02 2022

Open Letter: Who Owns the Public?

Jörg Heiser, Hito Steyerl, Clemens von Wedemeyer

To the Berlin Senator for Culture and Europe Klaus Lederer, the Governing Mayor of Berlin Franziska Giffey, the former Governing Mayor Michael Müller, the members of the Supervisory Board of Tempelhof Projekt GmbH, the Berlin Court of Auditors, the German Minister of State for Culture Claudia Roth, as well as German Federal President Frank Walter Steinmeier as patron of the exhibition "Diversity United."

We are alarmed that the City of Berlin and its officials have allowed themselves to be instrumentalized by private associations, companies, and individuals around the "cultural manager" Walter Smerling, by providing infrastructural and financial support to the so-called "Kunsthalle Berlin." Tempelhof Airport is an important, central, and historically loaded location. Organizations around Smerling are not just getting private networking and representational opportunities subsidized by public funding on this site. They are also actively engaging in misguided "cultural diplomacy" in the midst of a geopolitical crisis of the highest magnitude—the smoldering Russia-Ukraine conflict. Vladimir Putin is the patron of one exhibition ("Diversity United") and, on the eve of the opening of the next (Bernar Venet), the designated Gazprom supervisory board member Gerhard Schröder delivered a

speech—in the exhibition rooms, at the company reception of the main sponsor, real estate developer Christoph Gröner.[1]

We are alarmed, not so much because we have a different idea of culture (even though in the case of "Diversity United" in particular, with twelve white, male members on the project advisory board, the false labeling was cringeworthy) or because we believe that this is the only case where private market interests are given a stage using public funding (unfortunately this is not the case). But many of us have known about the pitfalls of the Smerling protocol for years and now see how multiple officeholders in Berlin, naively if not irresponsibly, allow themselves to be roped in.

Here are our demands:

—We call on all those who are professionally or otherwise connected to contemporary art to rethink their dealings with ethically and politically questionable "partners," especially with regard to them being subsidized by public resources. Some of us already publicly protested against a Smerling exhibition in 2017 for such reasons; we stand in solidarity with all those who have critically researched and reported on Smerling, as well as with all those who have made their protest known, for example under the hashtag #boycottkunsthalleberlin, or are now ending their involvement in current Smerling exhibitions.

—We demand that the lease of exhibition spaces to "Kunsthalle Berlin" be stopped immediately and that their subsidies from public funds be discontinued.

—We demand the disclosure of the agreement made between the "Stiftung Kunst und Kultur e.V" and the "Tempelhof Projekt GmbH," which manages the site on behalf of the city. We also

demand a political reappraisal in the Berlin Senate of the evolution of this agreement, as well as of the decisions made by the responsible parties.

—We demand a financial and fiscal review of the process by authorities. The Senate Department of Finance has already stated that in the case of interim uses, a rent waiver in combination with a simultaneous subsidy of operating costs is "hardly justifiable."[2] In this case, not only were two halls in the "listed and iconic building"[3] (Tempelhof Projekt GmbH's own words) handed over rent-free. On top of this, 50 percent of the monthly operating costs of each of the two hangars is covered, which according to media reports could amount to up to a hundred thousand euros each, which corresponds to a sum of up to 2.4 million euros over a term of two years.[4]

—We demand that Berlin's cultural policy finally start to take art and the art scene seriously, and stop trying to compensate for the chronic underfunding of existing institutions by relying on private players. The public and professional experts must be involved through proper procedures, to prevent this form of instrumentalization. We demand that public subsidies continue to be directed to art workers and public institutions without pay-to-play intermediaries.

—The German Minister of State for Culture and Media is responsible "for cultural institutions and projects of national importance."[5]

If the founding of a serious Kunsthalle Berlin worthy of the name is preempted by arbitrary self-designation, this indicates a need for action. We therefore call for ethical guidelines to be developed, with regard to the relationship between the public

sector and private interests or sponsors, in order to prevent such instrumentalizations from happening in the first place.

The background:

The "Kunsthalle Berlin" is not a *Kunsthalle*, or public art gallery—especially not in the sense of being operated by a municipality, the regional *Länder*, or the state—but a private initiative of Walter Smerling, who is pursuing his own interests. This is not the first time that Walter Smerling has misused terms and emptied their meaning to pretend to have a public mission. His "Stiftung Kunst und Kultur e.V." is not a foundation, but a registered association.

Anyone can call themselves a curator, including Walter Smerling, but this also empties out the term. Walter Smerling runs a program in which art is instrumentalized to turn public money into private events for networking entrepreneurs and politicians. At the same time, this is a way of sanitizing the reputation of dubious corporate networks from the arms, real estate, and oil and gas industries. As can be seen in the examples provided below, we cannot exclude the possibility that such networks are involved in money laundering and tax fraud, since they lack even a modicum of transparency. The upgrading of problematic economic relations with China or Russia in these fields through supposed "cultural diplomacy" is part of the system too. Abroad, Smerling hosts privately organized major exhibitions in the name of Germany and enjoys the support of high-ranking (ex-)politicians—from former chancellor Gerhard Schröder to former Berlin mayor Michael Müller to former foreign minister Sigmar Gabriel to federal president Frank-Walter Steinmeier. The use of public resources for private interests—by enhancing the reputation of authoritarian regimes and untransparent corporate networks that are repeatedly involved in scandals—is structurally and politically scandalous.

In view of these practices, it is unacceptable that Walter Smerling's so-called "Kunsthalle Berlin" is promoted by Berlin governmental bodies through the allocation of public resources, and that Berlin Senate administrations have allowed themselves to be made part of this system.[6] The Smerling method works something like this: By promoting the same artists over and over again, their work is valorized on the market. The exhibitions are not infrequently publicly funded, and the sales proceeds of the revalued artists benefit both them and their collectors and gallerists. Grandiose exhibition titles are invented strategically, and these exhibitions are publicly legitimized by appearances from high-ranking politicians. In this way, public space is hijacked: cities are furnished with privately owned works of art, as can be seen in the example of the former German capital of Bonn, where sculptures conquer the urban space at Smerling's insistence, while the public discussion about their legitimacy barely ceases[7]. The way the system works also becomes apparent when funding gaps at public institutions are exploited to replace—as in the case of the Haus der Kunst in Munich in 2018—exhibitions of renowned artists such as Adrian Piper and Joan Jonas, which were canceled on short notice, with exhibitions of artists like Markus Lüpertz.[8] Municipal and state exhibition spaces are thus notoriously filled with artists from Smerling's circle, as also happened in 2012 in the case of the Bundeskunsthalle Bonn.[9] Public space and public institutions are strategically turned into value-enhancing vehicles, while—bypassing proper public competitions, public control, and selection committees that deserve the name—projects are realized with the help of sometimes dubious sponsors.[10] These methods are not unique to Smerling or his association, as other cultural players also try to play similar games. Yet Smerling's protocol is by no means "just" about art, but primarily about cultivating a network of politics and business.

Especially abroad, artworks are used to decorate arbitrary "cultural diplomacy" in the service of often problematic economic relations. The exhibition "Diversity United," for example, can be understood as a failed cultural support program for the cultivation of economic relations within an expanded network around Nord Stream 2—the Baltic Sea offshore pipeline project. The fact that the instrumentalized art workers were not overly diverse, not to mention the project advisory board, is only an almost unavoidable side effect that becomes an absurd farce behind the geopolitical and environmentally damaging consequences.

Art-washing as an image boost for arms manufacturers is also part of the method, as can be seen in the example of Germany's largest arms company, Rheinmetall, which was the main sponsor of the "Germany 8" exhibition in Beijing in 2017. The exhibition "Diversity United," currently on display in Moscow, is sponsored by, among others, Meridian Capital, a company associated with the former Kazakh energy minister who diverted bailout money financed by Kazakh taxpayers to private accounts in tax havens—a circumstance exposed by the so-called Paradise Papers.[11] Another sponsor, Lars Windhorst, is also involved in the Kazakh energy sector.[12] In recent months, allegations against Windhorst have surfaced: he is said to have been involved in money-laundering activities with an oil manager from the Emirates. Even if it turns out that these involvements should not be legally relevant, the question remains why local taxpayers and the Berlin administration should support a project with such partners and implications, instead of allocating those resources to, say, artists and institutions hit by the pandemic. These connections between arms manufacturers, shell companies, and fossil corporations stand as caricatures of a laudable idea of cultural exchange and

international understanding, especially where this is made difficult by censorship and repression. But whose exchange is it?

Despite the high budgets of the shows organized by the “Stiftung Kunst und Kultur e.V.” with state funding, no fees have been paid to artists, as is the case with “Diversity United”—the ticket to the network is considered sufficient remuneration. In the future, artists will have to ask themselves whether the mere prospect of being allowed to possibly shake the hand of a money launderer is sufficient motivation to contribute to the Smerling program for free. Until now, information about this system was scattered and only known to (mainly Rhineland) insiders, which simplified its operations—sometimes through collaborating curators. But the situation has now changed and artists who decide to work with the “Stiftung Kunst und Kultur e.V.” do so from now on with at least some knowledge of the context. Just to make one thing clear: the situation would not improve one bit if Smerling had the idea of possibly enlisting more diverse—even female or local—Berlin artists for his interests. It doesn't matter which demographic group is used as window dressing for the underlying interests, since this doesn’t change the foundations of the system. In any case, artists who take part in this operation would be instrumentalized to diversity-wash the image of sponsors and club members. We do not advocate for the Smerling system to be more inclusive, but for it to be abandoned.

Smerling, who cites Joseph Beuys as an inspiration, is an example of what happens when “social sculpture” gets tangled up in itself and becomes toxic, as an old boys network: a profitable system for short-circuiting art, politics, and business. Always the same outdated white painters and sculptors to keep their brand alive; always new partly very questionable sponsors to generate fresh capital. Political orientation does not play a role here; what matters

most is power and the opportunity to generate attention and cultivate networks. The aforementioned main sponsor of the "Kunsthalle Berlin," the building contractor Christoph Gröner, is the owner of the painting *Der Anbräuner* (2019) by Neo Rauch (a fecal insult painting against the art historian Wolfgang Ullrich, who had pointed out Rauch's alt-conservative repurposing of East German dissident status[13]). Gröner is not just another sponsor from the real estate industry possibly hoping for the gentrification of the Tempelhof Airport area, but also someone who in June 2021 hired Russia gas lobbyist Gerhard Schröder as an advisor. At around the same time, Schröder was doing the rounds in the media in his capacity as chairman of the shareholders' general meeting of Nord Stream AG and possibly as a future member of the supervisory board of the Russian state-owned company Gazprom, in order to turn sentiment against Ukraine.[14]

Gentrification, art, and diversity-washing of oil and gas corporations, arms manufacturers, and shell companies, supported by industry lobbyists, art speculators, and conservative male alliances: this, in a nutshell, is the Smerling method—at the expense of civil society and democratic norms. The instrumentalization of art by untransparent networks is supported by public funding. When art and its promotion are increasingly understood as a kind of indulgence trade for reputation-laundering and a pretext for champagne receptions for HNWIs—and not as a societal discourse and responsibility—the democratic concept of the public sphere is eroded. In this way, the public sphere is successively privatized.

The Smerling case ultimately raises the following questions: Who owns the public? Is it for sale and for how much? Are politicians who encourage the untransparent privatization of public exhibition spaces still fulfilling their mandate?

In fact, Smerling is only one particularly visible example of an approach that is commonplace, especially in the international art world. Smerling's role at the international level, however, is marginal. His connections relate to the West German business and political scene and, above all, to a Rhineland coterie. Internationally, Smerling is almost unknown in the art scene; his reach—as far as art is concerned—hardly goes beyond the West German provinces. The advantage of European art systems over, for example, US-American ones has traditionally been that they were partially democratically legitimized and at least in name committed to democratic consciousness-raising. However, this democratic and participatory understanding of the public sphere seems to have become tiresome for many German politicians. Internationally, however, reputation-laundering through art sponsorship, through tax avoidance, and through arms and even (legal) drug trafficking is no longer uncontroversial. This has been demonstrated by a number of successful protest movements, such as those against the patronage of members of the Sackler family of pharma entrepreneurs, against tear gas manufacturers, and against other art sponsors. It is hard to see why in Germany, practices that elsewhere are already being (or have to be) curtailed as outdated relics from another era due to fierce protests should be put in place now. German cultural politicians are hoping to jump on a bandwagon that has long since rolled elsewhere.

Therefore, we also call on all those active in art and cultural politics to question not only the Smerling system, but also the logic of the reputation-laundering of dubious sponsors as a whole, and to resist creeping privatization. Nor can increasingly timid, naive, and hand-wringing media reports (with a few striking exceptions) about these untenable conditions be taken seriously. Some of us, as artists, initially fell for Smerling and his system. Therefore, we would like

to urge all others—including visitors, critics, journalists, etc.—to refrain from putting any further trust in the Smerling system. For us, the response to any future overtures from this system is: *no*—without thanks.

In the case of the Smerling affair, a legal and political reappraisal is also necessary: tax money, public property, and the political mandate are at stake. Is the awarding of municipally owned real estate by an outgoing mayor in the manner of a lord of the manor, approved by a project company set up under the responsibility and mandate of the Berlin city government, legal at all? How can the business practices of Smerling's association be co-financed by the Senate Administration, with Berlin taxpayer money, without any public discussion and scrutiny? Isn't the principle of equality at least being broken in by the City of Berlin when elsewhere the temporary allocation of studios is denied, but here an area of eight thousand square meters passes into private hands without public discussion, with the city supposedly covering 50 percent of the ancillary costs without examination? All of this after self-organized artists have been refused the use of these very spaces and a participatory project initiated several times by the City of Berlin has come to nothing? How would the Court of Auditors or the judges of the Administrative Court view this case?

What else needs to happen before these practices change? Who else will Berlin's politicians accept as cosponsor of their private art gallery? Is or was Palantir actually being discussed as a sponsor of upcoming multimedia exhibitions? Just a reminder—Palantir, founded by Trump-supporter Peter Thiel, is one of the most notorious digital surveillance and analytics companies in the world, cooperating closely not only with military agencies but also, for example, with the US immigration(-prevention) agency ICE.

If we want more responsible use of public funds and sustainable decisions in the future, something has to change quickly. Since at least the Flick Collection scandal in the early 2000s, if not before, we have known that German politicians like to turn a blind eye when it comes to sponsoring art and culture, especially when dealing with institutional and private art sponsors whose capital often goes back to exploitation during the Nazi era.

The City of Berlin has failed in its political mandate to ensure public participation and to scrutinize the donors involved when allocating space and funding for the so-called "Berliner Kunsthalle."

Therefore, it falls to cultural and cultural policy actors in Berlin and elsewhere to jointly develop principles that prevent the instrumentalization of art as well as the further privatization of the public sphere.

Written by Jörg Heiser, Hito Steyerl, and Clemens von Wedemeyer, Berlin, February 13, 2022

*Signed, in alphabetical order (**to add your own signature, go here**):*

Elena Agudio, Kunsthistorikerin und Kuratorin, Berlin
Nora Al-Badri, Künstlerin, Berlin
Bettina Allamoda, Künstlerin, Berlin
Ulf Aminde, Künstler, Berlin
Julieta Aranda, Künstlerin, Berlin
Inke Arns, Direktorin Hartware MedienKunstVerein, Dortmund
Kader Attia, Künstler und Kurator der 12. Berlin Biennale, Paris
Marius Babias, Kurator und Autor, Berlin
Christoph Balzar, Kurator, Berlin
Heike Baranowsky, Künstlerin, Berlin

Rosa Barba, Künstlerin, Berlin
Yael Bartana, Künstlerin, Berlin
Aram Bartholl, Künstler, Berlin
Natalie Bayer, Leiterin Friedrichshain-Kreuzberg Museum, Berlin
Stéphane Bauer, Leiter des Kunstraum Kreuzberg/Bethanien
Fabian Bechtle, Künstler, Berlin
Kathrin Becker, Künstlerische Direktorin, KINDL – Zentrum für zeitgenössische Kunst, Berlin
Beatrice von Bismarck, Kunsthistorikerin, Berlin
Frauke Boggasch, Berlin
Candice Breitz, Künstlerin, Berlin
Klaus vom Bruch, Künstler, Berlin
Sabeth Buchmann, Professorin für Kunstgeschichte, Wien/ Berlin
Kathrin Busch, Berlin
Andrea Büttner, Künstlerin, Berlin
Filipa César, Künstlerin Berlin
Hans D. Christ, Direktor Württembergischer Kunstverein, Stuttgart
Phil Collins, Künstler und Professor Academy of Media Arts, Cologne
Eli Cortiñas, Künstlerin, Berlin
Alice Creischer, Künstlerin, Berlin
Christina Dimitriadis, Künstlerin, Berlin
Gürsoy Doğtaş, Kritiker und Kurator, München
Aleksandra Domanović, Künstlerin, Berlin
Iris Dressler, Direktorin Württembergischer Kunstverein, Stuttgart
Arnold Dreyblatt, Künstler und Komponist, Berlin
Constant Dullaart, Künstler, Berlin
Yilmaz Dziewior, Direktor Museum Ludwig, Köln
Maria Eichhorn, Künstlerin, Berlin
Alexander Farenholtz, Berlin
Rike Frank, Kuratorin, Berlin
Anselm Franke, Kurator und Autor, Haus der Kulturen der Welt, Berlin

Lars Henrik Gass, Leiter Internationale Kurzfilmtage Oberhausen
Gago Gagoshidze, Künstler, Berlin
Lisa Glauer, Künstlerin, Berlin
Isabelle Graw, Professorin für Kunsttheorie und Kunstgeschichte, Frankfurt a.M./Berlin
Eiko Grimberg, Künstler, Berlin
Asta Gröting, Künstlerin, Berlin
Eva Grubinger, Künstlerin, Berlin
Krist Gruijthuijsen, Direktor KW Institute for Contemporary Art, Berlin
Heinz Havemeister, Kunsthistoriker und Musiker, Berlin
Nanna Heidenreich, Professorin für Transkulturelle Studien, Universität für Angewandte Kunst Wien
Jörg Heiser, Kunstkritiker und Kurator, Berlin
Tom Holert, Kulturwissenschaftler und Kurator, Berlin
Laura Horelli, Künstlerin und Filmemacherin, Berlin
Gabriele Horn, Direktorin Berlin Biennale for Contemporary Art, Berlin
Andrea Hummer, eipcp, Linz
Leon Kahane, Künstler, Berlin.
Vika Kirchenbauer, Künstlerin, Berlin
Stefan Kobel, Kunstkritiker, Wiesbaden
Alexander Koch, Direktor Gesellschaft der Neuen Auftraggeber, Galerist KOW
Radek Krolczyk, Kunstkritiker und Galerist, Bremen
Mischa Kuball, Künstler, Düsseldorf
Thomas Locher, Künstler, Berlin
Isabell Lorey, Berlin, Professorin Kunsthochschule für Medien Köln
Antje Majewski, Künstlerin, Berlin
Jumana Manna, Künstlerin, Berlin
Benjamin Meyer-Krahmer, Prorektor Hochschule für Grafik und Buchkunst Leipzig

Zoë Claire Miller, Künstlerin, Berlin
Marina Naprushkina, Künstlerin, Berlin
Marcel Odenbach, Künstler, Köln
Ahmet Öğüt, Künstler, Berlin
Philipp Oswalt, Architekt und Publizist, Berlin
Matteo Pasquinelli, Hochschule für Gestaltung, Karlsruhe
Heiko Pfreundt, Künstler und Kurator, Berlin
María Inés Plaza Lazo, Kunstkritikerin und Kuratorin, Berlin
Andrea Pichl, Künstlerin, Berlin
Juliane Rebentisch, Professorin für Philosophie und Ästhetik, Offenbach a.M./Berlin
Sabine Reinfeld, Künstlerin, Berlin
Mykola Ridnyi, Künstler und Filmemacher, Kiew
Natascha Sadr Haghighian, Künstlerin, Berlin
Christoph Schäfer, Künstler, Hamburg
Eva Scharrer, Kritikerin und Kuratorin, Berlin
Andreas Schlaegel, Kunstkritiker und Künstler, Berlin
Petra Schmidt-Dreyblatt, Geschäftsführerin des BVBK e.V., Berlin
Lisa Susanne Schorm, Projektraumbetreiberin, Berlin
Maya Schweizer, Künstlerin, Berlin
Andreas Siekmann, Künstler, Berlin
Maximilian Schmoetzer, Künstler, Berlin
Bettina Steinbrügge, Kuratorin, Berlin
Noemi Smolik, Kritikerin, Bonn
Raimar Stange, Kritiker, Berlin
Hito Steyerl, Filmemacherin, Autorin, Berlin
Ana Teixeira Pinto, Autorin und Kulturtheoretikerin, Berlin
Mark Terkessidis, Kulturwissenschafter und Autor Berlin.
Susanne Titz, Direktorin Museum Abteiberg, Mönchengladbach
Nasan Tur, Künstler, Berlin
Milos Trakilovic, Künstler, Berlin
Christopher Uhe, Musiker, Berlin

Christina Végh, Direktorin Kunsthalle Bielefeld
Anton Vidokle, Künstler, New York
Janneke de Vries, Direktorin Weserburg Museum, Bremen
Raul Walch, Künstler, Berlin
Mark Waschke, Schauspieler, Berlin
Clemens von Wedemeyer, Künstler, Berlin
Susanne Weiß, Kuratorin, Berlin
Ming Wong, Künstler, Berlin
Didem Yazici, Kuratorin, Karlsruhe
Elena Zanichelli, Juniorprofessorin für Kunstwissenschaft und Ästhetische Theorie, Bremen/Berlin
Tobias Zielony, Künstler, Berlin

Additional signatories:

Joachim Baur, Kurator, Professor für Kulturwissenschaft an der TU Dortmund, Berlin
Adam Broomberg, artist, Berlin
Federica Bueti, Writer and educator
Pierre Granoux, Künstler und Kurator, LAGE EGAL, Berlin
Frank Hauschildt, Künstler und Kurator, Berlin
Chrizzi Heinen, Autorin und Künstlerin, Berlin
Gregor Jansen, Direktor Kunsthalle Düsseldorf
Renata Rara Kaminska / Artist / Berlin
Imke Kannegiesser, Künstlerische Leitung und Geschäftsführung Kunstverein Reutlingen
Carlos Kong, Kunstkritiker und Kunsthistoriker, Berlin
Clemens Krümmel, Berlin
Erin Mitchell, Künstlerin, Berlin
Andreas Prinzing, Kurator, Berlin
Fette Sans, Künstlerin, Berlin
Paolo Stolpmann, Leiter Museumsdienst Berlin, Berlin

caner teker, artist, Berlin
Jan Verwoert, art critic and professor, Berlin
Joanna Warsza, curator, Berlin
Joshua Wicke, Dramaturg, Zürich/Berlin
Salwa Aleryani, Künstlerin, Berlin
Stefka Ammon, Künstlerin, Berlin
Joachim Baur, Kurator, Professor für Kulturwissenschaft an der TU Dortmund, Berlin
Rickard Borgström, Curator, Sibbo (former Berlin resident)
Britta Peters, Künstlerische Leitung Urbane Künste Ruhr, Bochum
Adam Broomberg, artist, Berlin
Federica Bueti, Writer and educator
Jörg Colberg, Künstler und Autor, Northampton
Zuzanna Czebatul, artist, Berlin
Lena Fließbach, Kuratorin und Autorin, Berlin
Pierre Granoux, Künstler und Kurator, LAGE EGAL, Berlin
Frank Hauschildt, Künstler und Kurator, Berlin
Chrizzi Heinen, Autorin und Künstlerin, Berlin
Dominique Hurth, Künstlerin, Berlin
Gregor Jansen, Direktor Kunsthalle Düsseldorf
Renata Rara Kaminska / Artist / Berlin
Imke Kannegiesser, Künstlerische Leitung und Geschäftsführung Kunstverein Reutlingen
Carlos Kong, Kunstkritiker und Kunsthistoriker, Berlin
Clemens Krümmel, Berlin
Alexandra Meffert, Galeristin, Düsseldorf
Seda Mimaroğlu, writer, Berlin
Erin Mitchell, Künstlerin, Berlin
Post Brothers, curator and word processor, Białystok
Andreas Prinzing, Kurator, Berlin
Kolja Reichert, Art critic, Bonn/Berlin
Raphael Reichert, Künstler, Basel

Lena Reisner, Kuratorin, Berlin
Susanne Sachsse, Schauspielerin, Berlin
Jorge Sanguino, Kunsthistoriker, Galerist, Düsseldorf
Fette Sans, Künstlerin, Berlin
Silke Schönfeld, Künstlerin, Amsterdam
Marc Siegel, Film Scholar, Mainz/Berlin
Moritz Simon, Kunst- & Medienwissenschaftler, Köln/Braunschweig
Carola Spadoni, Künstlerin, Berlin
Paolo Stolpmann, Leiter Museumsdienst Berlin, Berlin
caner teker, artist, Berlin
Ivonne Thein, Künstlerin, Berlin
Wolfgang Ullrich, Kunstwissenschaftler, Leipzig
Jan Verwoert, art critic and professor, Berlin
Joanna Warsza, curator, Berlin
Joshua Wicke, Dramaturg, Zürich/Berlin
Florian Wüst, film curator, Berlin
Christof Zwiener, bildender Künstler, Berlin

https://www.e-flux.com/notes/450384/open-letter-who-owns-the-public

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[1] See https://www.3sat.de/kultur/kulturzeit/sendung-vom-1-februar-2022-100.html. All sources in German unless otherwise noted.

[2] See https://www.faz.net/aktuell/feuilleton/berliner-exzess-beim-streit-um-die-kunsthalle-17780364.html.

[3] See https://www.thf-berlin.de/standortinfos/.

[4] See https://www.faz.net/aktuell/feuilleton/berliner-exzess-beim-streit-um-die-kunsthalle-17780364.html.

[5] See https://www.bundesregierung.de/breg-de/bundesregierung/bundeskanzleramt/staatsministerin-fuer-kultur-und-medien/kultur/kunst-kulturfoerderung#:~:text=The%20Federation%20%C3%BCbears%20with%20rou

[6] On the Smerling system and funding from the City of Berlin, see in particular the articles by Niklas Maak in the *Frankfurter Allgemeine Zeitung* of January 23 and February 4, 2022: https://www.faz.net/aktuell/feuilleton/kunst-und-architektur/stiftung-fuer-kunst-und-kultur-wer-ist-walter-smerling-17743829.html and https://www.faz.net/aktuell/feuilleton/berliner-exzess-beim-streit-um-die-kunsthalle-17780364.html.

[7] See https://www.faz.net/aktuell/feuilleton/kunst-und-architektur/walter-smerlings-skulpturenprojekt-fuer-bonn-16676474.html.

[8] See https://www.sueddeutsche.de/kultur/haus-der-kunst-adrian-piper-joan-jonas-markus-luepertz-bernhard-spies-1.4272235.

[9] See https://www.faz.net/aktuell/feuilleton/kunst-und-architektur/bundeskunsthalle-bonn-von-tiefpunkt-zu-tiefpunkt-11797790.html.

[10] See https://ga.de/bonn/stadt-bonn/denkmal-fuer-august-macke-in-bonn-gestoppt_aid-43263869 and https://ga.de/bonn/stadt-bonn/weg-frei-fuer-balkenhol-skulptur-im-hofgarten_aid-43415265.

[11] See https://offshoreleaks.icij.org/nodes/82005612 (in English).

[12] See https://www.wiwo.de/unternehmen/mittelstand/wunderkind-der-wirtschaft-oel-und-gas-aus-kasachstan/9807346-4.html.

[13] See https://www.monopol-magazin.de/feindbild-werden-wolfgang-ullrich-neo-rauch-anbraeuner.

[14] See https://www.zeit.de/politik/2022-01/gerhard-schroeder-ukraine-saebelrasseln-osteuropa-russland.