

Alfred Bader Fonds

6

Chemistry and Art
More Adventures of a Chemist Collector

Chapter 6 -
A Liss Lost

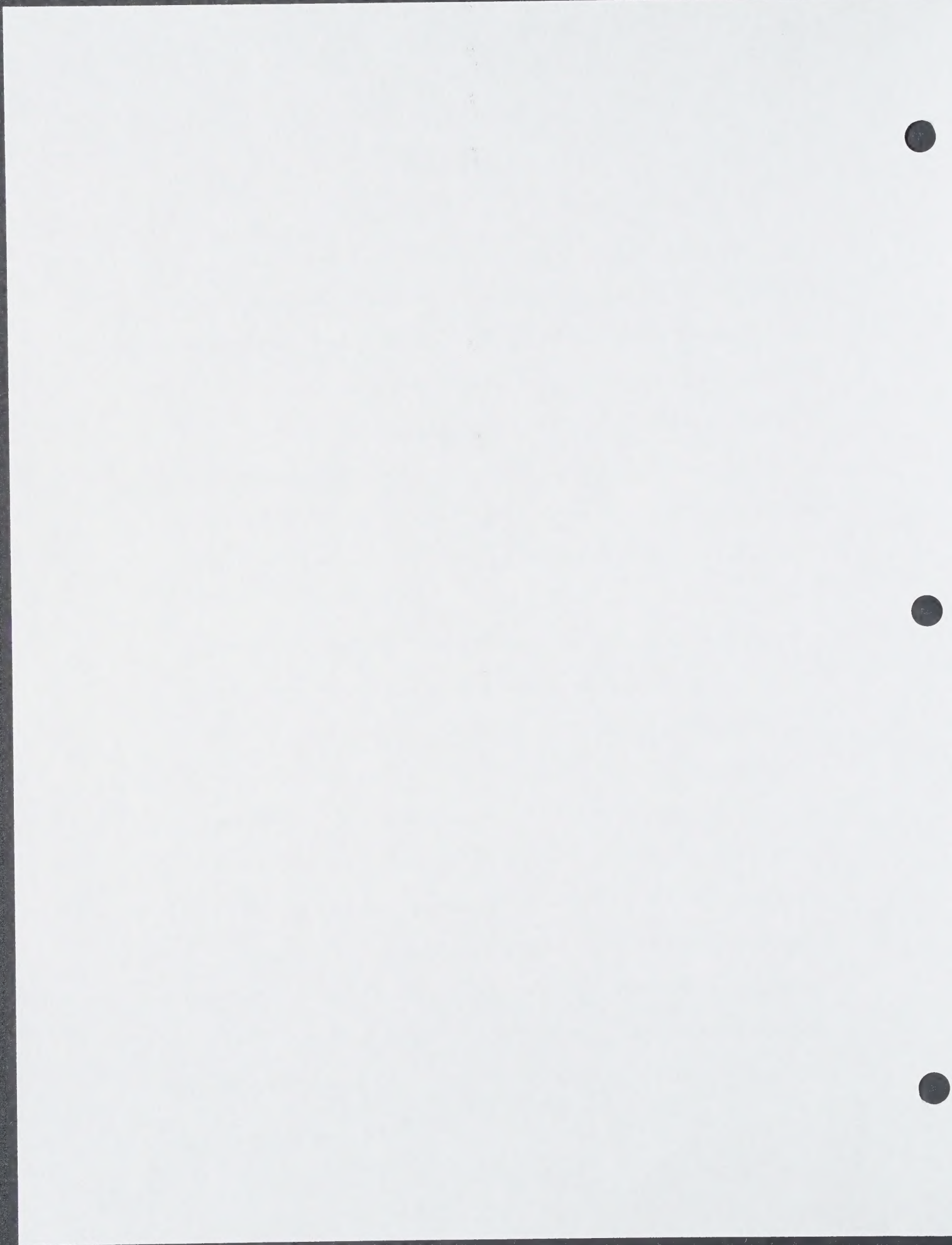
QUEEN'S UNIVERSITY ARCHIVES	
LOCATOR	5095.5
BOX	9
FILE	44

Chapter 6

A Liss Lost

I am often reminded of my late friend, the great art historian and teacher Wolfgang Stechow. In 1994, a whole flood of memories came back to me when I looked into the Christie's London catalog of their sale in December. There was an illustration of a painting by Johann Liss described as a *Repentant Sinner Turning away from Temptation and Offered a Palm of Salvation by Angels* ^(fig.) consigned by the Cartwright family in Edgcote, Northhamptonshire. It was a most beautiful painting, estimated at only £400,000-600,000, and I was sure it was the original of a copy I had first seen at the Cleveland Museum early in 1976 when I was visiting a most interesting exhibition in honor of Wolfgang Stechow.

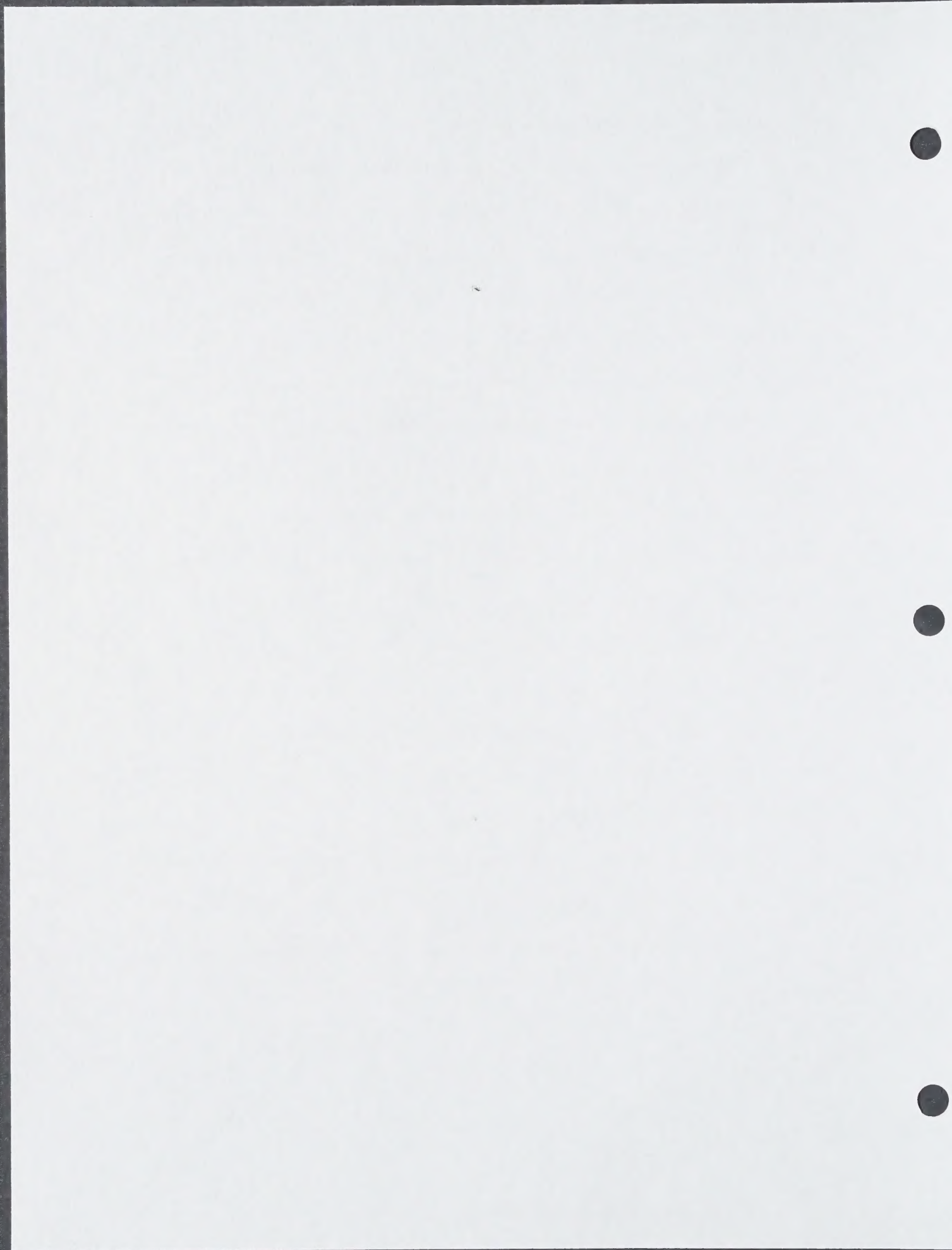
The forty-one paintings were said to be the works of Johann Liss, a brilliant German-born, Dutch-Flemish-and-Italian-educated artist, who died of the plague in Venice around 1630, in his early thirties. Wolf had often spoken to me very highly of Liss, comparing him with Adam Elsheimer and pointing out the great beauty of *Amor Vincit*, the Liss owned by the Cleveland Museum. I spent several hours in the exhibition, thinking of Wolf and wondering whether he would have agreed that all the paintings really were by Liss. I did not and annotated my catalogue with comments like "Beautiful" the A29 *Amor Vincit*, "okay" with many and "copy" with some. One of these was A17, called *The Repentant Magdalene*, from Dresden. Dr Rüdiger Klessmann, the well-respected German art historian who had written that entry in the Cleveland catalog, believed the Dresden painting was the original. He knew of the painting that now, twenty



years later, was for sale at Christie's, but he referred to it as a copy. Clearly he had never seen the Northhamptonshire painting itself, now being offered unframed in London. It was smaller (98.8 cms. x 125.8 cms., excluding 2 cms. of canvas folded over at the top, bottom, and left edges) than the canvas in Dresden (114 cms. x 131.5 cms.). The edges of the canvas had been turned over to make it fit on the over mantle of the billiard room of the Cartwright family. So what?! It was a magnificent work, one of the best by Liss that I had ever seen. Otto Naumann, my New York art dealer friend, agreed, and I bought it at a hammer price of £900,000. Rob Noortman was the underbidder; he knows a good painting when he sees one.

In January 1995, I was informed that export from Britain would be stopped. This had happened once before when I bought a German altarpiece of ca. 1510 in December 1993. On that occasion, I had been treated entirely fairly. In fact, I had rather enjoyed my meeting with the Reviewing Committee to put my case for permission to export. Unfortunately, this encounter was to prove totally different. Export of artwork from Britain can be stopped based on one or more of three criteria, called the Waverly criteria: if the work is closely connected with British history, if it is of outstanding aesthetic importance, or if it is of great significance for study.

Julia Willmore, the Reviewing Committee's secretary, informed me that it would meet in its office on 2-4 Cockspur Street at 11:15 a.m. on 1 February. I faxed her on 20 January that I would fly to London to be at that meeting and included an outline of my arguments for export:



I believe that this painting does not fall under any of the three Waverly criteria. It does not come under (1) because it is totally unrelated to British history and national life. It hung unrecognized and unframed in a billiard room with the canvas folded over the top to fit available space!

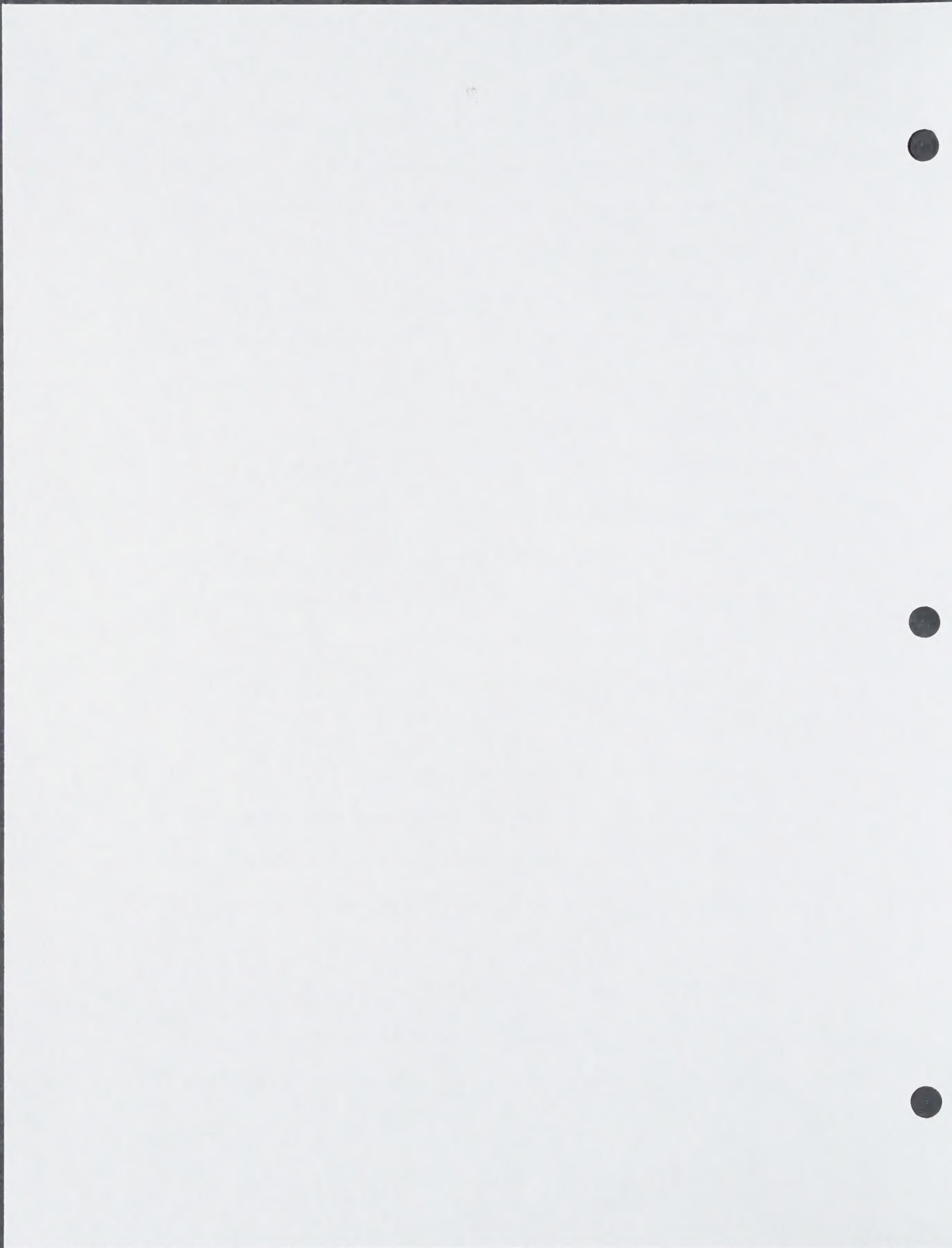
No one can argue that the Liss is an unimportant picture in today's market. However, there is no question that while it remained in a British collection, it was neglected and abused. Apparently while in the collection of the Cartwright family in Edgcote, the picture was cut down, losing over half a foot on the bottom edge; moreover, the canvas was folded over a reduced stretcher before framing, thereby damaging the original paint at the top edge.

The reduced composition is further evidenced by the existence of another version of the picture in the Dresden Museum showing the original, uncut format.

Nonetheless, the painting is a great work by Johann Liss, but Liss is hardly a household name, and chances are that not one in a thousand Britons has ever heard of him.

The National Gallery in London owns a comparably great work by Liss, as does Sir Denis Mahon, whose collection is widely believed to be destined for the National Gallery. Both works are fine examples of the artist's work and are works that have not been cut down. Hence, I do not believe that Waverly criteria 2 or 3 apply.

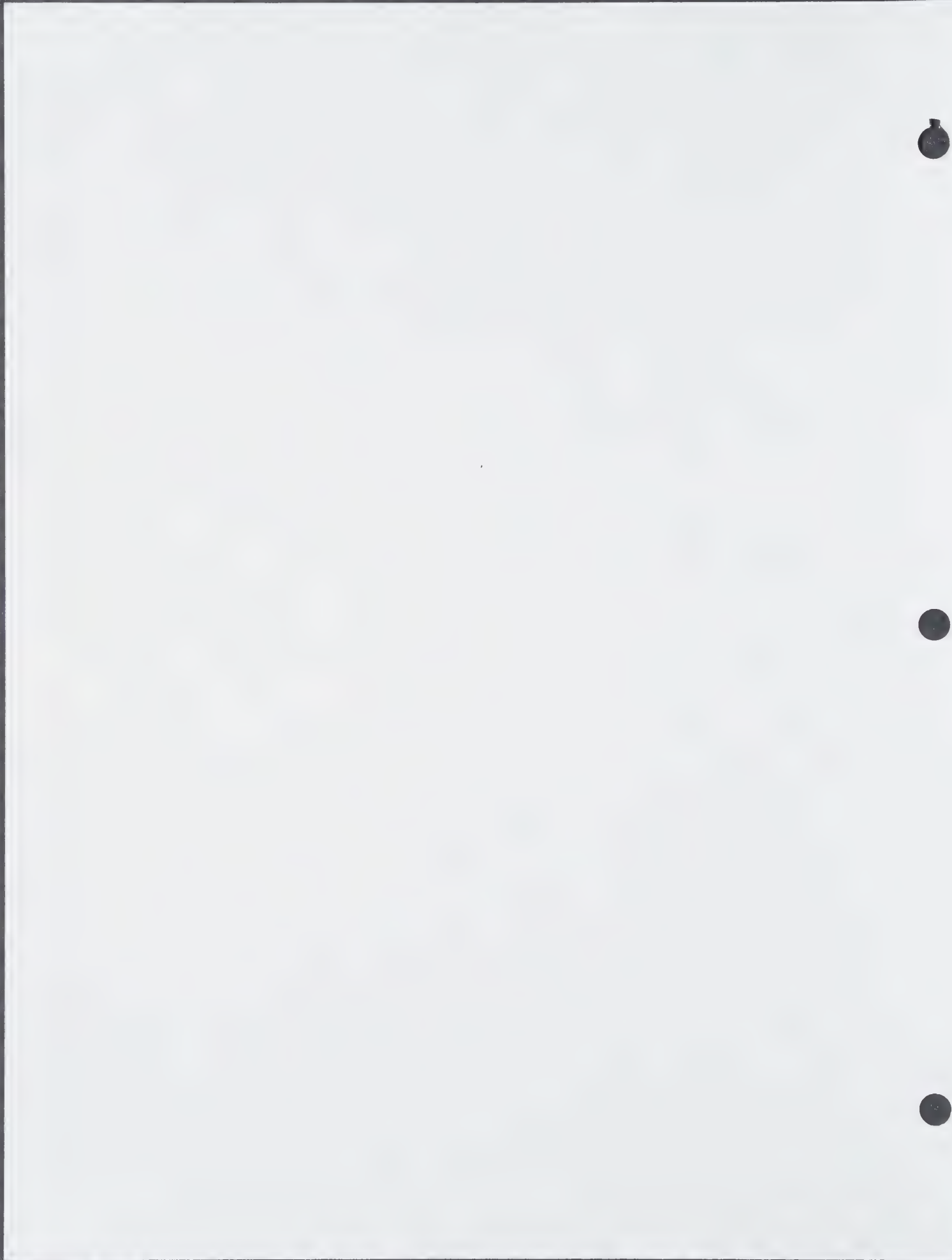
My most helpful contact at Christie's in London was Nicholas Lambourn, who faxed me on 19 January confirming that the meeting would take place at the Export Licensing Unit at 2-4 Cockspur Street. I phoned him the next day to say that I did not



know where Cockspur Street was, and he replied by fax that the nearest tube station was Charing Cross and sent a map showing how to get to Cockspur Street. Immediately after arriving in London on 31 January, I called to assure him that I would be at Cockspur Street timely the next morning. He wished me luck.

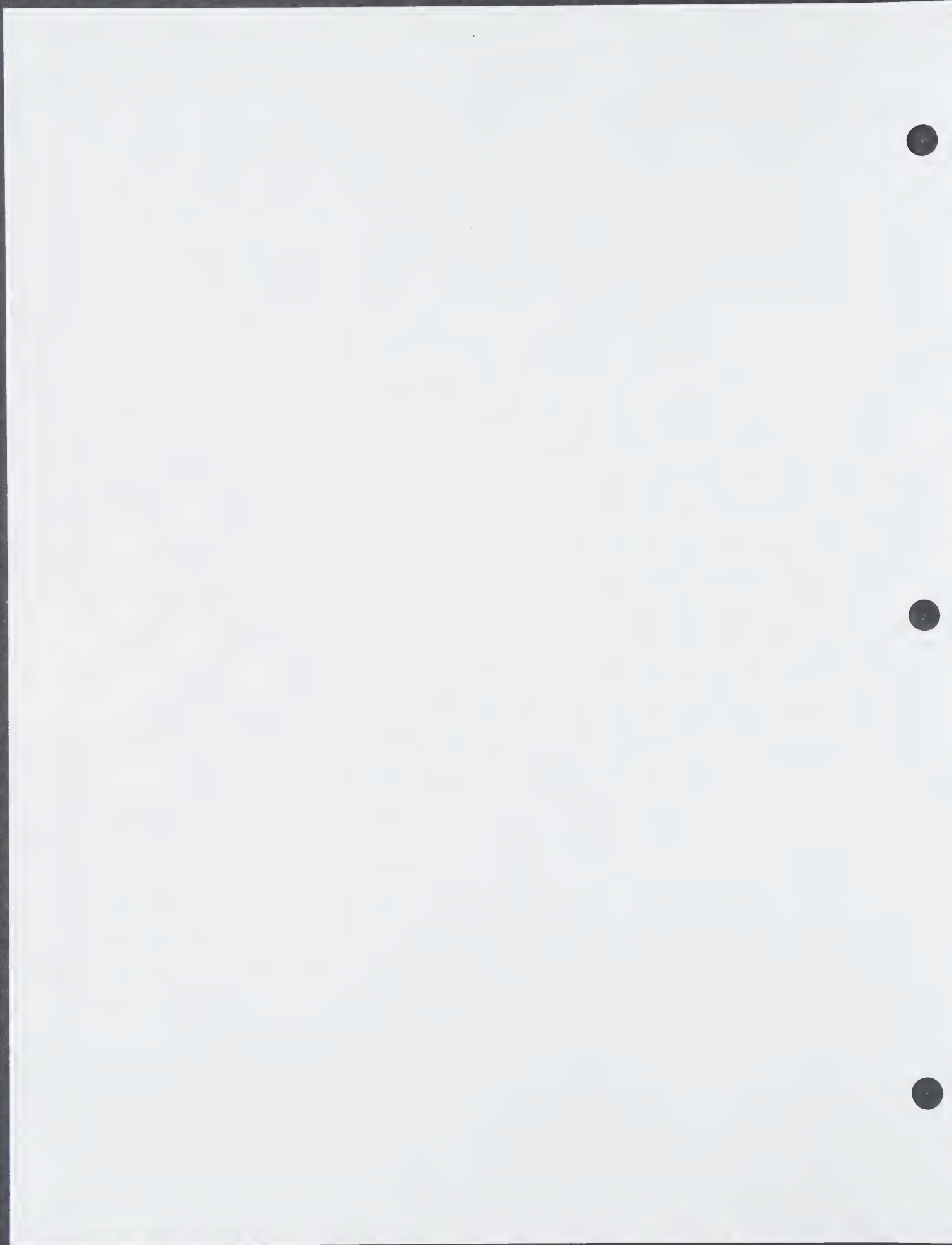
When I arrived at 11:10 a.m. on 1 February, I was told that the venue had been changed - no one had mentioned this to either Nicholas Lambourn or me, though they knew that I was the buyer. When I reached the new meeting place at 11:30, Jonathan Scott, the Committee Chairman, said that they had already decided unanimously to deny export. Before my arrival, a Mr. Ron Tabor of Vulcan International Services, a shipping organization employed by Christie's, had presented a report alleging that "the painting was not of outstanding aesthetic importance due to alterations and damage." This was so clearly incorrect that his argument was easily refuted by Neil MacGregor, Director of the National Gallery, acting as expert adviser to the Department of National Heritage. He stated:

The painting under discussion had not been properly studied before the recent Christie's sale and had been dismissed as a copy of the painting of the same composition in the Dresden Gemäldegalerie. The picture has now been universally accepted as an autograph work, and the Liss specialist Rüdiger Klessmann has reversed his view about the relative status of the two works. This is indeed a work of the very highest quality, superbly illustrating Liss's fluid brushwork, his inventive approach to composition and iconography, and his skillful treatment of facial expression. The subject, which is almost certainly the Magdalene turning away from



worldly temptation (represented by the sinister figure who offers precious objects on a dish and whose face is cast in shadow) to the angel who extends the palm of heavenly glory, is rare in art, although, significantly, there is a painting with a similar treatment of the subject by Jordaens (private collection, Chicago). The present work is a great deal more sensuous and visually exciting. Liss's chromatic juxtaposition of the golden orange of the central figure's drape with the flashes of blue lining recalls similar passages in the later works of Veronese, and adds weight to the assumption that this painting was made in Venice.

When I demurred, explaining the reason for my late arrival, Mr. Scott allowed me to state my case "but be quick about it". And, of course, I understood that I had to be quick about it, because the committee had already decided, and the next painting was already on view. Was this British justice? Ever since the meeting dealing with the German altarpiece, I had been so elated by the fair treatment I had received that I almost looked forward to another export denial. Clearly, I am no prophet, for worse was to come. Despite what I believed were my very good arguments, export was still denied. Diana Forbes-McNeil of the Reviewing Committee on the Export of Works of Art wrote to me on 24 March, "I can assure you that as soon as the initial two month deferral period on your painting by Liss has ended, i.e. 8 April 1995, we shall let you know as to whether or not any museum has expressed an interest in acquiring it." Nicholas Lambourn faxed me on 11 April that the Department of National Heritage had just assured Christie's that "we would be notified of the outcome this week, and that if there was no definite interest



the export would be approved and the licence granted immediately after Easter.” Neither promise was kept. We heard nothing.

Otto Naumann, with whom I was working on the Liss, was then approached by a London dealer, Alan Hobart of Pym's Gallery in Mayfair. He alleged that he knew of a British museum that intended to apply to Christie's for the Liss and thus stop its export, but he also said he had a private collector, Sir Graham Kirkham, in Britain, who wanted to buy it. We did not know of Hobart's reputation and were in a quandary: should we accept his offer of £1,270,000 or take the risk of losing the painting to the museum interested? If we sold in Britain, we would not need an export permit. Unfortunately, we believed Hobart when he told us his “inside information”, that a museum was seriously interested. Had we heard from the Reviewing Committee on April 8 that no museum was interested, we would not have accepted the offer, made on behalf of Sir Graham Kirkham.

In July, the Reviewing Committee sent me a draft for their 1994-5 Report alleging that “the representative for the applicant contended that the painting was not of outstanding aesthetic importance due to alterations and damage.” Of course, I objected immediately, because Tabor was not my representative. I would not have made that silly statement and, had I not been misled to Cockspur Street, would have made a more cogent argument. My objection was brushed aside. Simon Mitchell, the Committee's Secretary, ended his summary dismissal of 3 August with, “I can assure you that the Reviewing Committee makes every effort to deal fairly as between all parties, and we will endeavour to ensure that if any of your paintings are referred to the Committee in the future, the cases proceed smoothly.”



Commercially Otto and I did well: a quick but relatively modest profit. But had the Reviewing Committee kept its promise, this painting would now be in one of the world's great museums. Of course, it has been accepted as one of Liss' greatest masterpieces and is on the cover of Rüdiger Klessmann's catalogue raisonné published in 1999. What I have learned is that one cannot rely on the fairness of the Reviewing Committee, or the words of a stranger, and I no longer look forward to meeting with them. Every time I think of it, I feel pained by the Reviewing Committee's ill treatment. Wolf Stechow would have followed the saga with great interest and understanding.

