



**DECISION OF THE ADVISORY COMMISSION
ON HANS VON MARÉES' "ULANEN AUF DEM MARSCH" ("UHLANS ON THE
MARCH")**

20 AUGUST 2019

In 2017 the Bayerische Staatsgemäldesammlungen and the legal representative of the heirs of Max Stern mutually agreed to lodge a request with the Advisory Commission, chaired by Prof. Hans-Jürgen Papier, in order to reach an agreement on the painting "Ulanen auf dem Marsch" (Uhlans on the March) by Hans von Marées. The Commission has now made a decision that the Bayerische Staatsgemäldesammlungen and the Free State of Bavaria respect and will abide by in accordance with the Rules of Procedure of the Advisory Commission.

The Advisory Commission has deemed, by a majority, that the sale of the work "Ulanen auf dem Marsch" by Hans von Marées, which the art dealer Max Stern concluded on 24 June 1936, is to be equated with a compulsory sale as the result of Nazi persecution. The Commission has recommended the restitution of the work to the heirs of Max Stern, albeit with two provisos. The Free State of Bavaria will, as a result, retribute the painting "Ulanen auf dem Marsch" by Hans von Marées to Max Stern's heirs. That, for the first time in its history, the Advisory Commission did not reach a unanimous decision clearly shows how complex and inconclusive the facts are in this case. A minority within the Advisory Commission came to the conclusion – as did the Bayerische Staatsgemäldesammlungen after extensive research – that the sale of the painting is not to be seen as the result of Nazi persecution. That Max Stern increasingly faced racist discrimination and exclusion by the Nazi regime and by society in general under National Socialist rule from 1933 onwards, has always been acknowledged as being beyond question by the Bayerische Staatsgemäldesammlungen. This was also clearly articulated in statements from the outset.

Seen in this light referring the case to the Advisory Commission was both correct und meaningful. In its detailed explanation the Commission states that a "just and fair solution in keeping with the Washington Declaration [...] could, therefore, also have been interpreted differently, taking the many known circumstances in this individual case into consideration". The recommendation of the Commission is, however, not primarily based on "the many known circumstances in this individual case" but on the pressure in general of persecution that was increasingly exerted by the Nazis from 1933 onwards on the art market in Germany and on Max Stern's art business.



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