.lootedart.com/). It goes without saying that the looting of cultural property in general is, or should be, a major preoccupation of the art world; the 2003 looting of the Iraqi National Museum in Baghdad has, unfortunately, merely added another set of objects to be sought after and returned.

77 Indeed Dr. Stern's name has already become associated with provenance undertakings. The Norton Museum of Art in West Palm Beach, Florida, is using its legacy from the Stern Estate to work on the histories of works of art in its collection.

78 For one of the more recent settlements concerning the forced auction of the A.S. Drey gallery holdings, see M. Bailey, "Two British museums pay compensation to keep Nazi loot," *The Art Newspaper,* 6 February 2006 (http://64.233.167.104/search?q=cache:xWnGPMN2-HEJ:www.theartnewspaper.com/article01.asp%).

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