

Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest, note of case hearing on 8th June 2016: *Autumn* and *Winter*, two ivory statuettes by Balthasar Permoser (Case 5, 2016-17)

Application

1. The Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest (RCEWA) met on 8th June 2016 to consider an application to export two ivory statuettes, *Autumn* and *Winter* by Balthasar Permoser (1651-1732) dating from 1695. The value shown on the export licence application was £1,800,000 which represented the agreed private sale price. The expert adviser had objected to the export of the statuettes under the second and third of the Waverley criteria, on the grounds that they were of outstanding aesthetic importance and of outstanding significance for the study of Permoser and his working methods as a sculptor as there is only one other work attributed to him known in the UK.
2. Six of the regular members were present (Philippa Glanville and Leslie Webster were not able to be there) and they were joined by three independent assessors, acting as temporary members of the Reviewing Committee.
3. The applicant confirmed that the value did not include VAT and that VAT would be payable on the full sale price in the event of a UK sale. The applicant also confirmed that the owner understood the circumstances under which an export licence might be refused and that, if the decision on the licence was deferred, the owner would allow the statuettes to be displayed for fundraising.

Expert's submission

4. The expert adviser had provided a written submission stating that the two ivory statuettes *Autumn* (24 by 9 by 5 cm.) and *Winter* (22 by 9.5 by 5 cm.), personified as allegorical depictions of the classical gods Bacchus and Vulcan. Bacchus (*Autumn*) bears Permoser's signature on the back: 'BAT:P:INV' and Vulcan (*Winter*) is signed simply on the reverse 'B.P.v'. The remarkable virtuoso ivory carving of the two figures illustrates Permoser's genius as a sculptor at his best and are some of the finest small-scale sculptures in Europe from the Baroque era. The two belong with the pendant seasons, *Spring* and *Summer*, (at Braunschweig in the Herzog Anton Ulrich Museum) and *Autumn* is inspired by Jacopo Sansovino's full size marble Bacchus (Museo Nazionale del Bargello, Florence). The four together present a harmonious group and were likely made in the same year, 1695.
5. The statuettes were part of a set of four first recorded in the possession of August Wilhelm, Duke of Braunschweig-Wolfenbüttel (1662-1731) on 9 October 1722 when they were taken to Salzdahlum Castle at Braunschweig. They were likely to have been originally acquired by Anton-Ulrich, Duke of Braunschweig-Wolfenbüttel (1633-1714), probably via his son Ludwig Rudolph (1671-1735) who visited Dresden in 1695. Permoser, one of the greatest sculptors of the German Baroque era, had moved to Dresden in 1690 to work at the court of the Elector of Saxony and remained there for the rest of his life. It was there that the statuettes

were made in 1695 and they may well have been intended as diplomatic gifts from the Elector of Saxony to the Duke of Braunschweig-Wolfenbüttel via his son.

6. Permoser was one of the greatest sculptors of the German Baroque and was a master of small-scale ivory carving as well as of monumental pieces in stone. Born in Crammer on the borders of Prussia in 1651, he trained initially in Salzburg, went to Vienna in 1671 where he probably studied ivory carving and in about 1677 entered the service of the Medici Grand Duke in Florence, assisting in the sculpture workshops of Giovanni Battista Foggini (1652-1725).

7. There is only one other work attributed to Permoser in the UK: the ivory *Entombment* at the Victoria and Albert Museum which differs radically from these two freestanding small-scale ivory figures in both form and subject whose retention would enable students of his work to gain a far better understanding of his skills and achievements.

Applicant's submission

8. The applicant neither agreed nor disagree that the statuettes meet the Waverley Criteria.

Discussion by the Committee

9. The expert adviser and applicant retired and the Committee discussed the case. It was agreed that Permoser was the most accomplished sculptor of the Holy Roman Empire and the statuettes, of outstanding quality, fitted into the princely tradition of patronage and diplomatic gifts. On inspection at the meeting, the Committee felt it was interesting how the shape and grain of the tusk had influenced the design. It was observed that these sculptures under consideration compared favourably with those in Dresden, which are also signed by Permoser.

10. The Committee noted how rare it was to find examples of signed and dated ivory sculptures from this period. They considered the contrast between Permoser's other major work in the UK, the unsigned 'The Entombment', a relief sculpture at the Victoria and Albert Museum, and the high-class free standing figures of 'Autumn and Winter' and considered the sculptor's remarkable ability to work on a variety of scales. The original context of the four statuettes has been lost, both pairs now being on different plinths. The Committee wondered whether the plain backs of the statuettes might offer a clue as to their original setting, perhaps as part of a piece of furniture.

11. The Committee discussed the acquisition of the ivories by the Lascelles family of Harewood House, Leeds. It was considered whether the acquirer could have been Henry Lascelles, 2nd Earl of Harewood (1767 - 1841), Edward Lascelles, 1st Earl of Harewood (1740 – 1820), or Edward, Viscount Lascelles (1764-1814) after the ivories' confiscation under the orders of Napoleon in 1806. The Committee felt there was further research to be undertaken considering whether acquisition could have been as early as the Treaty of Paris and the Bourbon restoration.

Waverley Criteria

12. The Committee voted on whether the pair of statuettes met the Waverley criteria. Of the nine members no-one voted that they met the first Waverley criterion. All nine members voted that they met the second Waverley criterion. Five members voted that they met the third Waverley criterion. The ivories were therefore found to meet the second Waverley Criteria on the grounds that they were of outstanding aesthetic importance; and the third Waverley criteria on the grounds of outstanding significance to the study of international influences in European sculpture (especially sculpture made in Britain – Permoser having been master of Louis Francois Roubiliac) underrepresented in Britain.

Matching offer

13. The Committee recommended the sum of £1,800,000 (net of VAT) as a fair matching price.

Deferral period

14. The Committee agreed to recommend to the Secretary of State that the decision on the export licence should be deferred for an initial period of three months. If, within that period, the Arts Council received notification of a serious intention to raise funds with a view to making an offer to purchase the portrait, the Committee recommended that there should be a further deferral period of three months.

Further Information

15. The overseas purchaser of the ivories is the Herzog Anton-Ulrich Museum in Braunschweig, and the applicant had requested in a written submission that, exceptionally, this destination might be allowed to inform the decision-making process, if not for the Committee, then for the Minister. These two figures were almost certainly carved by Permoser for Herzog Anton-Ulrich himself, as part of a set of four seasons, and were documented in the ducal collections in Braunschweig until the early 19th century, when a war resulted in their separation. Their purchase by the Herzog Anton-Ulrich Museum would realise a long-held ambition by the museum to reunite the four figures.

Communication of findings

16. The expert adviser and the applicant returned. The Chairman notified them of the Committee's decision on its recommendations to the Secretary of State. The applicant confirmed that the owner would accept a matching offer at the price recommended by the Committee if the decision on the licence was deferred by the Secretary of State.

17. The Chairman recommended that the applicant should send a letter to the Secretariat detailing the applicant's further representations which would be passed to DCMS with the Committee's recommendation for consideration.

18. The expert adviser agreed to act as champion if a decision on the licence was deferred by the Secretary of State.

