

## NEGOTIATE. HOPE. WORST CASE SCENARIOS.

"All happy families are alike; every unhappy family is unhappy in its own way." Thus, begins the novel "Anna Karenina" by Leo Tolstoy. This insight has made various disciplines bear fruit. In psychology, the Anna Karenina Principle refers to the theory whereby a happy family is characterized by the interaction of various favorable factors. These are, for example, affection between couples, economic stability, compatible ideas about bringing up children and religion. But also, a harmony between the families of origin and contact with friends are important for domestic happiness. In the case of unhappy families, it is enough if there is a lack of understanding about just one of these essential factors. In business, success is explained by the Anna Karenina Principle: Success is achieved when everything adds up. Failure, meanwhile, is based on a single negative moment. The success or happiness factors are all present differently. Some of them play a role every day, others only become virulent on occasion. If an art collection has a formative influence on family life, then the disturbance with regard to art can affect the whole family structure.

### Do not underestimate art in your estate

This is because conflict potential is particularly evident in topics that are not of everyday concern, as they are suitable for proxy wars. The Anna Karenina Principle names a phenomenon that continues to appear in estate planning. In families with art holdings, the question about the structure of the estate is not explicitly asked, or at least not answered concisely. In estate planning, the perception of those involved, especially from the perspective of the advisors, is concerned with the economic order and the clarification of legal questions.

A collection does not generate a regular income. Art is therefore not an active asset in a private context and therefore appears as a marginal topic. Accordingly, the future of the art holdings is not regarded as relevant to planning or even critical to the success of the overall estate.

In the case of artists' estates, the art holdings represent the business assets from which one lives, or at least has lived, so that the starting position differs from the collector's household. However, the art is immediately reduced to the economic factor in the advisory services. The emotional dimension as a life's work regularly remains unappreciated. The entire artistic oeuvre is discussed merely as an economic resource.

Over the course of time, however, the casual interest in the art holdings often turns into unlimited discussions in both structures, i.e. in the collection as well as in the artist's studio. Tangible solutions in other areas become infected by this and remain only theoretically possible. Based on the premise that collectors and established artists are successful people, the question arises as to why the "challenge of generational handover" is not mastered as confidently as the artist's career. Art is not an asset like any other and artists are not a profession like any other. Rather, art is charged with meaning. This means not only cultural - art historical - meaning, but also relevance for those involved. The personality of the actor is expressed in the collection and in the overall artistic work. In the context of generational handover, this expression of personality must take a new position. When will such a shift succeed?

### Starting point for failure

How the process reliably fails and the legacy turns into dynamite is the subject of Angela Utermann's essay. Following the interdisciplinary approach of the project "Der Faktor Mensch" ("The Human Factor"), the psychoanalyst's theses on the resounding failure are taken up and related to the art world in order to gain insights for productive solutions. According to Utermann, old conflicts in relationships are revived when an inheritance occurs. Detached from the consequences of the inheritance - in the spectrum between "in der Verantwortung stehen" ("being responsible") or "ausgeschlossen sein" ("being excluded") -, experiences of powerlessness, disappointment or humiliation from earlier relationship experiences are activated. As a child, negative feelings such as powerlessness and anger could not be expressed because of dependence on the parents and were repelled and repressed. In exceptional situations, repelled feelings push their way uncontrollably upwards. A significant situation in this respect is not only the inheritance itself, but also the confrontation with inheritance plans. Presenting an inheritance contract or learning that the establishment of a foundation is imminent can result in the same dynamics. In the worst case, the children learn of it from the newspaper or at the reading of the will and how it will be their task to take care of the art, or that third parties will be responsible. The suppressed and frowned upon impulses (such as anger, thoughts of revenge and retribution) are then acted out in a dispute - preferably on a material level. The greed arising in the inheritance situation must therefore be seen in connection with earlier disappointments, since - Utermann continues - at that time the child's longing for support, reflection, appreciation, preference, support, etc. was not satisfied. This means that the causes for a failed generational handover are already set in the childhood of the next generation. If testators do not concern themselves with the subject of succession until the eighth decade of their lives, many opportunities for shaping the succession have already been missed, not only in legal terms (see Holtz, in *Der Faktor Mensch*, pp. 34 ff.).

One reason for problems in generational handover is that although entrepreneurs perceive themselves as the founders of a dynasty, they do not derive any meaningful implications for dealing with possible successors. To do so, one would first have to admit to a dynastic claim and then make the effort to find a successor. However, both the testators and the possible successors lack the necessary tools. The bequeathed connects uneasiness with the authoritarian upbringing by their own parents. On the other hand, the entrepreneur is used to presenting his or her biography as a success story without any breaks or pitfalls. And so he or she often sums up that "the hardship did not hurt".

What should now be the rule for the children? The father built the company up, the mother wanted to be the children's friend. Meanwhile, jealousy over art is not only the children's prerogative. Spouses are also prone to jealousy over art, so they are not without reservations when it comes to supporting their successors.

### Emotional legacies

The special value of art can nevertheless be transferred without personal disasters and costly disputes. The prerequisite for this is that the transfer is released of negative meaning. According to Utermann, this dissolution of old conflicts is regularly countered by the lack of mentalization of those involved and a narcissistically accentuated personality structure of the testators. In addition, unproductive patterns of dealing with conflicts have established themselves in families over decades. One pattern of dealing with them is to claim that there are no conflicts at all. Collector and artist families without conflicts or with completely satisfactorily resolved conflicts, however, exist exclusively in the imagination. Just

as an artistic work doesn't emerge in our cultural sphere because the artist is at peace with everything. Nor is the energy raised to assemble a significant art collection, because life is without open questions and without fears. From a psychological point of view, collecting can ward off feelings of inferiority and fear of death. To put it less drastically, at any rate, dealing with art is often about topics that are open, that cause anxiety, it is about questions without right or wrong answers. Both the artist's legacy and the collection are emotional legacies. With the artist's estate, at least it is certain that the work is complete. In the case of the collector's estate, a decision must be made as to whether and how to continue collecting. Obviously, interests must be balanced in all estates with art holdings. If families are conceivable without conflicts at all, then the potential for conflict in an environment dominated by art collections is so high that conflicts are basically inevitable.

### What is a gift?

Basically, inheriting means giving from death. The heir enters into the legal position of the testator. It is obvious that this complete entering into the position of another person contradicts the idea of a self-determined life (for more see, Kloth: *Ambivalenzen in der Unternehmensnachfolge. Zum Einfluss von Berufsmilieus auf Nachfolgeentscheidungen, Ambivalences in company succession*. English: "The influence of professional milieus on succession decisions", Göttingen 2018). Even with lifetime gifts, the general meaning remains the same: gift.

Legally speaking, gifting is the transfer of assets without monetary consideration. Psychologically, the situation is different, and this must be taken into consideration. In return, non-measurable, non-enforceable "benefits" are expected, which determine the satisfactory outcome of a gift. These non-measurable considerations are those such as gratitude, respect, being seen and receiving justice. Only in exceptional cases is the expectation fulfilled that feelings will be reflected to the exact extent and in the way that one imagines them. In addition, other participants such as third parties previously unconsidered (mostly siblings, partners, muses or assistants) are disappointed because of the lack of recognition. In comparison, money appears as a banal, uncomplicated exchange currency. Testators speak of wanting to make the beneficiaries happy. However, the gratitude of the beneficiaries is not enough either. Because gratitude is also expected from the giver, namely for the fact that his or her life's work is taken over and is also seen.

### Hope

The hope that everything will be all right and that it will find itself of its own accord, that everyone bears good will after all, quickly turns into drama. The lack of ability to reflect leads to the fact that the wishes of the testator are automatically transferred to the possible successors. A deviating life policy of the beneficiaries is either not seen at all or ignored in the conviction that their own values will prevail. In other life contexts a narcissistically accentuated personality structure is (has been) useful. The enumeration of attributes of a narcissistically accentuated personality structure can also be read as a laudation for a charismatic collector or a creative artist: Unique ... unique selling proposition ... with charismatic attraction ... unfolds radiant power far beyond his own creative work ... impressive persistent energy and consistent pursuit of his own idea, without consideration ... art comes first ... visionary etc. The economic success of the testator in the art milieu was achieved with these qualities.

**„Der, der ich heute nicht bin, der war ich einmal.“ (In English: The one that I am now, I was once.) Franz Lehár from the operatta Zigeunerliebe**

The generation that now has to settle its estate earned the money by its own efforts. But the old tools no longer work. In public, the increasingly aged "doers", who claim the authority to interpret their surroundings, are being negotiated under the keyword "old white man". For the first time, a sociological cohort is under attack that has hitherto felt itself to be an actor and not an object of discussion. One can still feel one's own grandiosity and yet objectively one is in the weak position of the one who has to advertise for himself. Subjectively, this constellation is not recognized, but the new situation is levelled and placed in a frame of reference that is familiar. Success has always been defined by influence and prosperity. Thus, the problem of generational transfer is framed as a legal and economic issue that must be dealt with by cunning and power decisions. To do something surprising and to be faster than the others, that has always been the proven method. And so it continues now. Regular allowances should not be left lying around. Every appeal to cleverness is taken up. At the end of the day, trying to gain small advantages by tricks and angles only colors the inability to tackle the big picture.

For shrewdness is not even required in a legal/economic context, as the tax revenue in the field of art is negligible due to the, often, preferential treatment of this asset. When well advised, a tax burden is only incurred in exceptional cases and even then, only to a small extent (on this Holtz, *Der Faktor Mensch*, p. 48 ff). Mindless regroupings and spontaneous sales to "take profits" and to create liquidity in order to be able to pay compensation often wake sleeping dogs. The tax office scents commercialism, the possible heirs extrapolate the alleged value of the total estate on the basis of sensational individual results. The list can be extended at will, as maneuvering driven by fear, guilty conscience and agitation makes the situation increasingly tricky due to the alarmed interpretation of third parties.

The testators are apparently only partially to blame for this. In addition to the theorem that one is always a bad lawyer in one's own affairs, the parties involved cannot see the necessity of a change in strategy. One cannot simply get rid of a lack of a capacity to reflect.

## Old Ways

In many collections, it can be observed that collectors behave in the same way in relation to their private passion as they do in their profession, or that they even take behavior from their professional life to the extreme here. The fascination that comes from collecting is also explained with game theory. It is about testing skills that are needed at work and testing limits. Experienced in dealing with money, the price negotiations for buying art are used as a separate playing field to feel "sporty". For many collectors, this experience of self-efficacy is a precious side effect of building a collection. Even if this is not mentioned at cultivated receptions for the collection: collectors define success in art not only by the achievement of ownership, but also by "winning" at acquisition. Others did not get the art and one has fought for special conditions for oneself. It remains to be seen whether this structure applies to auctions in particular. For the direct battle between collector and gallery owner, often carried out with devotion over years, is sometimes highly appreciated. In the generation of artists/collectors who are now in the last quarter of their lives and creative power, ties to gallery owners are sometimes more dramatic in the course and termination than many marriages. The relationship between collector and gallery owner is therefore also a bubbling source of frowned upon feelings in many families: jealousy, envy of closeness, discrimination, exclusion. The art market has found its own mechanisms for dealing with discount wars. A specific feature of the art operating system is that in some places the market is an allotment market. Collectors who are known for tests of power, such as aggressively depressing the price or deliberately sluggishly

paying, are not offered some things at all. At the same time, the judgment of those collectors with an excessive focus on monetary advantages are often limited with regard to the quality of art. The collections that have been assembled by the "best negotiators" therefore have a comparatively low value in the end. The fact that the merchant makes a profit on the purchase is therefore not easily transferable to the art market. For the collector with limited capacity for reflection, these circumstances are not recognizable as motives of the other party. The strategy and the violation of the trading partner's sense of honor (gallery owner or artist) remain hidden from him.

However, it is not only the feelings of the direct counterpart that are a problem when the ability to think is lacking. The domestic relationships of the other participants or their relations to outside third parties can be even less assessed, since all these ties do not directly relate to the main actor. This has serious consequences for a successful generational handover. For it leads to grotesque misjudgments in answering questions about how well children and women understand each other, who has what expertise and negotiating skills, or how resilient relationships with gallery owners and curators are. The narcissistic accentuation favors the fact that relationships between third parties are not even considered possible. The opposite is often the case: the business practices of collectors get around and the control one seems to have does not even prove to be an illusion. Because people with this personality structure apparently never find out about it. Until the "last will and testament", decisions based on blatant misconceptions remain.

Children have a keen sense for unmasking the lies of their parents. Anger and powerlessness result to a large extent from the fact that the children are aware that the testator is unaware of their misjudgments. One heir sums it up strikingly: "My father feels nothing." In the generational transfer a "doer personality" is therefore not a good prerequisite for success. This is because a demanding team effort has to be managed here, where the definition of what success should be is part of the common task and cannot be determined individually.

The motivations for the collection or the attitude towards the profession of artist and the ideas for the future are put to the test. On the side of the successors, the question of their resources and their life politics is at stake.

However, testators in the field of art have particular difficulties in imagining the world without themselves. For this reason, they often draw up bequest scenarios that pretend that they will not disappear at all. One approach, according to Holtz is "aus dem Grab heraus zu regieren", in English to "rule from the grave" (Holtz, in *Der Faktor Mensch*, p. 39) with a testamentary disposition.

In the case of heirs, the limited ability to work in a team is to be found in the unresolved conflicts and one's own unconsidered life plans.

### Worst case scenarios

If this is the starting point, then the parties involved are only partially interested in reasonable economic considerations. On the contrary, it is also about the desire for drama, for destruction (Utermann, in this book, p. 59 ff.) or about ruling for the sake of ruling. This makes a proper consultation more difficult.

In order to get an overview of the situation and to satisfy it, it is helpful if consultants reflect on their own issues such as social envy and lack of understanding for other people's passions and empathetically tackle the "luxury

problems" in the art milieu. The need for those involved is real and the work must be done. Preferably, this is done in an adept manner and without getting entangled in it oneself. In particular, one's own ideas of justice must always be kept in mind. The special structure of the participants leads to repeated special consulting situations.

**“You’re all individuals!**

**Yes, we are all individuals!**

**We are all different!”**

**– The Life of Brian, satire by  
Monty Python, 1979**

The narcissistically distorted view regards the problem as unsolvable, otherwise it would already have been solved, which is why consultants are always met with inner reservations. They have to prove themselves in externally controlled scenarios: An appointment is set with the instruction that everything should be put on the table, the estate is now "finally" settled. Who participates in this appointment and which facts are the basis of the considerations is the testator's sovereign right to interpret. Accordingly, evaluations are anticipated, and abridged facts are presented. Those entitled to a compulsory portion are "forgotten", conflicting promises and commitments are played down (art has already been given away, permanent loans promised, rental contracts fixed for a long time, pension promises made to assistants, etc.), the expenses incurred for the collection (storage, insurance, conservational care, etc.) are under- or overestimated. Valuations are not carried out externally, expertly and on a case-by-case basis, but figures from other contexts are used or simply imagined (for expert opinions by galleries, Hanten-Schmidt, BVDG-Reader, Berlin 2019, p. 44 ff.) In addition to the amateurish attributions of value, there is also an instructive use of legal terms such as "unworthy of inheritance", "compensated", etc. Follow-up is branded as snooping and as an attempt to sound out the client.

An important guiding principle for consultants is to adequately grasp that the facts provided by the parties involved are regularly abridged and distorted and that it is up to the consultant to provide a solid working basis. In the course of the process, consultants must be frustration-tolerant in dealing with the fact that useful advice is often not recognized or can only be accepted to a very limited extent. The case that the professional assessment is considered to be wrong, for example because it does not match with their own sense of justice, is often encountered. The clientele is then dissatisfied. In the case of children, one would say that one is offended.

If consultations are unpleasant, the client's limited capacity to reflect confirms that the problem cannot be solved. Testators obtain further confirmation through the migration from lawyer to lawyer. When the best professionals deal with their own lives, the secondary benefit is to feel alive and meaningful. A lack of reflection means that one cannot recognize the values and motives of the other person. In the art context, the motives of the other are sometimes vaguely understood. What one recognizes, however, cannot be named because it has negative connotations.

Professional experience in galleries, museums, collections and as experts teaches us that children of collectors and artists have had a hard time. They come from seemingly privileged circles. Because collecting presupposes prosperity. Growing up in artistic circles is associated with freedom, unusual life experiences and opportunities for development. However, those affected often perceive their childhood differently. Growing up safe and wealthy is not consciously experienced and appreciated as a natural background noise. At this point, the future heirs have grasped the idea of the dynasty. Because what is there, already belongs to them. If something already belongs to you by law, there is no room for gratitude. On the

contrary, the parents' excessive waste of money is condemned as a waste (felt) of their own resources. Thus, the argumentative circle closes, which is why disappointments are preprogrammed.

As far as childhood is concerned, a focus on problems dominates: art was "annoying", the parents were not within reach for the offspring, but were occupied with themselves and also physically absent too often. Attending trade fairs and exhibition openings had left their mark on family life. Art has always been more important than a normal family life. "Normal" were communal meals without guests, television evenings and board games. Because of art purchases, projects that would have benefited the whole family had not been realized. Travels or purchases had been cancelled or inconveniently placed around art because of art. If the parents were ever present, visitors would come. They were people who were allowed to do anything (table manners, expression, clothing), while you had to be good.

It was frowned upon to call the guests of the parents, the revered artists and curators, "stupid" and "rude". The greed of the parents, who to get hold of a work were "throwing themselves" at artists, was embarrassing. The claim of the parents to establish "*Hauskünstler*" (house artists), to determine the canon and to have a "nose" for future stars was embarrassing (on the concept of the house artists: Hanten-Schmidt, *Look at me! Look at me!*, Leipzig 2018, p. 101).

At home, they saved money and warned that "money does not grow on trees", after all, one had "started with nothing", etc. The hedonism of the parents should under no circumstances be called out. In the inheritance context, these unsolved relationship problems could be renegotiated in a new and different way. While in many collections it is customary to let strangers into the house to open up access to art, communication with one's own family about art is often very limited.

Accordingly, the handover from one generation to the next is not negotiated with the potential heirs, but heirs are regularly harshly confronted with the testators' ideas. This happens, for example, when a will is opened. The testator stages a dramatic situation that he or she can imagine for himself or herself. At the same time there is a withdrawal from a conversation as equals. For the heirs, this helplessness adds another disappointment to the one they have suffered or at least felt.

Where the understanding of the heirs was not sought, the heirs often reduce the motives for the collection to the strictly hedonistic parts: erect a monument ... determine the canon ... elitist distinction ... demonstration of power ... vulgar ostentation.

The reactions to the inheritance are correspondingly drastic. An heir: "Now I'm going get even with the old man and throw it all away cheaply at auction."

Due to their personality structure, testators in the art milieu tend to make unclear and impracticable arrangements, so that crying at the grave and helpless despair arise. Testators acting in this way want the absence of the founder's "genius" to remain tangible. Inheritors, on the other hand, often want to see an end to this.

A widow: "Finally, goodbye to all that endless fuss about art."

The destruction of money in collecting, which is perceived as bizarre, is followed by the next destruction of money by selling off the estate. Collectors and artists

regularly do not envision this, but rather hope that their heirs will appreciate their life's work and be happy to dedicate themselves to it. The double burden that the heirs - regularly the children - should not only take on responsibility, but should also do so with joy, is not appreciated. At the very least, successors want to be free to decide to take responsibility for the art and then arrange the actual handling of the estate according to their own ideas. The passion is not directly hereditary, as it manifests itself in self-experienced stories. The transition is successful when a new passion is kindled and the stories about living with the art acquired by the previous generation are also valuable.

Artist children reported in the context of the research work for this project, but also on the occasion of evaluations and design consultations, that they had to defend something in their childhood at school that they themselves did not understand. Children are first of all "conservative". Parents who are doctors and lawyers and play tennis in their free time are easier to convey at school. Economic resources flow into the parents' work in the perception of artist children. The work costs more than it brought in. The children complain that the artist's work and private life are not very distinct from each other. This has been at the expense of family life. The distinction between friends and colleagues of the parents could not be made. People who were thought to be impossible, nevertheless moved further in the environment, because they were "important". Children of artists also say that they should have been well-behaved while their parents were self-actualizing, instead of just working for money and feeding the family.

But also, collectors and artists have a hard time. Collecting is a quasi-creative process. Many collectors would have liked to have become artists themselves and experience themselves as creative in collecting. For artists, it is not a matter of exchangeable business assets, but of a lifetime's work. In both positions a claim to eternity manifests itself. To express this claim and to demand allegiance costs an effort. Why is that?

Collectors and artists want to create. Their gaze is directed towards the future. According to Utermann, if the collection or even the visible life's work has a stabilizing effect, then one's own finiteness means exactly the opposite. They work energetically against the disappearance, fighting to stay by continuing to collect: their own museum, a foundation bearing their name, loans by name, tasks/honorary posts on the reputation market (Beckert, in this book, p. 30 ff.) etc.

However, the testator explicitly mentions predominantly philanthropic motives: to give something back to society ... to promote culture ... to assume responsibility ("ownership obligates") etc. The testator and heirs deny that motivations are not only good or bad, but also complex and can be contradictory in detail. To the extent that testators, due to a lack of reflection, are able to perceive at all what their successors' attitude to art is, a general interest in art is interpreted as a willingness to accept an inheritance: The children are interested in art. They also collect. Here the entrepreneur thinks he is getting confirmation of his dynastic claim. It is even regularly true that children of collectors are also interested in art. However, it is ignored that the stories cannot be inherited. Children have their own art, just as every generation has its own music and does not develop its own identity by uncritically adopting the taste of its ancestors. Art is not about taste at all. Harald Falckenberg said it on the podium: "Eigentlich kann ich die Kunst gar nicht leiden." (In English: "Actually, I can't stand art at all.")

It is about addressing relevant issues. Everyone has his or her own questions. The generation of movers and shakers has no access to the issues of the generation of



potential successors: legatees perceive trends such as the longing for a healthy work-life balance as aggressive nihilism.

### **Failure to act is also action.**

Collectors too seldom and with too little intensity solicit understanding and enthusiasm from the heirs. Rather, they devote all their energy to legal and fiscal considerations. Problems and pitfalls are localized at the tax office, at the legislator who wants to dispossess you, at the EU. The adversary is faceless and cannot be located within oneself or the family circle.

The heirs grew up with the idea that success is first and foremost defined as economic success. Even if their external life has supposedly moved away from the money scheme of their parents, familiar patterns are triggered in case of conflict. Depending on the view of the testator, the art in the imagination of the successors therefore has a greatly exaggerated or underestimated monetary value. Jealousy of art, which was more important than oneself in the perception of the children, is acted out on the material level. A special dynamic is created at the point in communities of heirs.

### EFFECTS ON THE VALUE

Expert valuation (see Hanten-Schmidt, *Wie wird der Kunst ein Wert zuweisen - zur sachverständigen Bewertung von Werken der bildenden Kunst*, in: *Der Kunst einen Wert zuweisen*, Köln 2017, p. 29 ff.) accordingly has to struggle with acceptance problems and can at best contribute to bringing peace - for example by determining an *Vergleichswert* (in English: equal value) (Holtz, in this book, p. 40 f.). For this to happen, however, all participants would have to open themselves to the knowledge of how the art operating system works and how values and prices are created. All those involved must be made aware that in the case of an inheritance, it is a matter of assessing the monetary value appropriate to the occasion, and that this commercial valuation does not include any judgement on the cultural or ideal value.

It must also be clear to those involved that the behavior of the testators is also decisive for the value. For value-forming factors are, among others, the traceable provenance, the state of preservation and the importance of the collection (see: Beckert, *Der Faktor Mensch*, p. 31). The fact that expectations about the future also have an impact on value is not considered enough (fundamental to this: Beckert: *Imagined Futures: Fictional Expectations and Capitalist Dynamics*, 2016, Harvard University Press).

Applied to the artistic legacy, the significance of the entire work is value-forming, but also the potential for the future. Whether the estate is in order, whether a competitive gallery structure exists or whether the gallery owners themselves have succession problems is significant. The testators' knowledge of the estate, the non-transparent relationships between artist, collector, and gallery, "paperless" transactions, and a general lack of order in the collection and studio are counterproductive. In this context, the maker of the past, whose life was marked by handshakes and serially changing favorites, often becomes a petitioner for inclusion in the catalogue raisonné, for documentation, confirmation.

Collecting objects by renowned artists - preferably personally dedicated - offers

the opportunity to highlight your own greatness. Depending on the importance of the collector, however, from an expert's point of view a dedication increases or decreases the value. The aura of the famous previous owner can be useful, the name of the less charismatic or even negatively connotated collector can be harmful. The dedicated pieces are also often regarded as favors and are thus denied the relevant attributes of the work. In most cases the dedication reduces the value and offers room for offenses (collectors) and reproaches (heirs).

The state of conservation of the works can also become a topic here. What collectors and artists found funny or casual in dealing with works of art is suddenly seen as an intervention in the work or a deterioration of the state of conservation. The open hand of the Barlach sculpture *Die Russische Bettlerin* (In English: The Russian Beggar Woman) picked up the car key. Result: loss of material, deep cracks, depreciation. One moment you felt "cool" and superior, then suddenly the sovereignty of interpretation slips away. The person you last smiled at to give a "buzzkill" is now the one who decides. You bought directly in the studio and felt smart. The bypassed gallery now doesn't confirm the authenticity of the work. Collectors who smoke in their own rooms are told that the works are damaged and in poor condition. The loft with the large windows now leads to the attestation that the photographs are no longer negotiable due to high UV exposure.

The children rebuke and make clear that they always knew anyway that it was not about (cultural) responsibility. The testator comes under fire from all sides.

Once the succession has been arranged, this has an impact on the market's perception of the future viability of the estate and thus on its value. Even though there is naturally more potential for conflict in patchwork families, for collectors and artists, a new family is often a possibility for social reinvention. Testators often perceive children from further/later marriages as a new chance. Occasionally stepchildren are also chosen as heirs to the throne. The fact that stepchildren have to be fought for because they are not naturally part of the loyal business is regularly noticed by testators. On the other hand, stepchildren are free to accept the life-changing task of looking after the arts as a reward. Perhaps they are able to do so precisely because they could leave it alone without any disadvantages. The other participants experience such "cherry picking strategies" as an insult in reverse.

## Negotiating

The generational handover is a complex team effort that must first be mastered by those involved and may require external help when necessary. By no means is it the case that one side just gives the art and the other side receives it. In the beginning, there is the creation of inner and outer order. Appropriate inner preparation for negotiating as equals means examining the narratives of the testators and showing an open-ended interest in the lifestyle of possible successors. The plans and ideas of the partners who may have joined the estate are also important here. Resources of the successors such as time, special knowledge and financial resources are to be closely examined for their existence and willingness to use them. If collectors have put all their resources into the collection, it is difficult to pay for the upkeep of the collection or even to pay off those involved.

If conflicts are to be resolved, in addition to admitting that there are conflicts at all, not only a willingness to talk is necessary, but also the willingness to actively fulfil upcoming tasks. Because if you expect the children to take over, you must

be prepared to hand over a well-ordered house.

The uncomfortable tasks must not be passed on to the heirs, the dislike for order must be overcome; one must do something oneself if one is interested in fame. Dramatic stagings of disorder and the claim that chaos is creative are harmful. Chaos is chaos no matter what. Domination must be reduced; transparency must be created.

One's own assessments should be supplemented by external knowledge and corrected if necessary. Does the collection - when considered excluding the founder - have potential? Does the collection already extend beyond the collector or can it be accentuated to that end? Is the artistic legacy such that it can exist without the charismatic creator? Is the exhibition activity and market presence related to the artist's personality or to art?

If in the collector's experience only the "love of art" exists, or if the artist lives in a castle less because of the accommodation of his art than because of his pseudo-feudal inclination to pomp, then it becomes difficult to find unconditional successors.

In the technical language this is called rationalization. There's a more blatant term in the family: untruthful.

### Success

Never before have so many people gone to a museum. 20 million Germans claim to have an interest in culture. Accessible private collections meet the public's need for culture, for entertainment, even from the perspective of amazement to voyeurism. Quality in art is difficult to determine (see Beckert, in this book, p. 28). The determination of quality is partly replaced by the selection of art by a semi-public figure. In the museum art business and at biennials, curators are less often charismatic individuals such as Szeemann and Fuchs. Increasingly, teams who act less passionately and erratically and more intellectually are present here. Meanwhile, private collectors serve the longing for leadership and sensation. Collectors and the public can therefore each draw a positive balance. Other useful side-effects of private collecting for society are added: public resources are not tied up when unsecured contemporary art is bought with private money. The economic risk of private exhibition venues is often borne exclusively by the private sector. The fact that discourse and market artists are moving further apart and that public houses cannot compete with the purchasing power of private collections completes the picture that everything not only has a value but also its price.

So there is space in civil society for private collections. Since more art is exhibited and traded than ever before, there are also opportunities for artists' estates to develop.

There are problems with disorganized bequests and when the parties involved cannot make peace with the complexity of motives or when unresolved conflicts prevent a productive handling.

When it comes to creating something lasting with the collection, successors must be inspired and encouraged. Short-sighted attempts at objectification, like reflexively initiating a foundation, are not helpful. Foundations need honorary (!) board members working on a voluntary basis. One motivation of successors could be respect for lifetime achievements. If family conflicts can be resolved, the way is clear to give room to general considerations such as the following principles of the

art market:

**Only those who buy art, make art possible.**

If private conflicts can be resolved, even the artist's child can look kindly upon the work for which responsibility is to be assumed.

If the generational handover is effectively negotiated, all those involved can benefit: Heirs can feel motivated to take over or leave the inheritance to others. Testators can let go with peace of mind. In the case of donations and endowments to public houses and tax-privileged collections, which must be made accessible to the public by law, the public can enjoy art. Consultants can see themselves in a supportive role and be successful with their approaches. If collections and estates are sold with care, the market can absorb a good offer. Galleries and artists need not fear a drop in prices if estates are not exploited in a mindless retaliation.

In this way, the generational transfer can succeed for those directly and indirectly involved.