

Belated Justice for Max Stern

Between Montréal and Dusseldorf: About Paintings and a Promise, a Detective and a Case of Champagne.

The invitation on my desk speaks of a ceremonial act. I love celebrations! Special occasions resulting in a light-hearted, joyous atmosphere. When something has been created or completed successfully.

Other than date and time, the invitation by Stadtmuseum Dusseldorf indicated the reason for this late-afternoon event in early April: the restitution of a self-portrait by Wilhelm von Schadow from the ownership of the museum to the heirs of Dr Max Stern - an art dealer originally from Dusseldorf who had been persecuted by the National Socialists. A ceremony attended by the Ambassador of Canada to Germany, Marie Gervais-Vidricaire, and by Dr Clarence Epstein as spokesperson for the Max Stern heirs. Belated justice, jumped to my mind. So I accepted the invitation while checking the web on Max Stern and restitution: "Restitution of dispossessed art is the attempt to reconstruct the ownership of works of art which had been expropriated during the reign of the National Socialists, through restoration to or compensation of their former owners or their heirs. The term 'dispossessed art' is being applied to cases where primarily people of Jewish decent have been subject to this form of persecution and deprivation, be it within the borders of the former Third Reich (1933-1945) or in areas occupied by the Wehrmacht during World War II", quotes the German Wikipedia Munich lawyer Dr Hannes Hartung.

A promise since 1998

A rather objective description of a common sense practice. Every robbed person will be keen on getting his or her possessions back. Yet we are not dealing with a recently stolen bicycle for which there is a broadly accepted legal framework. Nor is this solely a matter of moral obligation. First of all it is about justice as promised by the Washington Conference of 1998; justice related to pieces of art confiscated by the National Socialists. It is about "fair and just solutions" for the previous owners of identified artwork or their heirs, respectively. Representatives of 44 nations, numerous non-governmental organisations and the Holy See phrased this simple and clear self-obligation in the name of the signatory states. In the spirit of this promise also given by the Federal Republic of Germany, the City of Dusseldorf managed to work out a "fair and just solution" when in April 2014 voluntarily returning a painting by Schadow to the Stern heirs, which was owned until then by the Stadtmuseum Dusseldorf. Reason enough for clinging champagne glasses or rather a heart-felt matter of course?

One out of many: the causa Stern

Max Stern was born in 1904 in Mönchengladbach, a city 30 km west of Dusseldorf. He majored in art history at the universities of Berlin, Cologne, Bonn, and Vienna before joining the art dealer's shop at the famous Königsallee in Dusseldorf his father had established in 1913, which he ran on his own after his

father's passing in 1934. Among his clients are physicians, lawyers, and middle-class business people just as well as directors of the IG Farben, the world's biggest player in the chemical industry at the time, and the Thyssen dynasty. For their respective art collections Stern expertly brokers works by Old Flemish masters and the Dusseldorf school of painting. With the Nazi takeover, however, Stern increasingly catches their attention; as a Jew, as an art dealer, and as brother-in-law of the Düsseldorf Lokaleitung's editor-in-chief Siegfried Thalheimer, a rather inconvenient Jewish journalist. Hence, Stern is being suspended from all major art auctions in Dusseldorf, and in 1935 the Reich Chamber of Fine Arts (Reichskammer der Bildenden Künste) even issues an ultimatum demanding the gallery's liquidation within weeks. Until the winter of 1937, Stern frequently manages to successfully appeal his professional ban – before having to close his business for good at December 15. Prior to terminating his business, he had delivered a total of 228 paintings to auction number 392 which took place at the Cologne auctioneers Lempertz on November 13, 1937. His modest resulting revenues had been immediately collected as Reich Flight Tax (Reichsfluchtsteuer). Stern went on to store non-auctioned works together with his private collection and library as well as his complete business papers at the shipping company Roggendorf in Cologne. When the Dusseldorf representative of the Reich Chamber of Fine Arts, inquired on December 23 with the Secret State Police (Gestapo) about the execution of the "ordered gallery's liquidation and the termination of brokering cultural assets", Max Stern is already packing up and leaves Dusseldorf that very same day.

Fresh start in Canada

Stern travels to Paris and London, where his sisters Gerda and Hedi live and where he feels safe prior to his detention at the outbreak of World War II. He then spends two years as an enemy alien in various detention camps. In 1941, he finally arrives in Montréal which would become his new home. As art dealer and competent expert his name is soon being mentioned in connection with major exhibitions. Stern promotes young artists, represents big names, and establishes, together with his wife Iris, the Dominion Gallery of Fine Arts as a beacon for modern art which is being noticed throughout Canada and beyond. Museums and various Montréal institutions are the benefactors of more than 150 pieces of art Stern donates over the course of the years. For that in turn he is distinguished and honoured repeatedly. Dr Max Stern succumbs to a heart attack on May 30, 1987 while on a business trip to Paris. He left his legacy as a foundation bestowing funds mainly to three major universities: McGill and Concordia universities in Montréal and Hebrew University in

Jerusalem. To this day, his literary estate resides with the National Gallery of Canada.

The Max Stern Art Restitution Project

Stern's gallery, which had initially been continued by his foundation, closed down in 2000. Coincidentally, a portfolio of Stern's missing Dusseldorf collection was discovered in the process. Right after the war, he had used advertisements to relocate works from his previously stored collection, which had been confiscated in 1939 by Gestapo in Cologne and was auctioned off later. Upon this discovery, in 2002 the three universities, together with the Holocaust Claims Processing Office in New York established the Max Stern Art Restitution Project with the purpose to reclaim the forcibly liquidated works of their donor. With an immense effort. In many cases, the possibly second generation after grandpa's dispossessed art is pretty much left to search databases such as lostart.de. This platform has been created to "register cultural objects which as a result of persecution under the Nazi dictatorship and due to the events of the Second World War were relocated, moved or seized, especially from Jewish owners". If the heirs are lucky they are friends with a lawyer knowledgeable and enthusiast enough to approach the matter at all, as his or her working hours could never be compensated adequately. The Max Stern Art Restitution Project, however, commands not only expertise and manpower at three different universities. Equally, the financial resources of the foundation belittle a budget such as the one available to German Minister of State for Culture Monika Grütters for activities in the area of provenience research, in spite of a growing demand. Furthermore, the Restitution Project has commissioned art detective Dr Willi Korte. The Washington-based lawyer and historian is regarded as one of the leading experts on research, identification, and restitution of Nazi looted art. Ever since facilitating the restitution of the long-lost relics of the Quedlinburg Treasure from the US to Germany, Korte is being considered an institution.

10 years of provenience research and legal dispute related to Schadow's self-portrait

Over a cup of coffee Dr Korte tells me about his work related to the restitution of the Schadow portrait, which had begun as a visit to the Dusseldorf memorial site in 2003 and with his research concerning Max Stern. He recounts his screening of countless Gestapo files at the Regional Archive of North-Rhine Westphalia and his unsuccessful attempts to unearth evidence for Stern's professional ban. He seems to have memorized completely the correspondence between Max Stern and his Dusseldorf advocate Dr Erich Wenderoth from the 1950s and 1960s for to him they are the most important documents Stern had managed to save. The recovered catalogues of Stern's exhibitions and of his forced sale at Lempertz are both historical sources and pieces of evidence to Korte.

Understandably so, as the Lempertz' auction catalogue listed the Schadow painting as no. 135, complete with a photograph. At first, Korte had been unable to trace the painting which had apparently not been auctioned off in 1937 and may have been sold by Stern himself prior to his fleeing Germany. It was not until many years later that Korte finally laid his eyes on the original painting – as part of the exhibition at the Stadtmuseum Dusseldorf. Korte's research resulted in a letter to the state capital Dusseldorf administration explicating the claims of Stern's heirs. The City of Dusseldorf in turn commissioned a Berlin-based law firm with verifying the claims. The law firm took its mandate serious and started its own research which in Korte's eyes went back to the day Max Stern was born and thus illustrated an attitude often to be found in the context of restitution processes. The following months were spent exchanging arguments and accumulating costs which roughly equaled the assumed value of the painting before the process came to a standstill. All arguments had been introduced and compromises seemed to be unlikely. Silence set in. In the meantime, the Max Stern Art Restitution Project had successfully restituted another dispossessed painting of Max Stern's: the "Virgin and Child" of an unknown Flemish Master from Flémalle from the 15th century was restituted by the Staatsgalerie Stuttgart in April 2013. Shortly after the ceremony at the Canadian Embassy in Berlin, Korte had a meeting with the director of the Stadtmuseum, Dr Susanne Anna and a representative for Hans-Georg Lohe, Director of the city's Culture Department in Dusseldorf. None of the participants had been authorised to make any commitments. But at least they talked. Later that year, in summer, a second meeting took place, this time involving Dr Anna and Dr Clarence Epstein representing the Stern heirs. As in the meeting before, there were no lawyers involved.

Heritage remains as a loan

Whatever happened – in November 2013, the Dusseldorf City Council followed a recommendation by the Culture Committee to restitute the Schadow painting which meanwhile had ended up on an Interpol wanted list. In April 2014, the painting was restituted during a ceremonial act at the Stadtmuseum Dusseldorf – and was left there on loan by the Stern foundation. The museum's director, Dr Susanne Anna has announced a major exhibition on Max Stern for 2018 which is to highlight the story of Max Stern but also the broader field of Holocaust and restitution. The museum plans to display further works from the Stern inheritance at this occasion. I love celebrations! When something has been created or completed successfully. What will the next ones be like? What a great celebration we would have if the possibly second generation after grandpa's dispossessed art could indulge in a "fair and just solution", without art detectives, wagging a finger, or long lasting legal disputes. As promised. In that case, I would even bring some fire crackers.

On the author: Markus Witkowski, 51, lives and works as an independent journalist in Dusseldorf.