

## INTRODUCTION

What makes art valuable? Is it what it is made of, how the materials interplay to elicit a particular emotional response? Or is it the story behind it—who made it, who owned it, why it was made, where it has been—that makes art worthy of being collected? Either way, there's certainly no clear answer when it comes to Nazi restituted art.

Undoubtedly, World War II changed the very fabric of today's society. Amongst the overt war crimes were millions of stolen work of art—property looted for the sake of financing the Third Reich. Efforts have been made to return these works, yet sources remain incomplete and time ever shorting. However, with the advent of the Internet and new technologies, there has been renewed interest and support for returning these works—redefining the definitions of looted art and fair settlement deals. It is within this context that restituted art is situated.

Two such restituted works—*Zwei Reiter am Strand* by Max Liebermann and *Paysan brûlant de mauvaises herbes* by Vincent Van Gogh—have made astronomical sales at auction. Though both seized by Nazis during WWII, the influence of their restituted status vary greatly. The result achieved at auction for *Zwei Reiter am Strand* was, without a doubt, influenced by its restitution status. Its backstory, though downplayed by the auction house, was massively inflated by the press, raising the closing price far beyond its equivalents. On the other hand, I move to say that *Paysan brûlant de mauvaises herbes* did not actually achieve a remarkable result. Rather, Sotheby's market estimate was extremely low—far below its actual value. The price realised at auction was a fair price, after factoring the additional attribute of rarity and national identity.

## ZWEI REITER AM STRAND - Public Presentation

### CATALOGUING

*Zwei Reiter am Strand's* catalogue notes establish the artistic genius of Max Liebermann, though more so technically and intellectually than aesthetically. The restituted status of the work is barely mentioned at all.

Max Liebermann is not as famous nor as highly priced as other Impressionist painters within the UK market. Thus, Sotheby's feels the need to qualify his work by association, comparing him to Edgar Degas and pointing out he was a president of the modernism movement in Berlin. Sotheby's then establishes the greatness of this work, stating that *Zwei Reiter am Strand* has comparably more "elegance and poise" than his other works. There is no discussion on why the painting was created; it remains but a physical object. Thus, Sotheby's uses Liebermann's visual similarity to a more familiar artist, his position as an intellectual, and his technical abilities to show that this artist's work is worthy of being collected—even if a collector has never heard of him before.

*Zwei Reiter Am Strand's* restituted status is only mentioned in the catalogue's provenance section. It lists "Restituted...to the heirs of David Friedmann in 2015," "Confiscated by the Monuments," as well as multiple entries of Gurlitt. Abstractly, to those in the know, it points towards Nazi seizure and original Jewish ownership. However, it does not outrightly say "David Friedman, Jewish collector" or "Dr. Hildebrand Gurlitt, one of Hitler's art dealers." Perhaps a more of a "politically correct" approach, Sotheby's provides almost nothing about restitution in an assertion of objectiveness.

Thus, Sotheby's presents a neutral, standard-conforming catalogue presentation. Educating potential buyers of Max Liebermann's artistic genius through similarities to

another artist, career achievements, and technical execution is more important than emphasising the return of Jewish property. It is an inoffensive approach expected of a well-established institution.

### *PRESS REACTION*

While Sotheby's officially downplays *Zwei Reiter am Strand*'s restituted status, the press absolutely sensationalised it. The story of *Zwei Reiter am Strand* sounds like something straight out of an action drama: a raid, a secret stash, a work of art thought to be lost but now found.<sup>16</sup> All of these factors made for a compelling news feature, one that contributed to its soaring realised price.

The press clearly focused on the novelty of *Zwei Reiter am Strand* being the first painting restituted and sold at auction out of the works found in Cornelius Gurlitt's flat. Headlines like "First Painting to be sold from Cornelius Gurlitt trove,"<sup>17</sup> and "Liebermann restituted from Gurlitt cache comes to auction,"<sup>18</sup> point towards the chosen story of the Jewish underdog reclaiming justice from the big bad Nazi. This particular perspective was perhaps further fueled by David Toren, the heir apparent, who was quite involved with the press, giving statements about when he had last seen the work as a child<sup>19</sup> and why he wants to sell it on so quickly.<sup>20</sup> The press ate it up.

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<sup>16</sup> University of Glasgow, "The Nazi Seizure."

<sup>17</sup> BBC, accessed May 22, 2015, <https://www.bbc.co.uk/news/entertainment-arts-32843721>.

<sup>18</sup> Roland Arkell, *Antiques Trade Gazette*, June 4, 2015, <https://www.antiquetrade gazette.com/news/2015/liebermann-restituted-from-gurlitt-cache-comes-to-auction/>.

<sup>19</sup> Arkell, "Liebermann restituted." David Turen recalls looking at the painting as the Gestapo forced the sale of his home.

<sup>20</sup> "First Painting." David Turen states, "I can no longer appreciate the painting... The painting can now pass into a new phase of its story."

However, there wasn't really much of a "trove." Of the 1500 works, only 14 proved to be of Jewish ownership.<sup>21</sup> By focusing specifically on one interpretation, the press has solidified *Zwei Reiter am Strand* as not just a painting, but a physical manifestation of a historical moment—a very attractive trait for the intrepid art collector.

## **ZWEI REITER AM STRAND - Market Context**

### *MARKET OVERVIEW*

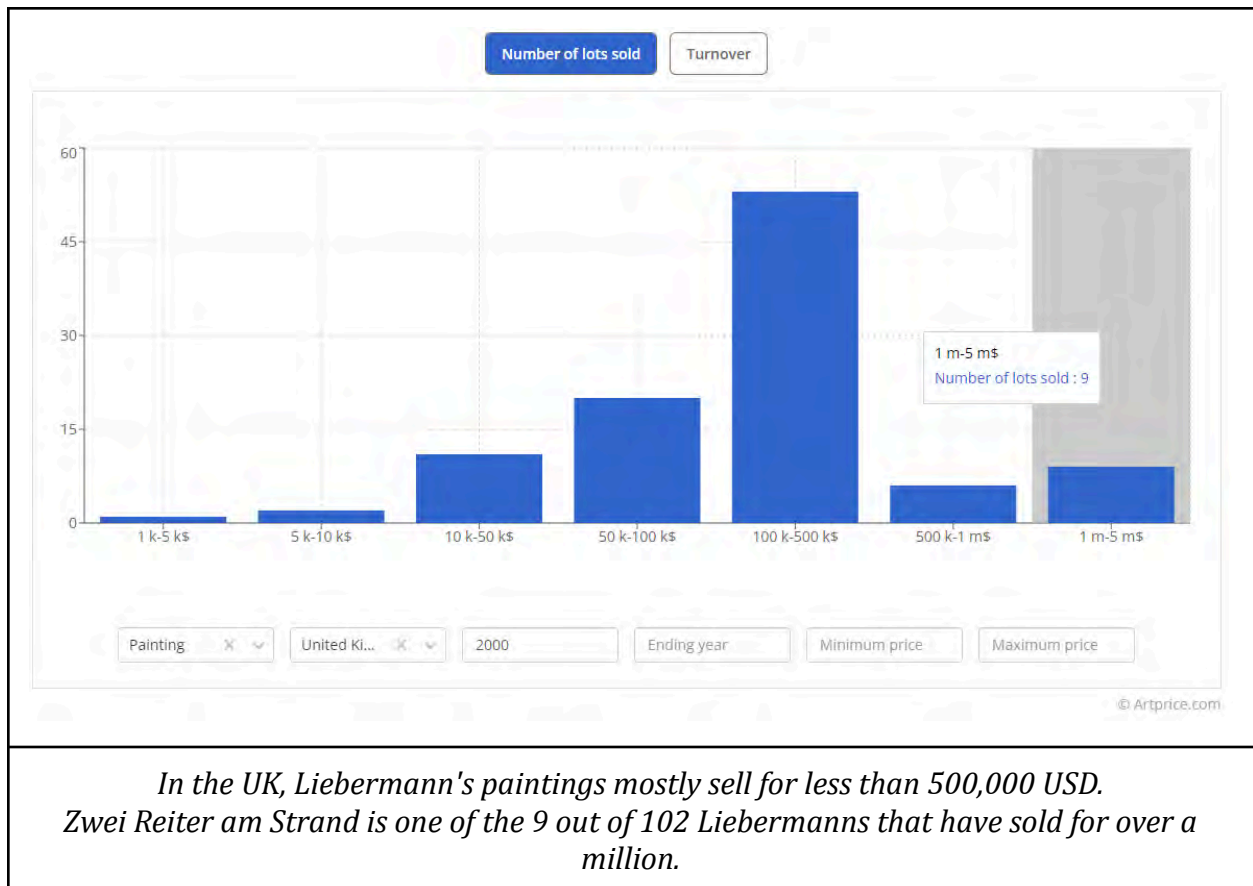
Max Liebermann does not have a particularly strong market in the UK. Ranking between 200-500 in the world, he is most popular in Germany where many more lots are being sold for much lower prices.<sup>22</sup> Of the 102 paintings sold in the UK since 2000, only 9 paintings have been worth more than a million—all of which are paintings of either a crowd of people, a quaint garden, or a crowd of people in a quaint garden.<sup>23</sup> *Zwei Reiter am Strand* stands out as the only painting with two lone figures on horses in a relatively calm, flat background of the sea.

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<sup>21</sup> Sabine Oelze and Nadine Wojcik, "Gurlitt Collection: Last of Nazi-looted artworks auctioned," *Duetsche Welle*, Nov. 24, 2021, <https://www.dw.com/en/gurlitt-collection-last-of-14-nazi-looted-artworks-auctioned/a-59899315>.

<sup>22</sup> "Max Liebermann - Advanced Analytics," *Artprice.com*, accessed Nov 13, 2023, <https://www.artprice-com.ezproxy.sothebysinstitute.com/artist/17518/max-liebermann/index>.

<sup>23</sup> Artnet search, Price descending.



### THE IMPRESSIONIST & MODERN ART EVENING SALE

Within the evening sale itself, *Zwei Reiter am Strand* was placed right after Gustav Klimt's *Portrait of Gertrud Loew*—another restituted work. *Portrait of Gertrud Loew* exceeded expectations by twice its estimate. Evidently, this competitive energy must have also carried through to the subsequent bidding on the more affordable *Zwei Reiter am Strand*.

### WITHIN LIEBERMANN'S CAREER

*Zwei Reiter am Strand* was painted in 1901, a few years after the establishment of the Berlin Secession and when Liebermann was shifting "his palette lighter, his colours brighter, [and] his subjects moved away from rural workers towards scene of middle class

leisure."<sup>24</sup> It is one of his many works of the seaside and represents the beginnings of his departure from Realism. However, Liebermann is more famous works for his later works featuring his garden in Wannsee.<sup>25</sup> It is among these Wannsee garden works that *Zwei Reiter am Strand* is priced equivalent to.



*The Flax Spinners*  
(1887)



*Zwei Reiter Am Strand*  
(1901)

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<sup>24</sup> "Max Liebermann," Liebermann Villa am Wannsee, accessed Nov 13, 2023, <https://liebermann-villa.de/en/museum/max-liebermann/>.

<sup>25</sup> Liebermann Villa am Wannsee, "Max Liebermann."



*Terrace at the Restaurant Jacob in  
Nienstedten on the Elbe  
(1902)*






*My house in Wannsee, with garden  
(1926)*

### COMPARABLES

Max Liebermann painted two other versions of *Zwei Reiter am Strand*, one as an establishing sketch and the other as more refined end version. Varying slightly in textures and compositions, their overall size, quality, and execution are comparable. Their realised price, however, are not. The sale of the sketch (3) took place after the sale of the restituted *Zwei Reiter am Strand* (1). However, it did not achieve millions like the restituted one, but was more similar to the refined one (2). Thus, it is clearly not the composition that makes this painting compelling—it is its restituted status.



1		<p>oil on canvas 1901 Height 28.3 in.; Width 36.2 in. / Height 72 cm.; Width 92 cm. Signed Sotheby's London: Wednesday, June 24, 2015 [Lot 00027] Impressionist &amp; Modern Art Evening Sale 350,000 - 550,000 GBP ② (548,847 - 862,474 USD) 1,865,000 GBP Premium ② (2,924,572 USD)</p>
2		<p>oil on canvas Height 28 in.; Width 35.8 in. / Height 71 cm.; Width 91 cm. Signed Sotheby's London: Wednesday, June 3, 2009 [Lot 00014] 19th Century European Paintings including German, Austrian &amp; Central European Paintings, The Orientalist Sale, Spanish Painting and The Scandinavian Sale 80,000 - 120,000 GBP ② (132,428 - 198,642 USD) 289,250 GBP Premium ② (478,811 USD)</p>
3		<p>oil on canvas Circa 1900-1901 Height 25.6 in.; Width 31.9 in. / Height 65 cm.; Width 81 cm. Signed Sotheby's London: Thursday, June 22, 2017 [Lot 00369] Impressionist &amp; Modern Art Day Sale 250,000 - 350,000 GBP ② (316,495 - 443,094 USD) 284,750 GBP Premium ② (360,488 USD)</p>

### THE FACTOR OF IDENTITY

*Zwei Reiter am Strand* is particularly special for its two-fold association with the Jewish community. Originally bought by a Jewish collector David Friedman, it was also was painted by a Jewish painter. Liebermann did experience institutional success as president of



the Berlin Secession,<sup>26</sup> and as president of the Prussian academy of Arts in 1920.<sup>27</sup> However, he was soon forced to step down as the Nazis came to power and he died soon after. Thus, *Zwei Reiter am Strand* is not only a story of lost property, but also of lost reputation—a double association valuable beyond its physical appearance.

## **PAYSAN BRÛLANT DE MAUVAISES HERBES - Public Presentation**

### *CATALOGUING*

Sotheby's purposefully uses Van Gogh's own words to establish the importance of his paintings in Drenthe. There is a clearer nod towards *Paysan brûlant de mauvaises herbes* as an exemplary step in his style development. Furthermore, there are more direct terms describing Nazi seizure, though it remains a footnote within the catalogue itself.

More than half of Sotheby's catalogue notes are quotes taken from Van Gogh's personal letters. Both descriptive of his time in Drenthe and a record of his inner thoughts on such a painting, it illustrates what the artist thought of his own work. Whether applied correctly or not, Sotheby's uses Van Gogh's own words to qualify *Paysan brûlant de mauvaises herbes* as the equivalent of a masterpiece, successful in its own right at the time.

There is also some writing qualifying the technique of "painting with black" and the influence of traditional Dutch Old Masters of which *Paysan brûlant de mauvaises herbes* exhibits. However, the dark, sombre palette coupled with the semi-realistically style is noticeably unlike any of Van Gogh's more famous, coveted works that feature stylized swirls and unblended contrasting strokes of pure colour. Thus, Sotheby surreptitiously acknowledges the mainly institutional appeal of the work as establishing the start of artistic

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<sup>26</sup> As noted by Sotheby's in the catalogue.

<sup>27</sup> Liebermann Villa am Wannsee, "Max Liebermann."

development—not necessarily attractive to an individual collector looking for a "Van Gogh."

The status of *Paysan brûlant de mauvaises herbes* as restituted is once again regulated to the provenance section. Though it uses the more direct terms of "Looted by the Nazi authorities" and lists the restituted heirs, a random buyer would be hard pressed to piece together the significance of its restitution. Again, Sotheby's has taken the inoffensive, professional approach—quietly noting down its ignoble past, and focusing more on the selling aspect.

Thus, Sotheby's catalogue is conventional in its aim to validate the "greatness" of the work through the artist's own words and by explaining its technical nuances. The restitution status is more or less cast aside: noted, but not of importance.

#### *PRESS REACTION*

There was little to nothing about *Paysan brûlant de mauvaises herbes* in the press. Only a blog dedicated to Van Gogh picked up on the restituted status of the before the auction. Any other press was in response to the high realised price in comparison to its estimate.

*Paysan brûlant de mauvaises herbes* is one of the two paintings featured in an specialist Van Gogh article about then-upcoming auction sales.<sup>28</sup> Though this article briefly addresses *Paysan brûlant de mauvaises herbes*'s restituted status, the writer clearly has more enthusiasm for the other, more colourful painting. Post-auction, this same Van Gogh blog published a follow-up piece about the two museums who bought it, failing to mention the painting's restituted status at all.<sup>29</sup> This sentiment is reflected in the official Drents

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<sup>28</sup> Bailey, "For sale: two Van Gogh paintings."

<sup>29</sup> Bailey, "Two Dutch museums."

Museum press release where, again, restitution is skipped in favour of conservation and exhibition notices.<sup>30</sup> There were a smattering of post-auction articles, but they all use variations of the one-liner "selling for \$3.14 million, smashing through its \$600,000 to \$800,000 estimate."<sup>31</sup>

Thus the coverage over *Paysan brûlant de mauvaises herbes* was scarce. Its restituted status was not widely publicised if at all, and—as a painting—only garnered some post-sale attention due to far exceeding its original estimate. Only specialists in Van Gogh even noticed *Paysan brûlant de mauvaises herbes* in the first place, and is most likely why the two Dutch museums took such an interest.

## **PAYSAN BRÛLANT DE MAUVAISES HERBES - market context**

### *MARKET OVERVIEW*

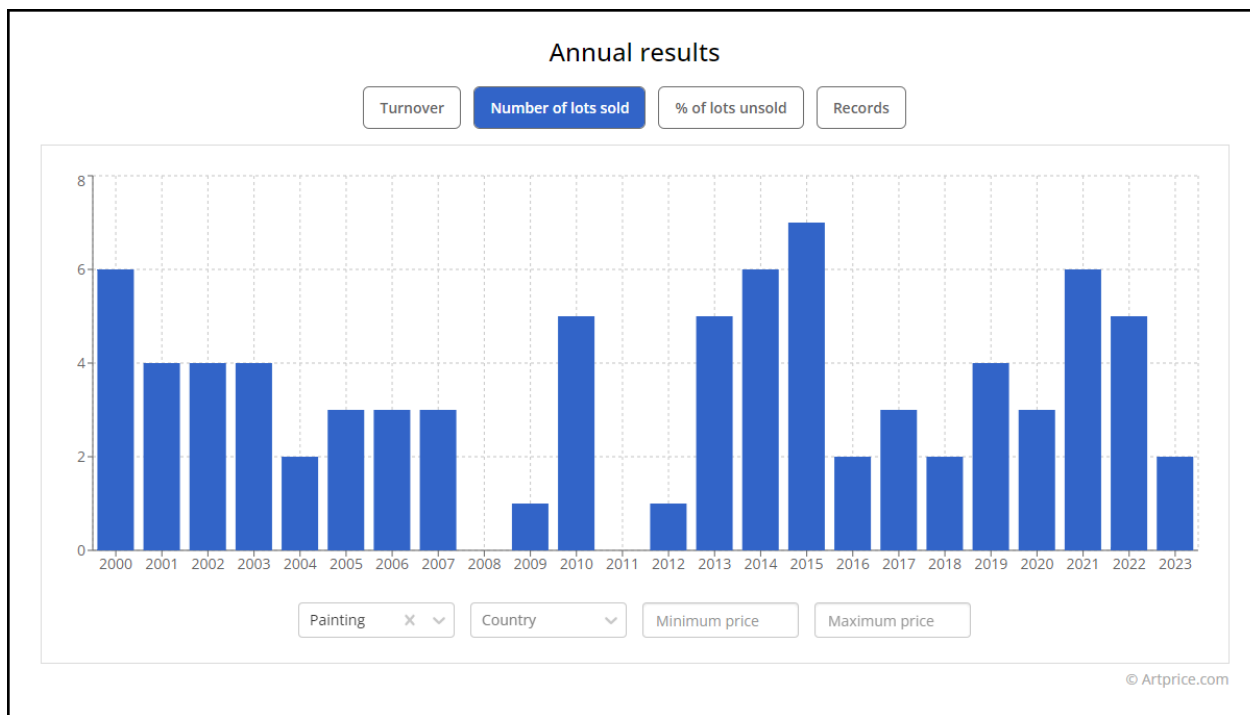
Van Gogh is very well-known and has a well-established market. Not many of his works come to auction each year, but any that do usually sell for millions.<sup>32</sup> There is a clear demand for and competition over any work that goes to sale, regardless of exactly what type of painting is being offered.

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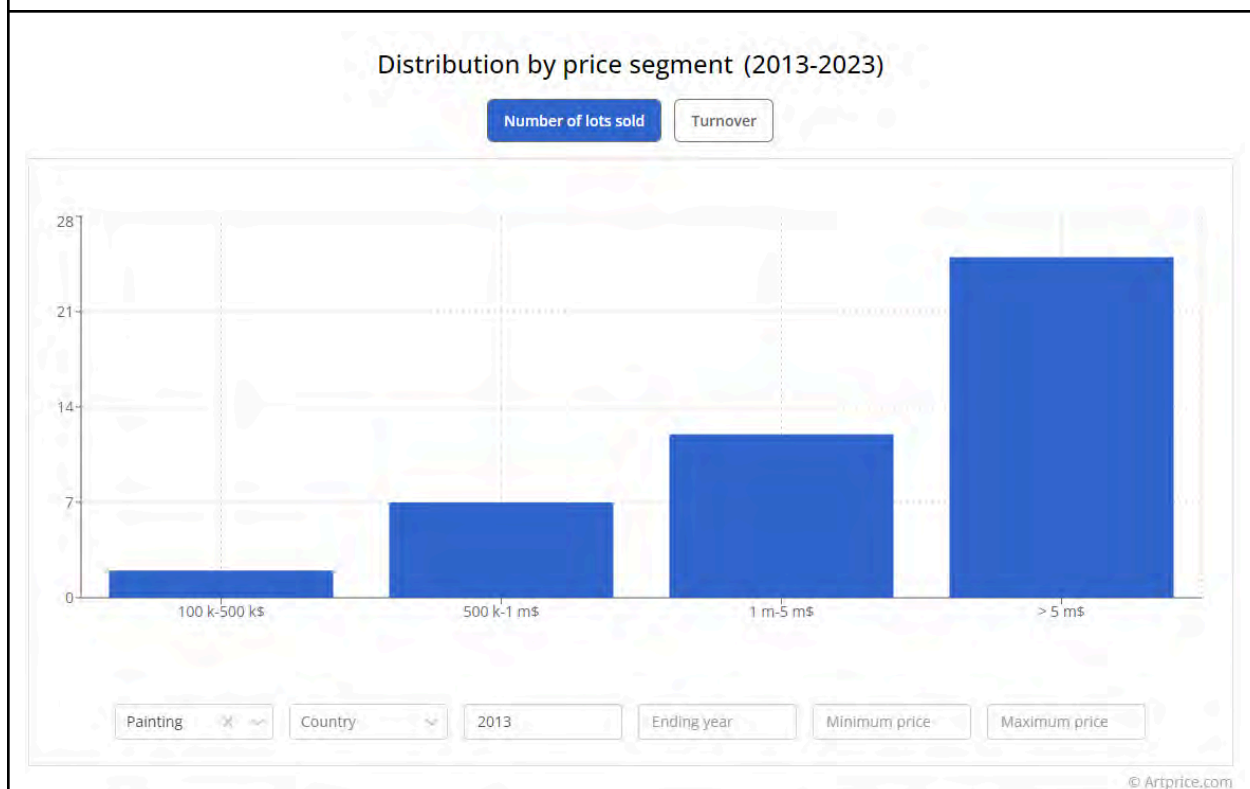
<sup>30</sup> "Drents Museum and Van Gogh Jointly Acquire Painting Van Gogh," *Drents Museum*, accessed Nov 13, 2023, <https://drentsmuseum.nl/en/press/drents-museum-and-van-gogh-museum-jointly-acquire-painting-van-gogh>.

<sup>31</sup> Claire Selvin, "The New York Day Sales: Highlights and Records from Modern and Contemporary Auctions," *ArtNews*, Nov 15, 2019, [www.artnews.com/art-news/market/day-auctions-new-york-christies-sothebys-phillips-13587/](http://www.artnews.com/art-news/market/day-auctions-new-york-christies-sothebys-phillips-13587/).

<sup>32</sup> "Vincent Van Gogh - Advanced Analytics," *Artprice.com*, accessed Nov 13, 2023, <https://www.artprice.com.ezproxy.sothebysinstitute.com/artist/11598/vincent-gogh-van/index>.



*Number of lots remain low. 2019 only had 4 Van Gogh paintings the entire year.*



*Within the last 10 years, most Van Gogh paintings sell for over a million (37 vs. 9). An estimate under a million is already against the odds.*

## WITHIN VAN GOGH'S CAREER

*Paysan brûlant de mauvaises herbes* was created at the very beginning of Van Gogh's artistic career, within a year of attending the Hague School for formal training.<sup>33</sup> As an early work, it is emblematic of both his life-long fascination with the countryside, and his interest in portraying peasant peoples. It is demonstrative of artistic genesis—starting from the traditional and innovating into the contemporary.



*Paysan Brûlant De Mauvaises Herbes*  
(1883)



*The Potato Eaters*  
(1885)

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<sup>33</sup> Department of European Paintings, "Vincent van Gogh (1853-1890)," *The Metropolitan Museum of Art*, last modified March 2010, [https://www.metmuseum.org/toah/hd/gogh/hd\\_gogh.htm](https://www.metmuseum.org/toah/hd/gogh/hd_gogh.htm).



*Wheat Field with Cypress*  
(1889)

### COMPARABLES

Sotheby's must have relied on sales of Van Gogh's other early works where his signature style has not appeared and while he was still focused on rural landscapes. Such works were realised at 820,445 USD, 778,173 USD, and 670,000 USD, making *Paysan brûlant de mauvaises herbes*'s original estimate of 600,000 - 800,000 USD seem quite reasonable. However, if the search is cast a bit wider, much higher priced comparables are revealed. Though slightly more structural, they are of the same stroke quality and phase of artistic development. With realised prices 1.9 million USD and 2.0 million USD, it is easier to see *Paysan brûlant de mauvaises herbes* going for 3.1 million USD. The rarity of Van Gogh's coming to auction far outweighs the not-as-desirable colour palette. Additionally, none of these comparables are from Drenthe, a trait most crucial to those who ended up buying it.



*Comparables based on subject and style*





L'allée aux deux promeneurs  
Painted in October 1885.signed Vincent on the reverse  
oil on board [More ...](#)  
1885  
Height 12.2 in.; Width 15.4 in. / Height 31 cm.; Width 39 cm.  
Signed  
Sotheby's London: Thursday, June 20, 2013 [Lot 00372]  
Impressionist and Modern Day Sale Afternoon session  
400,000 - 600,000 GBP ⓘ  
(618,620 - 927,930 USD)  
530,500 GBP Premium ⓘ  
(820,445 USD)



Prairie avec des vaches  
oil on canvas31 by 44cm., 12¼ by 17¼in.Painted in 1883.PROPERTY FROM A PRIVATE [More ...](#)  
oil on canvas  
1883  
Height 12.2 in.; Width 17.3 in. / Height 31 cm.; Width 44 cm.  
Sotheby's London: Tuesday, June 24, 2014 [Lot 00399]  
Impressionist & Modern Art Day Sale  
200,000 - 300,000 GBP ⓘ  
(339,443 - 509,164 USD)  
458,500 GBP Premium ⓘ  
(778,173 USD)



LANDSCAPE WITH WINDSWEPT TREES  
Oil on paper laid down on panel13 by 20 1/8 in.33 by 51 cmPainted in Novemb [More ...](#)  
oil on paper laid down on panel  
1884  
Height 13 in.; Width 20.1 in. / Height 33 cm.; Width 51 cm.  
Sotheby's New York: Friday, November 6, 2015 [Lot 00168]  
Impressionist & Modern Art Day Sale  
200,000 - 300,000 USD ⓘ  
670,000 USD Premium ⓘ

Other Comparables based on overall tone	
	<p>Oude Toren bij Zonsondergang oil on canvas 13¾ x 18½ in. (35 x 47 cm.) Painted in Nuenen in August 1884 <a href="#">More ...</a> oil on canvas 1884 Height 13.8 in.; Width 18.5 in. / Height 35 cm.; Width 47 cm. Christie's New York: Wednesday, May 7, 2014 [Lot 00267] Impressionist &amp; Modern Day Sale Including Property from the Estate of Edgar M. Bronfman 800,000 - 1,200,000 USD ? 1,925,000 USD Premium ?</p>
	<p>Water Mill at Opwetten Painted in Nuenen in November 1884. oil on canvas laid down on panel <a href="#">More ...</a> oil on canvas laid on panel 1884 Height 17.7 in.; Width 23 in. / Height 44.9 cm.; Width 58.5 cm. Sotheby's London: Thursday, June 20, 2013 [Lot 00336] Impressionist and Modern Day Sale Afternoon session 200,000 - 300,000 GBP ? (309,310 - 463,965 USD) 1,314,500 GBP Premium ? (2,032,941 USD)</p>

## THE FACTOR OF DRENTHE

*Paysan brûlant de mauvaises herbes* is one of the 18 Drenthe paintings Van Gogh mentioned in his personal letters to his brother. Only six paintings are thought to have survived, and the Van Gogh Museum and the Drents Museum have been actively collecting them, either by private sale or at auction, since the late 1970s.<sup>34</sup> Acquiring *Paysan brûlant de mauvaises herbes* cements the museums' position in a market niche—becoming the place for early Van Gogh. After all, Drents Museum recently held the first exhibition of the Van

<sup>34</sup> Martin Bailey, "Revealed: Van Gogh's unknown period, exploring the landscape of the remote north," *The Art Newspaper*, Sept 22, 2023, <https://www.theartnewspaper.com/2023/09/22/revealed-van-goghs-unknown-period-exploring-the-landscape-of-the-remote-north>.

Gogh's Drenthe period, bring tourist attention and intellectual recognition to the city.<sup>35</sup> Part site-specific and part national pride, the Dutch museums had a vested interest in acquiring *Paysan Brûlant De Mauvaises Herbes*.<sup>36</sup>

## CONCLUSION

Within the catalogue, Sotheby's presents both *Zwei Reiter am Strand* and *Paysan brûlant de mauvaises herbes* in a conservative, unoffending manner. Press response, however, varied greatly between the two. *Zwei Reiter am Strand* was sensationalised, while *Paysan brûlant de mauvaises herbes* was deemed unremarkable. In regards to their each individual market, *Zwei Reiter am Strand* is an anomaly amongst Liebermann's higher priced items, whereas *Paysan brûlant de mauvaises herbes* more or less matches Van Gogh's average prices.

Therefore, *Zwei Reiter am Strand* reached its inflated price through the hype behind its restituted status—faintly established by Sotheby's, but most definitely exaggerated by the press. On the other hand, *Paysan brûlant de mauvaises herbes*' high price was reached because of its rarity as a Van Gogh from Drenthe. The Dutch museums had a vested interest and were willing to pay fair market value for a Van Gogh, regardless of its low estimate. Its restituted significance was not of note.

Ultimately, how much the restituted status of a work influences its market value depends on how exceptional its story is. If its a famous family, an exciting spectacle, an underdog claim victory—anything with drama, buyers will be enticed to bid. Conversely, if it is confidential and discreet, not many will even know of the work and only a few—like

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<sup>35</sup> Bailey, "Revealed."

<sup>36</sup> The Van Gogh Museum confirmed its authenticity. A first-hand preview of the work, they knew it was going to auction and could prepare accordingly.

institutions–will care at all. Therefore, although Nazi looted art deserves thorough investigation and restitution, what it achieves at auction is still valued based on our collective behaviour–whims of the human condition.

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