

A life by the sea and the search for justice

MARIANA HANSTEIN IN CONVERSATION WITH
MAX EMDEN'S GRANDSON JUAN CARLOS EMDEN

MARIANA HANSTEIN: Juan Carlos, you were born in Chile in 1947 and live in a small town on the Pacific Ocean north of Santiago. Everything seems far away from here. Despite this, you are connected to the whole world, and your life's work has become the history of your family, specifically that of your grandfather Max Emden (1874–1940). How did this come about?

JUAN CARLOS EMDEN: Many years ago, at the end of the 1990s, shortly after the German reunification and at the beginning of the internet era, a law firm in the USA contacted us regarding a property in Potsdam for which Max Emden was still registered as owner. The lawyers succeeded in the restitution of this commercial building in the centre of Potsdam to my father, as Max Emden's sole heir.

My father, Hans Erich Emden (1911–2001) came to Chile in 1940 with a Haitian passport purchased in Geneva; here he married my mother and lived and worked until his death. He initially spoke French to my mother, and later learnt Spanish. He never talked to me about his early life and following this first contact from the American lawyers, a surprising, completely unknown world opened up to us. We learnt of an impressive entrepreneur, my grandfather, and of his significant assets; of property in Germany, Sweden, Poland and Hungary, and of magnificent artworks that belonged to him. But we also learnt about a man who died alone and impoverished in Switzerland, completely cut off from his fortune at the end of his life by the despotism of National Socialist Germany.

For a man like myself, on the other hand, who lived in these latitudes and had to provide for his family, it was a fascinating story; the fall of the Berlin Wall was also an event that changed my life.



Juan Carlos Emden



Bernardo Bellotto. The Marketplace in Pirna

MH: Besides your incredible, new family history, what happened next?

JCE: Well, we decided to pursue the matter more proactively. We separated the property holdings from the art collection and contacted specialist law firms.

On his maternal side, Max Emden came from the Kann family in Frankfurt which owned a highly important art collection. In addition, Max Emden himself had bought and sold works of art, for example from Lepke in Berlin, when he moved to Ticino in 1928 and built a property on the Brissago Islands in Lake Maggiore. Not everything was sold in Berlin at that time, but traces of the unsold works still remain lost today.

MH: Have you had any success with your restitution efforts?

JCE: Yes, we have been able to achieve some results. Mostly through auction houses, which, according to the Washington Principles, check the provenance of the artworks more carefully and pass on a share of the proceeds upon sale.

Up until now, we have only been returned two paintings by Canaletto from public museums and institutions, and these were from the Federal Republic of Germany. We fought for these for almost twenty years. One of the pictures hung in the residence of the German president. When Horst Köhler heard that this painting had once belonged to Hitler, he immediately had it removed. It was then transferred to the Heeresgeschichtliches Museum in Dresden.

MH: Why did it take so long to be returned?

JCE: At first, the entire history since the purchase by Max Emden had to be processed and documented. Works by Canaletto are moreover not easy to identify and there was a long dispute over the identity and circumstances of the loss until the case was finally transferred to the 'Advisory Committee on the return of cultural property seized as a result of Nazi persecution', which decided the case for us.

MH: How much were the lawyers' fees?

JCE: We have involved the lawyers in our success, including my German lawyer.

MH: Were you able to decide what would happen to the pictures?

JCE: Unfortunately, the research and advisory costs and in particular the lawyers' fees were so high during the last twenty years that we had to sell them.

MH: Are there further artworks that you are attempting to retribute?

JCE: Yes, there is a third painting by Canaletto, found in the Museum of Fine Arts Houston; a work by Bernhard Strigel in the National Gallery of Art in Washington, a painting by Pietro Longhi in the Art Institute of

Chicago, as well as a Monet in possession of a New York foundation. In Switzerland also, we are striving for the restitution of a painting by Monet from the Bührlé Collection and are currently reviewing the sales of Max and Hans Erich with regards to their persecution relevance.

MH: How do your chances look? Have you been able to achieve anything so far?

JCE: It's not so easy to tell. For today's owners, arguments can always be found against restitution. Legal obstacles such as acquisition in good faith or the expiry of deadlines, but also specific statutory regulations that have to be observed with the donation of private collections or foundations. The Americans, but also the Swiss institutions are very rigid in this respect. After the Washington Agreement it became easier to some extent; moreover, the public climate has changed in recent years – not least as a result of the discussion around art from Africa. Today, museums must research and disclose the provenance of their holdings. This is an international development that has become irreversible. In this respect, it has also improved the situation for us in tracing works and asserting claims: but often only on the basis of "soft law", as legal regulations and independent commissions are lacking.

MH: Are the difficulties universal, or are there countries where the discussions about restitution are easier? How is it for example with Germany?

JCE: Germany, of course, has its own history, which began with the administration of justice in the immediate post-war period and quickly led to a dead end due to formalistic requirements that survivors such as my father in distant Chile could hardly meet.

With the load balancing regulations, attempts were made in later years to create compensation for assets in Eastern European states and the former GDR – for this, however, one had to be German at the time of the damage. Max Emden had taken Swiss citizenship, which did not prevent the Germans from 'Aryanising' his assets as those of a German Jew, but meant that Germany, of all countries, has returned hardly any assets to the family and Max Emden has been almost completely erased from memory, to close this chapter. For us, however, the case is not closed, despite the expiry of the deadlines. We must talk about property in Hamburg, where the Emden family were resident for over one hundred years and had played a prominent role in the economic and scientific history of the city.

We must talk about the Polo Club and about Max Emden's house in the Hanseatic city which today houses a grammar school ... in addition, we must talk about a number of commercial buildings in various other cities in Germany and Europe. The Allies gave us and other descendants of the persecuted a "promise of reparation" with their policies and jurisdiction in the post-war period. To date, however, only a small part of this has been redeemed.

MH: Would the Conference on Jewish Materials Claim against Germany, established in 1951, be able to help you regarding the real estate?



Claude Monet. Venice. Le Palais Ducal (1908)



Juan Carlos Emden and Mariana Hanstein during the interview

JCE: The Claims Conference acts in Germany on behalf of heirless property and is not applicable in our case. They consider themselves responsible for cases within the framework of negotiated restitution and compensation laws and make payments in cases of hardship. In other European states, they periodically hold talks with the ruling bodies to remind them of the implementation of international obligations, such as the Washington Agreement of 1998. But the Claims Conference are also banging their heads against a brick wall in states such as Hungary and Poland when it comes to restitution claims.

MARIANA HANSTEIN, art historian, expert for Old Master paintings at Lempertz.

JUAN CARLOS EMDEN is the grandson of Max Emden, a German chemist, businessman and art collector. Max Emden owned or was a shareholder in major department stores in Sweden, Poland, Hungary, and in numerous German cities – often without carrying the name Emden – such as KaDeWe in Berlin, and also owned Oberpollinger in Munich, etc. In 1927, Max Emden migrated to Switzerland and in 1934 took Swiss citizenship. As a result of Aryanisation and its consequences, he and his family lost practically all their businesses, shareholdings and property in Germany and other countries – including the highly important art collection. He also suffered great injustice in Switzerland.

Juan Carlos Emden lives near Zapallar in Chile. He has been working for years in Germany, Switzerland, the USA, and other countries, on the restitution of artworks seized in the wake of Nazi persecution.



MAX LIEBERMANN
Die Enkelin im Korbsessel nach rechts
Lempertz has reached an amicable agreement with the heirs of Max Liebermann, thus once again diplomatically resolving a restitution case.

LEMPERTZ

1845