

The Immorality of Morality

An interview with David Schmidhauser, curator and responsible for provenance research at the Kunstmuseum Winterthur

Among the many topics discussed in the course *Ethical Principles of Provenance Research* held in the spring semester of 2022 at the University of Bern and led by social anthropologist Zainabu Jallo, were ethical issues and challenges related to private and institutional collecting. A focus and concern of the course was also to address innovative approaches to museum curation and collaboration, collecting and discussing challenges. In this context, I, Annine Soland, Master's student at the University of Bern (*Ausstellungs-, Museumswesen und Provenienzforschung*) met David Schmidhauser from the Kunstmuseum Winterthur (KMW) for a conversation on Thursday, 2 June 2022.

David Schmidhauser is curator and responsible for provenance research at the Kunstmuseum Winterthur. He does not actively conduct provenance research himself but coordinates its processes. Provenance research at KMW is outsourced, which means that an external person is employed in a mandate basis.

In the past, today's building at the "Reinhart am Stadtgarten" housed the Museum Oskar Reinhart, run by the Oskar Reinhart Foundation, and next door was the Kunstmuseum, which was under the management of the "Kunstverein". For four years now, these institutions have been merged. When asked about the "birth" of provenance research at the KMW, Schmidhauser refers to the institution's old catalogues, which show that provenance research has always been carried out, but probably not with the same intensity and activity, which has become more of a political issue since the noughties. Museum operations in the 1980s and 1990s were still busy with fewer temporary exhibitions as they are today and were therefore able to devote even more time to research. It was during this time that the major collection publications were produced, with each object being looked at individually, described and its provenance illuminated. In this sense, provenance research has always been part of the museum's work, but the fact that a person is employed exclusively for this purpose only came about since the museum merger four years ago.

Like many museums, KMW is a member of the International Council of Museums (ICOM) and acts in accordance with its principles, which are anchored in the *ICOM Codes of Ethics*¹. Accordingly, Schmidhauser emphasises that the classical museum principles of collecting, researching, preserving, and communicating are also paramount. In contrast to the earlier research-oriented museum institutions, however, exhibition activities are now in the foreground, Schmidhauser says. Research happens all the time anyway, mostly in connection with exhibition activities,

¹ Cf. ICOM Codes of Ethics, accessed June 10, 2022, <https://icom.museum/en/resources/standards-guidelines/code-of-ethics/>.

but it is not the case that the KMW actively conducts research on individual paintings; there seems to be no capacity for that.

The KMW's collection is divided into paintings and sculptures, which form the main body of work, and a comprehensive paper collection of graphics and drawings. In principle, Schmidhauser explains, there is a provenance for all objects, but for some graphics, for example, it is reduced to the statement "from old stocks". For the most part, a great deal of knowledge is available, but there are still gaps that have not yet been opened or are still open question marks. For the last four years, Schmidhauser tells me, they have been re-examining all the paintings and sculptures and their provenances. With a specific focus on gaps that could possibly be critical or with an active look at the ownership of the years 1933 to 1945.

When I ask how the results are finally evaluated or categorised, Schmidhauser emphasises that the federal office for culture (BAK) categorisation (A, B, C, D)² serves them as a point of orientation, but they do not work specifically with a certain "traffic light system", but simply know for themselves which pictures have gaps, which are problematic, and which are unproblematic. Schmidhauser considers categorisation important above all when prioritisation or conclusions are to be communicated to the outside world and allow for comparability.

Concluding demands on specific cases and newly obtained results will be published successively in the annual report of the KMW since 2019. Until now, the publication and discussion of provenance research and its results has been limited in this way. In an article in the *Landbote* on "Fluchtgut in Winterthur"³, Harry Joelson-Strohbach, who holds the mandate for external provenance research at the KMW, is quoted regarding the debate on "Fluchtgut"⁴: In view of the discussions that have taken place, he suggests that the history of the pictures could be made a subject of discussion in the museums and thus also remind us of the former owners. I asked Schmidhauser about this concept of mediation to find out how the mediation programme of the KMW currently looks like. Because now, provenance research is not visible anywhere in the museum, neither on the labels, wall texts, leaflets nor in the audio guides. When it comes to the exhibition space, Schmidhauser wonders how interesting or how important it really is that a work once belonged to a certain Mr X in Potsdam from 1870 to 1874. In his opinion, such information should be put into perspective, but he

² Cf. Provenienzforschung in der Schweiz, Bundesamt für Kultur, accessed June 10, 2022, <https://www.bak.admin.ch/bak/de/home/kulturerbe/raubkunst/provenienzforschung-in-der-schweiz.html>.

³ Helmut Dworschak, «Fluchtgut in Winterthur, 'Reinhart war vorsichtiger als Bührlé'», 17.01.2022, accessed June 6, 2022, <https://www.landbote.ch/wir-diskutieren-nicht-ueber-begriffe-sondern-sichten-die-fakten-120483571326>.

⁴ These are goods that persecuted Jews had to sell to finance their escape. Swiss Federation of Jewish Communities SIG on the term "Fluchtgut": "*For the SIG, it is a top priority that the distinction between looted art and «Fluchtgut» be abandoned in favour of the designation «NS-verfolgungsbedingt entzogenes Kulturgut». The Kunstmuseum Bern has also taken an exemplary approach here and adapted the designation.*", accessed June 10, 2022, cf. <https://swissjews.ch/de/news/der-begriff-fluchtgut-soll-ersetzt-werden>.

emphasises that they do not actively want to hide anything at the KMW, but that it is simply not a central focus for them. Schmidhauser cites as a reason for this that the circumstances of the Winterthur collection do not indicate any delicate purchases. He adds that he absolutely understands that Bern, for example, is proactively approaching the subject and that Basel is also planning an exhibition on provenances in the autumn. In these cases, there is always another context behind it, Schmidhauser says, such as the Gurlitt story. In such cases, he can fully understand the proactive behaviour, but in Winterthur, he dares to conclude that the objects purchased through Oskar Reinhart should be classified as rather unproblematic across the board. He explains how the latter had collected with an awareness of the whole problem and caution. Against this background, they decided not to actively plan anything in the mediation concept to address provenance on a large scale in exhibitions or on the label at the work itself. Schmidhauser emphasises, however, that they are prepared to retribute and address the issue if mistakes are found, but now there is no active focus on the provenance of individual paintings in the exhibition space.

So far, two restitutions have been made at the KMW or the former Museum Oskar Reinhart under the direction of Marc Fehlmann. One case that has occupied the KMW for some time, but is currently being discussed again, is the Flersheim Collection⁵. This affects various museums in Switzerland that are in possession of a Hodler painting from the former Flersheim Collection. Winterthur is one of them⁶. The work in Winterthur is a classic "Fluchtgut". David Schmidhauser explains that in this specific case, however, it can be concretely said that there are many circumstances that mitigate the problematic initial situation. Looking at the sale and pricing of the painting in Winterthur, it can clearly be said that these were conducted in a fair manner. Schmidhauser went on to say that it was a trade between two nations that were not yet occupied by the Nazi regime at the time. Moreover, to Schmidhauser's knowledge, the family's current representative or lawyers have been aware of the matter for a long time and no claim has ever been made against the KMW. This is an additional reason why Winterthur assumes that the work is unproblematic and not worthy of restitution.

The everyday life of provenance researchers is marked by many challenges. What is obvious, Schmidhauser points out, is that many sources are not accessible, namely galleries that are private institutions. Schmidhauser insists that the holdings should

⁵ Flersheim, Martin und Florence, Lost Art, accessed June 10, 2022, cf.

<https://www.lostart.de/de/Verlust/542404>: The Flersheim Collection is the art collection of Ernst (1862-1944) and Gertrud (1872-1944) Flersheim. Due to increasing anti-Semitic repression, the Jewish family had to emigrate from Germany. Ernst and Gertrud fled to Amsterdam. After the National Socialist invasion of the Netherlands, the two were imprisoned, deported to a concentration camp, and murdered in 1944. In connection with the emigration and flight, the family sold substantial parts of their art collection.

⁶ Lost Art-ID533693, *Surpris par l'orage*, Ferdinand Hodler, Lost Art, accessed June 10, 2022, cf. <https://www.lostart.de/de/Verlust/533693>.

be made accessible because they are in the public interest. In this way, transparency can be created. He goes on to say that in the end it is probably always down to money. In his opinion, museums are constantly underrated anyway. So many different things are expected of them: *"We should be sustainable, we should be there for diversity, we should do provenance research, we should do innovative outreach formats and so on"*⁷. These are just the current questions that are automatically added to the normal museum business. It became clear from the conversation that there is not enough money available for everyday operations and that this is an obstacle to conducting fundamental research: *"You have to think about whether you want to employ someone who is there for integration, whether you want to spend money on an entrance for people with disabilities or whether you want to spend money on provenance research. There is not enough money for everything"*⁸, Schmidhauser explains. Under these circumstances, priorities must be set in everyday museum life and thus also in provenance research:

*"Should one travel to an archive in Amsterdam for a picture or not? Is this three-day trip worth it for a picture, for a document, for a number at best, or for a result that may not be one after all, because you don't know what you'll find? [...] and which pictures do you look at? the most expensive, the most important, the most famous! And then suddenly we're in the middle of an economisation [...] and that also brings in a strange weight, because we as researchers should approach it soberly, independently, or neutrally [...], regardless of whether Van Gogh or Max Hunziker is somehow written on it. It should be treated equally, because we are researchers and we are not [...] sensationalists who want to make a newspaper story out of it afterwards, but we simply want to find out a result. From that point of view, these are of course problems that play a role and put the whole thing into perspective a bit"*⁹.

The famous Washington Agreement of 1998 had the goal of seeking fair and just solutions, and Schmidhauser agrees with the idea that restitution does not have to be fair and just in all cases. He argues that it is worthwhile when those entitled to the inheritance or restitution and the current owners of an object can find a fair and just solution that is agreeable to both. In his opinion, this must be the goal. For example, the ownership could be changed, and the object transferred to the museum on permanent loan, or a purchase price could be agreed upon that is acceptable to both

⁷ «Wir sollten nachhaltig sein, wir sollten für die Diversity da sein, wir sollten Provenienzforschung machen, wir sollten innovative Vermittlungsformate machen und so weiter», Interview, David Schmidhauser, 02.06.2022, 33:36-33:55.

⁸ «Man muss sich dann [überlegen], will ich jemanden anstellen, der:die für Integration da ist, will ich Geld ausgeben für eine Behindertengerechten Eingang oder will ich Geld ausgeben für Provenienzforschung? Für alles reicht es nicht», Interview, David Schmidhauser, 02.06.2022, 33:50-34:15.

⁹ «Soll man für ein Bild nach Amsterdam in ein Archiv reisen oder nicht? Lohnt sich dieser drei Tagestripp für ein Bild, für ein Dokument, für eine Zahl allenfalls oder ein Resultat, dass dann vielleicht doch keins ist, weil man nicht weiss, was man findet? [...] und welche Bilder schaut man an? die Teuersten, die Wichtigsten, die Bekanntesten! Und dann sind wir plötzlich in einer Ökonomisierung drin [...] und auch wieder ein komisches Gewicht reinbringt, weil eigentlich sollten wir ja als Forscher nüchtern darangehen, unabhängig beziehungsweise neutral [...], egal ob Van Gogh oder ob irgendwie Max Hunziker darauf steht. Es sollte gleichwertig behandelt werden, weil wir sind, Forscher und wir sind nicht [...] Effekthascher, wo dann nachher eine Zeitungsstory daraus machen wollen, sondern wir wollen einfach ein Resultat herausfinden. Von dem her, das sind natürlich Problematiken, die reinspielen und das Ganze auch einbisschen relativieren», Interview, David Schmidhauser, 02.06.2022, 36:50-38:04.

parties. In this context, Schmidhauser raises the question of whether justice would be done to a work itself if, because of restitution, it was to disappear from a public institution and disappear into a private collection. He thinks rather not. In this context, he refers to voices that say that a text panel on a work, for example, can indicate the circumstances and the history. He reflects on this idea and thinks that this solution is perhaps very classically and conservatively museum-technically conceived, but at the same time considers the idea a sensible option.

"On the one hand, one tries to establish justice, which is not possible after the Holocaust. That's why any attempt can only fail miserably. From that point of view, one can simply try to approach it and [...] to make up for the huge injustice that happened or somehow do something in that direction, and the most important legacy that we can draw from this is that we can make sure that something like this never happens again"¹⁰.

Central is the clarification, the mediation, and the remembering of the crimes of the Second World War and this is not necessarily achieved simply by returning pictures and then nesting them for millions. Schmidhauser is of the opinion that the topic must be addressed and remembered through mediation, so that the following generations also understand what happened and why it must not happen again:

"I think you have to see it in this context and in what form you want to do it, I think that is individual. There are certainly more creative solutions and more conservative, more spectacular solutions and somewhat more boring ones, but I think the primary goal is the commemoration, if you will, of the owner who died, of the history of the painting, of the history of Europe. [...] But overall, I think that's really what you have to put on your banner"¹¹.

This conversation with David Schmidhauser was thought-provoking. An important aspect that must be considered from the outset in discussions and debates about ethics and morality in dealing with cultural assets is that this topic quickly involves much more than simply collecting archival material and conducting research. The whole thing has a broad political scope and museums often find their hands tied because they simply do not have the necessary resources to deal intensively and in detail with the research of their holdings in addition to their everyday business. The circumstances lead to the fact that in this area, too, prioritisation must be carried out and the whole thing ends in economisation. In the words of David Schmidhauser, this leads back to the *immorality of morality*.

¹⁰«Zum einen probiert man ja Gerechtigkeit herzustellen, was ja nach dem Holocaust so oder so nicht möglich ist. Darum kann sowieso jeder Versuch bloss kläglich scheitern im Grunde. Von dem her kann man einfach probieren sich daran anzunähern und [...] um das riesige Unrecht, das geschehen ist, quasi wieder gut zu machen oder irgendwie etwas in diese Richtung und das wichtigste Erbe, was wir aus dem herausziehen können, ist dass man schauen kann, dass so etwas nie wieder passiert.» Interview, David Schmidhauser, 02.06.2022, 44:00-44:59.

¹¹«Ich denke man muss es in diesem Kontext sehen und in welcher Form, dass man das dann machen will, ich glaube das ist dann individuell. Es gibt sicher kreativere Lösungen und konservativere, spektakulärere Lösungen und einbisschen langweiligere, aber ich denke das oberste Ziel ist eigentlich das Gedenken, wenn man so will, an den Besitzer, der gestorben ist, an die Geschichte vom Bild, an die Geschichte von Europa. [...] Aber im Grossen und Ganzen denken ich, ist das eigentlich das, was man sich auf die Fahne schreiben muss», Interview, David Schmidhauser, 02.06.2022, 45:30-46:13.