

Frans Hals, Hitler, and the Lilienfeld Collection: A Case Study of Expropriation in Austria

In 1966, Antonie Lilienfeld, a ninety-year old widow living in Winchester, Massachusetts, donated *Portrait of a Man* by Frans Hals (fig. 1) to the Museum of Fine Arts, Boston (MFA), in memory of her late husband, the scientist and inventor Leon Lilienfeld. After the Trustees voted to accept the gift, MFA director Perry Rathbone thanked Mrs. Lilienfeld for ‘the most important single gift to be offered to the Museum during my years as Director’.¹ The painting, executed in the rough brushwork typical of Hals’s late style, has an undeniable immediacy and presence. Even today, the MFA considers the Hals *Portrait* to be one of the highlights of its collection, and the work remains almost perpetually on view in the European galleries. While the painting’s style, condition, and subject matter have long been the subject of scholarly study, its ownership history has not yet been examined in depth. Before coming to Boston, the painting was taken from Leon and Antonie Lilienfeld by the National Socialist regime; it remained in Austria, where it was sought by Nazi officials, from 1938 until after World War II. In 1948 it was returned to Mrs. Lilienfeld, who by that time had emigrated to Massachusetts.

The history of the Frans Hals merits consideration for two important reasons. First, its provenance is its life story, and as such, is inextricable from the picture itself. The path the painting took from Vienna in 1938 to the MFA’s collection in 1966 informs us about the history of taste and of collecting the work of Hals in the twentieth century. Without information about the peregrinations of such works of art, we lack a complete understanding not just of the painting, but also the broader context of the artist’s place in art history. Second, the painting’s

¹ Letter of December 20, 1966, Perry Rathbone to Antonie Lilienfeld. Museum of Fine Arts, Boston, Art of Europe Department, Curatorial file 66.1054.

story—which is exceptionally well-documented—allows an understanding of the mechanisms by which works of art were expropriated by the Nazi regime in Austria. The Hals *Portrait* was ultimately returned to its rightful owner, who was not Jewish. Yet an examination of its movement during the 1930s and 1940s helps us to understand better the fate of collections that remained in Nazi-occupied areas of Europe, a topic of utmost urgency as efforts to restitute property lost during the Holocaust are ongoing to this day.²

Frans Hals's *Portrait of a Man* was executed around 1665, that is, at the very end of the artist's life, when he was in his eighties. The sitter is shown at three-quarter length; he turns to look out at the viewer with a bold gaze. His identity is unknown, but he has been described by scholars as a man of fashion. This assessment is supported by his long hair—very likely a French-style wig—and the reddish-brown kimono he wears, a piece of attire that had become a status symbol in the Netherlands in the seventeenth century.³ The rough handling of the paint itself is thought to express the sitter's sophistication: it reflects a 'kind of studied negligence'.⁴ Hals's painterly manner was appreciated during his lifetime by those self-aware patrons who wished to show off not just their knowledge of the arts, but indeed their own virtuoso nature by employing an artist who could convey their likenesses with effortlessly *sprezzatura* brushwork.⁵

Nothing is known of the first two centuries of the painting's history. By 1873, it was in the collection of Dr. Max Strauss, who lent it to an exhibition of paintings from private collections in Vienna.⁶ Strauss later sold the painting to Leon Lilienfeld.⁷ Born Joseph Leib Leon

² Recent efforts to redress the material losses of the Holocaust were affirmed at the Washington Conference on Holocaust-Era Assets of 1998, where 44 nations pledged their commitment to locating and resolving outstanding claims for Nazi-looted art.

³ S. Slive, *Frans Hals* (London, 1974), pp. 111, 208-9, cat. no. 220.

⁴ Slive, *op. cit.* (note 3), p. 208.

⁵ See C. D. M. Atkins, *The Signature Style of Frans Hals: Painting, Subjectivity, and the Market in Early Modernity* (Amsterdam, 2012), pp. 109-11.

⁶ C. Hofstede de Groot, *A catalogue raisonné of the works of the most eminent Dutch painters of the seventeenth century*, based on the work of John Smith, trans. and ed. E. G. Hawke, vol. 3 (London, 1910), p. 91, cat.

Lilienfeld to a Jewish family in Podhajce, near L'vov, in 1869, Dr. Lilienfeld was trained as a physician, but became a scientist.⁸ In his scientific career, he produced new derivatives of cellulose; he became world-renowned for his inventions, obtaining patents both in Austria and the United States.⁹ Leon's wife Antonie Schulz was Christian and born in Czechoslovakia in 1876. The couple married in 1914, shortly after Dr. Lilienfeld was baptized.¹⁰ They maintained Polish citizenship, though they resided in Vienna.¹¹ Dr. Lilienfeld built a significant collection of Dutch and Flemish old master paintings. By the time the Austrian art historian Gustav Glück published a catalogue of the Lilienfeld pictures in 1917, the Frans Hals was not only included and discussed at length, but also served as the frontispiece to the publication, securing its place as the highlight of the collection.¹²

The Lilienfelds' paintings were so well known that they were widely considered a contribution to the cultural holdings of Austria. As early as 1933, the couple apparently planned to relocate to France, as the German art periodical *Pantheon* reported :

no. 323, and Slive, op. cit. (note 3), p. 111, cat. no. 220. I have been unable to locate a copy of the *Katalog der Gemälde alter Meister aus dem Wiener Privatbesitz* (K. K. österreichischen Museum, Vienna, August-September 1873), where the *Portrait* was cat. no. 41.

⁷ Letter of May 6, 1956, Antonie Lilienfeld to Seymour Slive, Museum of Fine Arts, Art of Europe Department, Curatorial file 66.1054. The Hals painting was not included in the sale of the Max Strauss collection held at Galerie H. O. Miethke, Vienna, May 2, 1906.

⁸ A record of his birth (September 23, 1869) was located through the Jewish Records Indexing—Poland databases of Jewish Gen (www.jewishgen.org): http://agadd.home.net.pl/metrykalia/300/sygn.%20983/pages/PL_1_300_983_0040.htm. I have found no record of his parents. When he traveled to Rochester, NY in 1912, Dr. Lilienfeld listed his closest relative as his brother, M[arek] Lilienfeld in Lemberg (L'vov). Ancestry.com. *New York, Passenger Lists, 1820-1957* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2010. Year: 1912; Arrival: *New York, New York*; Microfilm Serial: *T715, 1897-1957*; Microfilm Roll: *Roll 1943*; Line: 13; Page Number: 16. His doctoral dissertation, 'Hämatologische Untersuchungen' was written at Friedrich-Wilhelms-Universität, Berlin, in 1893.

⁹ 'Dr. L. Lilienfeld', (obituary) *Nature* 142 (August 13, 1938), p. 282. Among Dr. Lilienfeld's inventions was a strong type of artificial silk known as 'Lilienfeld silk'. See 'Status of Patents in Austria in Doubt,' *New York Times* March 19, 1938, p. 2.

¹⁰ A. L. Staudacher, *Judisch-protestantisch Konvertiten in Wien 1782-1914*, 2 vols. (Frankfurt, 2004), vol. 2, p. 436. He was baptized April 27, 1914 at the age of 45, and they married six weeks later.

¹¹ From 1922 until 1932 the Lilienfelds lived at Zeltgasse 1, Vienna VIII, and in 1932 moved to the Palais Fanto, Zaunergasse 1, Vienna, III. S. Lillie, *Was einmal War: Handbuch der enteignete Kunstsammlungen Wiens* (Vienna, 2003), p. 683.

¹² G. Glück, *Niederländische Gemälde aus der Sammlung des Herrn Dr. Leon Lilienfeld in Wien* (Vienna, 1917), pp. 54-6, 63, cat. no. 25. For further on the Nazi-era history of the Lilienfeld collection, see Lillie, op. cit (note 11), pp. 682-97.

An important private collection, which includes a number of most excellent works by the Dutch Masters, such as the portrait of a man by Frans Hals... will be lost to Vienna's art collections in the near future, when the owner, Dr. Leon Lilienfeld, moves to Paris.¹³

For what reason they planned to relocate to Paris at this time is not known, but they did not leave Austria until shortly after the *Anschluss*, on March 24, 1938, to go to Milan. The couple provided several reasons for their departure.¹⁴ Dr. Lilienfeld was relocating his laboratory from Vienna, and had been working for several years with an Italian textile corporation in Milan, De Angeli-Frua. Second, he suffered from tracheitis, and apparently his doctors had urged him to move to a milder climate, such as the Riviera, for his health. However, the most obvious and most important reason was that, because he would be considered Jewish under the Nazi race laws, he did not wish to stay within the borders of what had become part of the Third Reich.¹⁵ Thus the Lilienfelds left their home and their belongings, including the art collection, in Austria.

Dr. Lilienfeld died of pneumonia in Milan on June 6, 1938, leaving his widow as his sole heir.¹⁶ Mrs. Lilienfeld continued her journey to Gstaad, Switzerland. Between the time she left Vienna and the time of her husband's demise, the Decree Regarding the Declaration of Jewish Assets went into effect on April 26, 1938. This law required any Jewish resident of the Reich possessing at least RM 5000 in property to submit an itemized asset registration with the Vermögensverkehrsstelle (VVSt.), or Property Registration Office within the Ministry of

¹³ 'Eine bedeutende Privatsammlung, welche eine Anzahl ganz hervorragender Werke niederländischer Hauptmeister umfasst, darunter ein Herrenbildnis von Frans Hals, Bilder von Adriaen Brouwer, Adriaen van Ostade, Jan Steen, soll in nächster Zeit zufolge Übersiedlung des Besitzers, Dr. Leon Lilienfeld, nach Paris dem Wiener Kunstbesitz verloren gehen'. *Pantheon* 6, no. 12 (December, 1933), p. LII.

¹⁴ Letter of September 28, 1938, from Emmerich Hunna to the Vermögensverkehrsstelle. Vienna, Archiv der Republik (AdR), Vermögensanmeldung, Leon and Antonie Lilienfeld, VA 63 495 (hereafter AdR, VA 63 495). Dr. Lilienfeld may also have had professional reasons for his departure, as there was tremendous uncertainty about the protection of Austrian patents after the *Anschluss*. 'Status of Patents in Austria', op. cit. (note 9).

¹⁵ The Nuremberg Laws of 1935 defined anyone having three or four Jewish grandparents as a Jew, regardless of conversion or actual religious practice.

¹⁶ 'Dr. Leon Lilienfeld', op. cit (note 9), and letter of July 5, 1938 from Antonie Lilienfeld to the VVSt., AdR, VA 63 495 (op. cit., note 14).

Economics. While abroad, Mrs. Lilienfeld was represented in Austria by an attorney named Emmerich Hunna (1889 – 1964). Her husband had appointed a patent lawyer named Paul Abel to be his estate executor, but Abel was Jewish and fled to England following the *Anschluss*.¹⁷ Hunna, who had been Dr. Lilienfeld’s attorney, stepped in to protect Mrs. Lilienfeld’s interests.

In the summer of 1938, Emmerich Hunna forwarded correspondence to the VVSt. on Mrs. Lilienfeld’s behalf. In these letters, which must have been written largely by Hunna himself, Mrs. Lilienfeld argues the letter of the National Socialist law in order to apply for exemption from registering her property with the State.¹⁸ Mrs. Lilienfeld explained that, although her husband was Jewish, she was ‘fully Aryan,’ and moreover they both held Polish, not German or Austrian, citizenship. Until his estate was closed out in L’vov, and the certificate of inheritance issued, the estate was unclaimed, and there was no reason for the VVSt. to wish to register the assets of a deceased Polish national. Once it was closed out, it would belong to her. Because she was Aryan, she argued, she personally was not required to register property. Finally, the stipulation that the Aryan wife of a Jew was required to register her husband’s property would not apply to her, either, because their marriage was dissolved through her husband’s death. These arguments were officially accepted in 1940, and Mrs. Lilienfeld was never required to file an asset declaration. Accordingly, the National Socialist regime did not expropriate the art collection as Jewish property at that time. Because the Lilienfelds had Polish citizenship, however, the Polish General Consul moved in quickly and by the summer of 1938, had already inventoried and appraised the contents of the Lilienfelds’ home.¹⁹

¹⁷ On the appointment of Paul Abel, see the memorandum prepared by Richardson, Wolcott, Tyler, and Fassett of May 28, 1941, Museum of Fine Arts, Paintings Department files. Further information on Abel is publicly available through the reports of the Swiss Claims Resolution Tribunal online at <http://www.crt-ii.org>.

¹⁸ AdR, VA 63 495 (op. cit., note 14).

¹⁹ September 28, 1938, letter of Emmerich Hunna to the VVSt. AdR, VA 63 495 (op. cit., note 14).

At the end of the year, Mrs. Lilienfeld applied to export the art collection, some 145 paintings and works on paper.²⁰ Under the Nazi regime, Austria's Art Preservation Act (1918/1923) was used not merely to safeguard the country's cultural heritage, as originally intended; but as increasing numbers of Jews fled, it was often used as an instrument of expropriation, retaining valuable works of art for the disposition of the State.²¹ After Mrs. Lilienfeld's application was received, her Frans Hals portrait received particular scrutiny from the export control officials. It was taken to Vienna's Kunsthistorisches Museum for examination and authentication by art historians before being returned to the custody of Hunna. On February 28, 1939, Otto Demus at the Zentralstelle für Denkmalschutz, or Austria's Federal Monuments Office, blocked eight of Mrs. Lilienfeld's paintings from leaving the country; they were all Dutch and Flemish.²² They included the Frans Hals portrait, *Vanitas* attributed to Gerard Dou (fig. 2); *Flowers in a Vase with Butterflies* by Johann Baptist Drechsler; *The Duet* by Jacob Ochtervelt; *An Arbor at an Inn* by Jan Steen; *Canal Landscape* by Salomon von Ruysdael; *A Family Group* by Hendrik Maertensz Sorgh; and *Interior of a Peasant Cottage* by David Teniers the Younger.²³

The fact that Mrs. Lilienfeld by all rights legally owned the paintings, and that she was not of Jewish descent, no doubt helped to protect the eight works of art from outright plunder.²⁴ However, that she and her husband had claimed Polish citizenship when they fled Austria left the

²⁰ She applied on December 28, 1938. Bundesdenkmalamt, Vienna. BDA-Archiv, Rest. Mat. K 40/1: Lilienfeld, Antonie (hereafter BDA Lilienfeld).

²¹ Lillie, op. cit. (note 11), pp. 14-15.

²² An annotation in the BDA file notes that the Hals painting was 'vor der Hand aus dem Übersiedlungsgut ausgescheiden, 28.II.39.' BDA Lilienfeld (op. cit., note 20).

²³ BDA Lilienfeld (op. cit., note 20). These English-language titles were used for the paintings when they were on loan to the Museum of Fine Arts, Boston (see below, note 94). All except the Drechsler were catalogued and illustrated by Glück, op. cit. (note 12), cat. nos. 15 (Dou), 25 (Hals), 47 (Ochtervelt), 61 (Ruysdael), 65 (Sorgh), 66 (Steen), and 71 (Teniers).

²⁴ As opposed, for example, to the Jewish Rothschild family of Vienna, whose art collections were expropriated immediately; see T. Trenkler, *Der Fall Rothschild: Chronik einer Enteignung* (Vienna, 1999).

paintings vulnerable. After the invasion of Poland in the fall of 1939, Hunna requested documentation from Mrs. Lilienfeld, which he needed to prevent ‘the seizure of the estate of the citizens of the former Polish State,’ and he succeeded in doing so.²⁵ The works of art remained in his custody. Nevertheless, the paintings were in the physical and disadvantageous position of many other confiscated works of art, close to Adolf Hitler’s own art collecting officials, who by 1939 were actively making acquisitions for the so-called Führermuseum, planned for Linz, Austria.²⁶ Hitler had just established the Sonderauftrag (Special Commission) Linz, appointing Hans Posse (1879 – 1942), former director of the Dresden Museums, in charge of building the collection for his new art museum. Posse made acquisitions through the confiscation and looting of Jewish property as well as through purchases on the art market and from non-Jewish owners.

Hans Posse was aware of the Lilienfeld pictures no doubt thanks to Kajetan Mühlmann (1898 – 1958).²⁷ Mühlmann was instrumental, and indeed became synonymous with, art looting at the behest of the Nazi state. He would have known the Lilienfeld collection from the time he served as State Secretary for the Arts in Austria. Mühlmann was dismissed from this role in June 1939, ironically because of his overzealous attempts to keep too much Nazi-confiscated art within Vienna’s borders. After the invasion of Poland, Hermann Göring appointed Mühlmann the Special Commissioner for the Protection of Works of Art in the Occupied Territories. From the Haupttreuhandstelle Ost, or Central Trust Office-East in Berlin, Mühlmann was responsible for inventorying art taken from Poland. He worked closely with Arthur Seyss-Inquart, who held the titles of Reich Governor of Vienna, Administrative Chief for South Poland, and beginning in

²⁵ Memorandum, May 28, 1941, by Richardson, Wolcott, Tyler, and Fassett, Museum of Fine Arts, Paintings Department files, Lilienfeld Collection (hereafter Memorandum, May 28, 1941).

²⁶ For background on Hitler’s Linz Museum project, see L. H. Nicholas, *The Rape of Europa: The Fate of Europe’s Treasures in the Third Reich and the Second World War* (New York, 1995), pp. 41-9.

²⁷ On Mühlmann, see Nicholas, *op. cit.* (note 26), pp. 66-8, 75-7, and 98-103; and J. Petropoulos, *The Faustian Bargain: The Art World in Nazi Germany* (New York, 2000), pp. 170-204.

May 1940, Reich Commissioner for the Netherlands. From the Netherlands, Mühlmann oversaw the confiscation of art assets from a central post, the Dienststelle (Special Office) Mühlmann. He had a special account set up for him from which he ‘shopped all over Europe, and spent freely’.²⁸

About the Frans Hals portrait, Mühlmann wrote on letterhead from Seyss-Inquart’s office in Vienna to Hitler’s personal secretary, Martin Bormann, on December 20, 1940:

When the Führer was in Vienna, I showed him a painting by Frans Hals, which he was interested in. It is a picture that has been mentioned and illustrated in various works about Hals. It comes from the confiscated Lilienfeld collection, which includes a number of other, but less important paintings. The owner has explained through her attorney that she is prepared to sell the whole collection if she can receive foreign currency for it. In my opinion, a better suggestion, to which she is equally ready to agree, would be: acquire the Hals picture for RM 300,000 in German currency; for the other pictures, export is granted. In this way, the Reich would not lose any foreign currency. ... The value of the Hals picture is estimated at RM 500,000 to 1 million; whereby I may offer my opinion that the amount of 1 million is far too high. RM 300,000 would however be a price far under its market value. The picture would be a valuable addition to our collection, complementing the two Hals pictures from the Vienna Gallery. But I think it is possible that the Führer personally would be interested in this masterpiece, and I would like to ask you to inform him that for now I do not have the painting at my disposal otherwise.²⁹

²⁸ Nicholas, *op. cit.* (note 26), p. 76.

²⁹ ‘Als der Führer in Wien war, zeigte ich ihm ein Gemälde des Franz Hals, für das er sich interessierte. Es handelt sich um ein Bild, das in verschiedenen Werken über Hals abgebildet und erwähnt wird. ... Es entstammt der beschlagnahmten Sammlung Lilienfeld, die eine Reihe weiterer, aber nicht so bedeutender Gemälde enthält. Die Besitzerin hat durch ihren Anwalt erklären lassen, dass sie bereit ist, die gesamte Sammlung zu verkaufen, wenn sie hierfür Devisen erhalten kann. Ein, meiner Ansicht nach besserer Vorschlag, auf dem sie ebenfalls einzugehen bereit ist, wäre: Das Hals-Bild wird für RM 300,000 in deutscher Währung erworben; für die anderen Bilder wird die

The plans Mühlmann outlined to acquire the Lilienfeld collection are similar to the measures that could have been taken to expropriate Jewish property, had it likewise been left within the borders of the Third Reich.³⁰ The eight pictures had officially been deemed too valuable to leave the country, but Mühlmann sought to leverage their export in exchange for the Frans Hals portrait. The other seven paintings represented little more than a bargaining chip for the one highlight that he hoped to secure for the Linz Museum. Mühlmann further planned to buy the Hals in Reichsmarks, a currency which could not be used outside the borders of the Third Reich. Routinely, the assets of those who had emigrated were held in their name in strictly controlled, ‘blocked’ accounts in government banks to which the owners had little to no access, effectively rendering such assets useless.³¹ Any payment made to Mrs. Lilienfeld in Reichsmarks would have had to go into just such an account. Given the inaccessibility of these funds, the actual price paid for the Hals should have been a proforma matter, nevertheless discussions about its value continued, so that its sale price would be as low (and as favorable to the Reich) as possible, that is to say assuredly well below market value.

Ausfuhr gestattet. Heirdurch würden dem Reiche keine Devisen verlorengehen. ... Der Wert des Hals-Bildes wird auf RM 500,000 bis 1 Million geschätzt, wobei ich meiner Auffassung dahingehend Ausdruck geben darf, dass der Betrag von 1 Million viel zu hoch ist. RM 300,000 wären aber ein Weit unter dem Marktwert des Gemäldes liegender Preis. ... Das Bild wäre als Ergänzung für die 2 Hals-Bilder der Wiener-Galerie für unsere Sammlung eine wertvolle Bereicherung. Ich halte es jedoch für möglich, dass der Führer persönlich an diesem Meisterstück Interesse hätte und möchte Dich bitten, ihm daher mitzuteilen, dass ich vorerst über das Gemälde anderweitig nicht verfüge.’ December 20, 1940, Kajetan Muhlmann to Martin Bormann. National Archives and Records Administration, College Park, MD, Microfilm publication M 1946, Roll 140, Linz Museum: Correspondence of Hans Bormann and Martin Posse [*sic*]. B. Schwarz, *Hitlers Museum. Die Fotoalben Gemäldegalerie Linz: Dokumente zum ‘Führermuseum’* (Vienna, 2004), p. 150, lists three Hals portraits, all looted from the collection of Louis Rothschild, that had been requested by the Kunsthistorisches Museum but that Posse acquired for Linz. The two ‘Hals-Bilder’ in question may therefore be the *Portrait of a Man* and *Portrait of a Woman* (Schwarz III/5 and III/6), restituted to the Rothschild family in 1998 and sold through Christie’s, London, in 1999.

³⁰ See, for example, S. Lillie, ‘The Jenny Steiner Collection: A Case Study in Private Collecting in pre-1938 Vienna’, in *Vitalizing Memory: International Perspectives on Provenance Research* (Washington, DC, 2005), pp. 88-9.

³¹ German laws on foreign exchange control mandated a license for acquiring foreign currency with Reichsmarks, and for transferring Reichsmarks abroad. A license was also required for payments to a foreigner in Reichsmarks, and had to be made via a blocked account that limited the foreigner’s ability to dispose over the payment. See F. Bajohr, *‘Aryanization’ in Hamburg: The Economic Exclusion of Jews and the Confiscation of their Property in Nazi Germany* (New York and Oxford, 2002), pp. 154-7.

Martin Bormann continued the discussion about the Hals with Hans Posse. On January 14, 1941, Posse wrote to Bormann:

The portrait of a man by Frans Hals from the Lilienfeld collection is well-known to me. It is a very beautiful and important work by the master from his latest period, and I have inquired several times about the possibility of buying it, since I think its acquisition for Linz is very desirable. The price of RM 300,000 I think is high, and I would ask that it could be purchased for about RM 200,000. The smaller, bust-length portrait of a man from Hals's best period, recently acquired from Holland, cost around RM 100,000.³²

On January 17, Bormann reported that he showed Posse's letter to Hitler, who requested that Posse himself take up the negotiations for purchasing the Frans Hals. On February 1, Posse reported:

I have inspected the portrait of a Man by Frans Hals from the Lilienfeld collection. I think it is, as it has always been claimed, a good though not outstanding late work of the painter. Regarding its potential acquisition, I negotiated with the legal representative of the owner, who is in America, and had to conclude that he does not have power of attorney from his Aryan client; on the contrary (I am convinced) that he has had repeated instruction not to sell any of the eight pictures belonging to her. Attorney Dr. Hunna therefore advised me to make an offer, whereby a part of the purchase price could be

³² 'Das Männerbildnis von Frans Hals aus der Sammlung Lilienfeld in Wien ist mir wohlbekannt. Es ist ein sehr schönes und bedeutendes Werk des Meisters aus seiner spätesten Zeit, nach dessen Ankaufsmöglichkeit ich mich schon mehrfach erkundigt habe, da ich seine Erwerbung für Linz für sehr wünschenswert halte. Den Preis von RM 300,000 halte ich für hoch und würde wünschen, dass der Ankauf für etwa RM 200,000 versucht würde. Das neulich aus Holland erworbene allerdings kleinere Brustbild eines Mannes aus der besten Zeit von Hals hat rund 100,000 gekostet.' Correspondence of Bormann and Posse (op. cit., note 29). The 'bust length portrait of a man' is probably identical to the *Portrait of a Man* that Posse bought from the dealer Katz in the Netherlands in July, 1940, for hfl. 70,000 (about RM 92,890). See Schwarz, op. cit. (note 29), p. 105, cat. no. III/7.

offered in dollars, and the release of the remaining 7 pictures (which do not have any particular value) would be ensured. I will continue to work on this matter.³³

The only power that Mrs. Lilienfeld could exercise through her attorney was the authorization to sell, or not. Hunna did not accept the offer of Reichsmarks and, it seems, would only agree to a sale of the Hals if Mrs. Lilienfeld—who, by this date, had made her way to the United States—could receive funds in American dollars. Mühlmann continued to work with Posse to try to obtain the painting for Hitler. By March 4, 1941, Emmerich Hunna reported that Mühlmann had written to him that even ‘a part payment in dollars is quite impossible. However, I am willing to recommend the exportation of the remaining seven paintings’, if Mrs. Lilienfeld would sell the Hals.³⁴ According to Hunna, Mühlmann had *raised* his offer for the Frans Hals—thought in December to be worth up to 1 million RM – to 180,000 RM, indicating that, whatever the starting offer to Mrs. Lilienfeld had been, it was even less than that amount. Mrs. Lilienfeld evidently consented to sell her flower painting by Drechsler to the Reich ‘at any price, if the other works (Frans Hals, Ruysdael) could be permitted for export,’ which, wrote Herbert Seiberl of the Monuments Office to Posse, ‘throws particular light on the mentality of the emigree’.³⁵ If Mrs. Lilienfeld sold, the only country to which the remaining pictures could be taken was Switzerland.

³³ ‘Das *Herrenbildnis des Frans Hals* aus der Sammlung Lilienfeld habe ich besichtigt. Ich halte es, wie dies auch bisher stets behauptet worden ist, für ein gutes wenn auch nicht überragendes Spätwerk des Malers. Über seine eventuelle Erwerbung habe ich mit dem Rechtsvertreter der Besitzerin, die sich in Amerika befindet, verhandelt und dabei feststellen müssen, dass es keinerlei Vollmacht seiner arischen Klientin hat, dass im Gegenteil (wessen ich mich überzeugt habe) die wiederholte Anweisung vorliegt, keines der ihr gehörenden 8 Bilder zu verkaufen. Rechtsanwalt Dr. Hunna riet deshalb zu einem Kaufgebot meinerseits, wobei ein Teil der Kaufsumme in Dollars eingeboten, sowie die Freigabe der übrigen 7 Bilder (die von keinem besonderen Wert sind) zugesagt würde. Ich werde diese Angelegenheit weiterbehandeln’. Correspondence of Bormann and Posse (op. cit., note 29).

³⁴ Memorandum, May 28, 1941 (op. cit., note 25).

³⁵ Undated correspondence. ‘Im Falle Lilienfeld wurde aus Amerika gekabelt, dass die Emigrantin bereit wäre, ein Blumenstück von Drexler (im Wert von RM 200) zu einem beliebigen Preis dem Reich zu verkaufen, wenn die übrigen Werke (Franz Hals, Ruysdael) zur Ausfuhr freigegeben würden, ein Antrag der ein bezeichnendes Licht auf die Mentalität der Emigrantin wirft.’ BDA Lilienfeld (op. cit., note 20).

Antonie Lilienfeld had left Switzerland for Montreal via New York in February of 1940.³⁶ On March 1, 1941, she reentered the U.S. from Canada with an immigration visa and settled in the Boston suburb of Winchester, Massachusetts, where Julius Edgar Lilienfeld (1882 – 1963), her husband’s relative from Podhajce, lived.³⁷ Beginning in 1927, Julius Lilienfeld had been the director of Ergon Research Laboratories in Malden, Massachusetts, and in 1935 he moved with his wife Beatrice to the U.S. Virgin Islands to escape a severe wheat allergy.³⁸ By 1941, his sister Flora Alice (1886-1977), also a scientist, who had immigrated through Japan, and Antonie Lilienfeld, who had recently arrived, were residing at a house on the street where he had lived in Winchester.³⁹ Though her official immigration date was 1941, Mrs. Lilienfeld was in Winchester by the end of 1940, at which time she settled her husband’s estate in Middlesex County court.⁴⁰ By 1941, she had found a new home on Calumet Road in Winchester, where she would reside for the rest of her life.

By the spring of 1941, Mrs. Lilienfeld had grown increasingly anxious about the eight paintings that were in Vienna, and began to doubt that Emmerich Hunna was in fact representing her best interests. Direct correspondence between her and the Viennese attorney has not been

³⁶ Ancestry.com. *Swiss Overseas Emigration, 1910-1953* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2008. Schweizerisches Auswanderungsamt und Auswanderungsbüro. *Überseeische Auswanderungen aus der Schweiz, 1910-1953*. Schweizerisches Bundesarchiv (National Archives of Switzerland). E 2175 – 2.

³⁷ He and his sister Flora were the children of Zygmunt Lilienfeld and Malka Sara Jampoler, who had married in 1881. I have been unable to determine precisely how they were related to Leon Lilienfeld. Information on the Lilienfeld family in Podhajce can be found through the Jewish Records Indexing—Poland databases of Jewish Gen (www.jewishgen.org).

³⁸ On Julius Lilienfeld, see C. Kleint, ‘Julius Edgar Lilienfeld: Life and Profession’, *Progress in Surface Science* 54, no. 4 (April 1998), pp. 253 – 327.

³⁹ Ellen Knight, Reference Archivist, Winchester Archival Center, kindly shared with me information from the Winchester street directories, which listed residents as of January each year. According to the 1942 directory, Antonie Lilienfeld was living at 9 Calumet Road with Flora A. Lilienfeld, but a year earlier, they had both been at 176 Forest Street. Julius Edgar Lilienfeld had lived at 239 Forest Street before moving to the Virgin Islands. On Flora A. Lilienfeld, see R. Rürup, *Schicksale und Karrieren: Gedenkbuch für die von den Nationalsozialisten aus der Kaiser-Wilhelm Gesellschaft vertriebenen Forscherinnen und Forscher* (Göttingen, 2008), p. 259.

⁴⁰ *Winchester Star*, editions of December 18, 1940 (Probate Court Notice) and January 17, 1941, ‘Guild of the Infant Savior,’ which also mentions Mrs. Lilienfeld. Thanks to Ellen Knight for providing me with these references.

located; and it is unclear specifically what information she received from him. But she had lost faith in his ability to act as her representative. Mrs. Lilienfeld retained the Boston law firm of Richardson, Wolcott, Tyler, and Fassett, who on April 7, 1941 wrote to the Department of State that eight of her paintings had been blocked from export, that the German government was trying to buy the Hals, and that Hunna's letters were 'full of inconsistencies and suggest unscrupulous behavior.' Hunna was instructed by Richardson Wolcott to take no action and do nothing with the paintings, least of all sell them, but Mrs. Lilienfeld nevertheless sought the help of the American government in the matter. Because she was not yet a citizen, however, the State Department replied that they could not assist.⁴¹

Mrs. Lilienfeld's distrust of Emmerich Hunna had no doubt to do with the contradictory messages she received, which certainly reflected the conflicting arguments the Nazi state made as different agents sought to purchase the Hals. Richardson, Wolcott prepared a memorandum of the situation in May of 1941, summarizing Hunna's correspondence and noting:

During the last nine or ten months Dr. Hunna has written Mrs. Lilienfeld and ourselves various and conflicting courses of action that he advised with relation to these pictures. Mrs. Lilienfeld has repeatedly by letter and cable instructed him to take no action with regard to the pictures whatever without first obtaining her approval.⁴²

Among the conflicting pieces of information that Mrs. Lilienfeld received were reports about how the eight paintings were officially designated. Hunna had written to her at various times that the paintings might be considered her property, the property of her husband's estate, Polish property, and Jewish property. With the historical perspective we have today, understanding the rapacious arm of the Nazi regime when it came to art collecting, the far reaching nature of these

⁴¹ National Archives and Records Administration, College Park, MD, RG 59, General Records of the Department of State, Central Decimal Files 1940-1944, Box 5598, 862.4031/2 (250 / 34 / 9 / 2 Box 5598).

⁴² Memorandum, May 28, 1941 (op. cit., note 25).

arguments is unsurprising, but it is also understandable that in 1941, Mrs. Lilienfeld would have been confused and distrustful of these varying reports within a span of just a few years.

Moreover, in order to further protect the paintings, Emmerich Hunna had taken the two he believed to be most valuable—the Frans Hals, and *Vanitas* attributed to Gerrit Dou—to the state-owned auction house, the Dorotheum, in Vienna, in March of 1941. He deposited them there in exchange for a pawn fee of RM 15,000, and took out an insurance policy to safeguard against fire and theft, worth RM 230,000.⁴³ The other six pictures, he reported, he deposited in the safe of the Creditanstalt-Bankverein in Vienna. This report caused further consternation. ‘We do not understand how the Dorotheum would accept these pictures as a pawn,’ Richardson Wolcott wrote upon receiving the news, since Hunna was never intended to be given power of attorney.⁴⁴ Hunna reported that he pawned the two pictures for money needed for his services, and for a former employee of Mrs. Lilienfeld, Miss Sedlaczek. He would later clarify: ‘I needed this amount ... to pay the costs of liquidation and taxes which had arisen by liquidation of the administration of [Dr. Lilienfeld’s] patents. By depositing pictures in the Dorotheum I thought them at least temporarily better protected against all claims.’⁴⁵ The Hals was the painting most vulnerable to confiscation; and in making it (along with the Dou) subject to a contract with Dorotheum, the picture could not legally be withdrawn without repaying the pawn fee. Hunna urged Mrs. Lilienfeld to trust him. ‘In his letter to us,’ Richardson Wolcott noted, Hunna asserted that he has ‘rendered a sufficient accounting; [he] expresses fear that we have not received all of his letters which he enumerates...that Mrs. Lilienfeld ought to have confidence in him; and that

⁴³ Memorandum, May 28, 1941 (op. cit., note 25).

⁴⁴ Memorandum, May 28, 1941 (op. cit., note 25).

⁴⁵ February 12, 1946 (translated) letter from Emmerich Hunna to Antonie Lilienfeld, Museum of Fine Arts, Paintings Department files, Lilienfeld Collection.

his suggestions are based upon his conscientious examination of all the circumstances.’⁴⁶ After the United States entered into World War II in December 1941, neither Mrs. Lilienfeld nor her Boston legal team heard anything further from Hunna until the end of the War.

Even while it was at the Dorotheum, the Hals became an increasingly likely target of despoliation. By the end of 1941 Posse had additional legal means at his disposal to take the painting outright. After the eleventh decree to the Reich Civil Code went into effect on November 25, 1941, Jewish emigrants and those who had been deported were stripped of their citizenship, and title to their property fell to the Nazi state.⁴⁷ Moreover, once the United States entered into war with Germany on December 11, any American assets would have been classifiable as enemy property. Property of so-called enemies of the Reich had been subject to confiscation in Austria since 1938.⁴⁸ Hoping to seize the painting through one of these means, Posse continued to correspond with officials at the Monuments Office. ‘As it is to be surmised, the portrait has been confiscated as American enemy property along with the collection, and thus subject to the *Führervorbehalt* [Führer’s reserve],’ he wrote, hopefully. The Office responded that ‘state secretary Mühlmann ... said he would make sure the collection was officially declared “American enemy property”,’ suggesting that it had not yet received that designation, but that once that official declaration was made, Posse could apply to the Reich Commissary for the handling of enemy property in Berlin.⁴⁹ The Monuments Office prepared an appraised list of the Lilienfeld paintings in March of 1943 for Gottfried Reimer of the Linz Museum; in spite of the

⁴⁶ Memorandum, May 28, 1941 (op. cit., note 25).

⁴⁷ 11. Verordnung zum Reichsbürgergesetz, November 25, 1941, *Reichsgesetzblatt* 1941, p. 722. Online at <http://alex.onb.ac.at/cgi-content/alex?apm=0&aid=dra&datum=19410004&seite=00000722&zoom=2>

⁴⁸ Verordnung über die Einziehung volks- und staatsfeindlichen Vermögens im Lande Österreich, November 18, 1938, *Reichsgesetzblatt* 1938, pp. 1620ff. Online at <http://alex.onb.ac.at/cgi-content/alex?apm=0&aid=dra&datum=19380004&seite=00001620&zoom=2>

⁴⁹ BDA Lilienfeld (op. cit., note 20).

vastly inflated prices of the art market by that time, the Hals was given a value of only RM 100,000, and the total amount assigned to all eight paintings was RM 176,000.⁵⁰

In 1943, the Reich Finance Ministry expressed an interest in selling the Hals in Switzerland to raise foreign currency, suggesting its real value was known to be far above the RM 100,000 estimate.⁵¹ Also in that year, the General Government of occupied Poland sought to lay claim to Dr. Lilienfeld's 'salvaged art treasures', including the Hals, indicating that the paintings were once again being considered Polish property. Once informed by Kajetan Mühlmann that Hitler himself had wanted the Hals, Major Reetz from the Trust Office East proclaimed that 'the selection and transfer to the Führer of Polish assets that fall within my jurisdiction will be carried out by me', and his office began to work with the Reich Chancellery to secure the paintings for the Linz Museum.⁵² Throughout, Hunna raised legal objections to the paintings' removal, reminding officials that not only was Mrs. Lilienfeld ethnically German, but that she had obtained Haitian citizenship in 1940 and so there was no basis for the paintings' removal as Polish property.⁵³ Haitian property would also, presumably, not be confiscated as belonging to an 'enemy of the state', such as a citizen of the United States.

After Posse's death in 1942, his successor at the Museum, Hermann Voss (1884 – 1969), remained enthusiastic about acquiring the Hals for Linz and reported in June of 1943:

All of the Lilienfeld collection paintings on the list of the Trust Office East appeared, to an outstanding degree, suitable for the purposes of the Führer for the new art museum in Linz. This is particularly true of the late portrait of a man by Frans Hals. After Dr.

⁵⁰ BDA Lilienfeld (op. cit., note 20).

⁵¹ K. Iselt, *'Sonderbeauftragter des Führers': Der Kunsthistoriker und Museumsman Hermann Voss (1884-1969)* (Cologne, 2010), p. 253.

⁵² Iselt, op. cit. (note 51).

⁵³ Iselt, op. cit. (note 51). There is no evidence that Mrs. Lilienfeld ever traveled to Haiti, let alone obtained citizenship there, although the Haitian government did issue passports to refugees from Nazi Germany and Austria beginning in 1938.

Reimer contacted Mr. Hunna, the lawyer of the German-blooded, Aryan owner of Haitian citizenship, Mrs. Antonie Lilienfeld, neé Schulz, regarding a purchase [of the painting] for the Führer's purposes, this representative reported that it was impossible for him to be in contact with his client because of the present war conditions, and Mrs. Lilienfeld has always spoken with great decidedness against a sale of these paintings.⁵⁴

Almost miraculously, Hunna averted a sale to the Linz project yet again. Nevertheless, Voss maintained 'great interest in the Lilienfeld collection in case acquisition becomes possible', and said he hoped to secure the right of first refusal from Hunna.⁵⁵ Officially, the painting had still only been barred from export; the Linz Museum adhered the entire time to the letter of the law and the need to purchase the painting outright from a non-Jewish owner by whatever legal means were available.

It is clear from the correspondence that the Frans Hals was not only considered the most desirable of the Lilienfeld pictures, it was the most valuable. The initial estimate of the portrait's value, at up to RM 1 Million, was astronomically high compared to prices for other Dutch paintings on the art market in Nazi Germany. In 1937, a Hals painting sold for RM 90,000, the highest auction price for a painting achieved in Germany that year.⁵⁶ As time went on, prices became inflated, particularly for the types of paintings the Nazis most admired, namely 17th century Dutch and 19th century German pictures, but still the most expensive painting sold at

⁵⁴ '...[S]ämtliche in Verzeichnis der Haupttreuhandstelle Ost aufgeführten Gemälde der Sammlung Lilienfeld in hervorragendem Masse für die Zwecke des Führers [...] für das Neue Kunstmuseum in Linz geeignet erschienen. Ganz besonders gilt dies für das späte Herrenbildnis von Frans Hals. Nachdem Herr Dr. Reimer bereits mit dem Rechtsanwalt der deutschblütigen, arischen Besitzerin haitischer Staatsbürgerschaft, Frau Antonie Lilienfeld geb. Schulz, Herrn Dr. Hunna [...] wegen eines Ankaufs für die Zwecke des Führers in Verbindung getreten ist, wurde von Seiten dieses Vertreters mitgeteilt, dass es für ihn unmöglich sei, mit seiner Mandantin wegen der gegenwärtigen Kriegsumstände in Verbindung zu treten und sich Frau Lilienfeld zuletzt immer wieder gegen den Verkauf dieser Bilder mit grösster Entschiedenheit ausgesprochen hat.' Letter from Voss to Hans Heinrich Lammers, head of the Reich Chancellery, June 11, 1943, cited by Iselt, op. cit. (note 51), p. 252 (Bundesarchiv, Berlin: BArch, R 43 II/1270 a, Bl. 110 r-v).

⁵⁵ Iselt, op. cit. (note 51), p. 252.

⁵⁶ A. Enderlein, *Der Berliner Kunsthandel in der Weimarer Republik und im NS-Staat: zum Schicksal der Sammlung Graetz* (Berlin, 2006), p. 106.

auction in 1941 was a Courbet for RM 148,000.⁵⁷ The Linz Museum bought two Hals paintings in the Netherlands for hfl. 70,000 in 1940 (about RM 93,000) and hfl. 85,000 in 1941 (about RM 113,000), and paid a staggering RM 400,000 for a *Portrait of a Man* in Germany in March of 1943.⁵⁸ These prices still fall well below the range of RM 500,000 to 1 Million initially assigned to the Lilienfeld picture. The price of the Hals portrait was, however, comparable to such masterworks as Johannes Vermeer's *Artist in his Studio* (the Czernin Vermeer), which Hitler had purchased in 1940 for RM 1.65 million.⁵⁹

The relentless pursuit of the Hals portrait and the value placed upon it may at first seem extraordinary, but it can be explained, at least in part, by Nazi aesthetic preferences. If avant-garde, 'degenerate art' was thought to weaken the nation, and for that reason was purged from State museums, then many of the Old Masters were believed to contribute to cultural holdings of the Third Reich and were actively collected.⁶⁰ Dutch and Flemish masters and German nineteenth century paintings were accorded pride of place within the Linz Museum project.⁶¹ The work of Hals was particularly prized because, along with Rembrandt, he had long been considered the apogee of the schools of northern painting, and thus came to be seen as representative of the 'Aryan' aesthetic.

The scholarship of Wilhelm von Bode (1845-1929) would certainly have laid the groundwork for the Nazi fascination with Frans Hals. Bode's influence on taste and collecting in

⁵⁷ Enderlein, op. cit. (note 56), p. 135 (for the Courbet). For a brief overview of the German market during the Nazi period, see her earlier article: A. Görnandt, 'The Development of the Art Market in Berlin between 1939 and 1945', in *Vitalizing Memory: International Perspectives on Provenance Research* (Washington, DC, 2005), pp. 162-4.

⁵⁸ Schwarz, op. cit. (note 29), pp. 105, 126, 156, cat. nos. III/7, VI/36, and XXIV/12 The guilder was 1.327 to the RM at a fixed rate beginning July 1940.

⁵⁹ J. Petropoulos, *Art as Politics in the Third Reich* (Chapel Hill and London, 1996), p. 185 and Nicholas, op. cit. (note 26), pp. 47-9.

⁶⁰ For background on the arts and collecting during the Nazi regime, see Nicholas, op. cit. (note 26), pp. 3-56 and Petropoulos, op. cit. (note 59), pp. 179-240.

⁶¹ See Schwarz, op. cit. (note 29), pp. 44-5.

Berlin, and Germany more broadly, can hardly be overestimated, as he directed the city's Gemäldegalerie beginning in 1890, and went on to direct Prussia's state museums from 1906 until 1920. He also helped build a number of prominent private collections in and around Berlin in the years leading up to the First World War, which focused on paintings and decorative arts from the Italian Renaissance as well as 17th century Dutch masters.⁶² Bode had published his doctoral dissertation on Hals in 1871. In his art historical writings, he viewed the paintings of both Hals and Rembrandt as embodying a fundamentally Netherlandish realism; they were, he believed, the heirs to such early masters as Jan van Eyck, and their work epitomized the golden age of Dutch, middle class art. Bode helped to lay the groundwork for the viewpoint that as a painter, Hals was quintessentially northern.⁶³ Later scholars likewise singled out Rembrandt and Hals as the two key figures in the development of northern painting.⁶⁴

There was, moreover, a renewed appreciation for the paintings of Frans Hals beginning in the late nineteenth century. His work had long been collected in Europe, though critical reception of the artist fluctuated; his distinct, painterly style was not consistently embraced by critics who favored a more finished, 'classicizing' aesthetic.⁶⁵ Nineteenth-century French art critic Theophile Thoré (writing under the pseudonym William Bürger) wrote an extensive study of Hals for the *Gazette des Beaux Arts* in 1868, in which he paid particular attention to the unfinished appearance of Hals's late style, praising it for its spontaneity and virtuosity.⁶⁶ If the painterly quality of Hals's late work had not been highly valued earlier in the century, Thoré 'not only ushered in a reappraisal of Hals, he also helped establish the relevance of the painter's art in the

⁶² See Enderlein, op. cit. (note 56), pp. 23-6.

⁶³ On Bode and the reception of Rembrandt and Hals in Germany see S. Kuhrau, *Der Kunstsammler im Kaiserreich: Kunst und Repräsentation in der Berliner Privatsammlerkultur* (Kiel, 2005), pp. 184-7.

⁶⁴ W. Martin's two-volume on the history of Dutch golden age art, published in 1935-1936, also focused on Hals and Rembrandt, and new editions appeared during the 1940s. See M. Westermann, 'Centennial Review Essay: W. Martin, De Hollandsche schilderkunst in de zeventiende eeuw,' *The Art Bulletin* 96 (2014), pp. 120-124.

⁶⁵ Atkins, op. cit. (note 5), pp. 195-211.

⁶⁶ Atkins, op. cit. (note 5), pp. 211-24.

latter half of the nineteenth century.⁶⁷ His writings were read widely and influenced both scholars (including, very probably, Bode) and artists alike. Hals became an inspiration for such self-consciously ‘modern’ painters as Gustave Courbet and Edouard Manet, who incorporated characteristics of his style into their own work. They likewise employed impasto, quick brushstrokes, and a virtuoso but naturalistic style; Edgar Degas is reported to have said that Manet ‘did not paint fingernails because Frans Hals did not depict them.’⁶⁸ Art historians Heinrich Wölfflin and Wilhelm Valentiner (who had worked under Bode in Berlin), and Alois Riegl all praised Hals and singled him out as a kind of precursor to the Impressionists; and the German artists Fritz von Uhde, Wilhelm Leibl, and Max Liebermann looked to Hals for inspiration in developing their own naturalistic painting styles.⁶⁹

Several pieces of correspondence from Nazi officials regarding the Lilienfeld picture specifically mention that the painting represents the artist’s ‘late’ style (Posse judged it ‘a very beautiful and important work by the master from his latest period’, and a ‘good though not outstanding late work of the painter’, while Voss referred to it as ‘the late portrait of a man by Frans Hals’). Hitler’s art advisors—including Posse, who like Valentiner had been a Bode protégé, Voss, and Mühlmann—all studied art history in the late nineteenth or early twentieth century, and would inevitably have been influenced by the estimation of Hals and his rough manner at that time. The quick brushwork of the Lilienfeld *Portrait of a Man*, such as the impressionistic strokes of white on the sitter’s sleeve and at his throat, the black locks of hair tumbling over his shoulders, and the confident planes of color and shadow rendering his right hand in sharp perspective, easily qualified it as an excellent example of his late work. The

⁶⁷ Atkins, op. cit. (note 5), p. 213.

⁶⁸ Atkins, op. cit. (note 5), p. 223.

⁶⁹ Kuhrau, op. cit. (note 63), p. 184, and see A. Riegl, *The Group Portraiture of Holland*, intro. W. Kemp, trans. E. M. Kain and D. Britt (Los Angeles, 1999), pp. 16-20 and 321-39. Riegl’s work was first published as an article in 1902, and came out in book form in 1931.

painting became doubly desirable given Hals's place in the pantheon of artists at Linz and his 'northernness', the quality so cherished by the Nazis.

The Hals portrait was never sold to the Linz Museum or to any other Nazi office. In spring of 1944, it was moved, along with other works of art from Vienna, to the abandoned salt mines at Altaussee, Austria, to be kept safe from wartime bombing. In January, Gottfried Reimer of the Linz project contacted Emmerich Hunna, still the *de facto* legal custodian of the picture, to obtain his permission for the move. Hunna was assured that Mrs. Lilienfeld's ownership rights would not be disturbed or altered, but that the Dou and the Hals needed to be removed from the Dorotheum and shipped to a safe place in the mountains, along with other works of art that were 'confiscated, safeguarded, or otherwise at the disposal of the Führer.'⁷⁰ Hunna inquired further about their transport. It was only after receiving a telephone call that he affirmatively responded to the 'repeated order from the representative of the Linz project,' and assented to the pictures' crating and removal. The Monuments Office, in the name of Hermann Voss, collected the six Lilienfeld pictures from the Creditanstalt on April 18, 1944, and the two pictures from the Dorotheum on May 19; the entire shipment was sent to Altaussee that day. Hunna was issued a receipt. Even in the midst of the war, Mühlmann remained extremely concerned with the condition and quality of the pictures. He ordered the Dou and the Hals to be uncrated for inspection shortly before they were shipped to the mines; the varnish suffered some damage in the re-packing.⁷¹ The Lilienfeld pictures were sent to Altaussee with other works of art that had been looted and acquired for the Linz project, and in fact were packed along with the plundered library and print collection of Rudolf, Ritter von Gutmann, also of Vienna.⁷²

⁷⁰ BDA Lilienfeld (op. cit., note 20).

⁷¹ BDA Lilienfeld (op. cit., note 20).

⁷² On whom, see Lillie, op. cit. (note 11), pp. 438-65.

At the end of World War II in 1945, Allied troops uncovered the caches of artwork that had been stored at Altaussee and in other depositories throughout Germany and Austria. To facilitate the process of restitution, the Monuments, Fine Arts, and Archives (MFAA) branch of the Allied armies established collecting points in Munich, Wiesbaden, Offenburg and Marburg. There, displaced works of art were inventoried and housed temporarily before they were transferred to the countries from which they had been taken. Those postwar governments were responsible for returning the art to its rightful owners. Even as the vast process of locating and cataloguing works of art began, the Lilienfeld Hals was singled out as particularly valuable. The ALIU, or allied Art Looting Investigation Unit, interrogated those individuals who orchestrated the plunder of Europe's art treasures, including Kajetan Mühlmann. Within the investigation files from the Munich Central Collecting Point, the Hals was listed among the works of art that Mühlmann had taken but that had not yet been located at Munich, and which, the list mistakenly stated, must still be at the Dorotheum.⁷³ Despite having inspected it before it was shipped to Altaussee, Mühlmann was evidently unable to provide any information about the portrait's postwar whereabouts, reporting 'A very valuable picture, Polish private property belonging to the collection of Dr. Lilienthal [*sic*], was until the end of the war in Vienna, in the art Department of the Dorotheum. It is a late work of Frans Hals and is called "Man with curls." It was offered to Hitler for sale and is probably still for sale if it still exists.'⁷⁴

⁷³ National Archives and Records Administration, College Park, MD. Microfilm publication M1946. Administrative records, correspondence, denazification orders, custody receipts, property cards, Jewish restitution claim records, property declarations, and other records from the Munich CCP, Roll 145. Restitution Research Records: Mühlmann, Kajetan, Investigation.

⁷⁴ English translation of a handwritten statement by Kajetan Mühlmann, which reads 'Ein sehr wertvolles Bild aus poln. Privatbesitz, Sammlung Dr. Lilienthal, befand sich bis Kriegsende im Dorotheum Wien, Kunstabteil[un]g. Es ist ein Spätwerk Frans Hals u. heisst der "Mann mit den Locken." Es war Hitler zum Kauf angeboten worden, u. dürfte, falls es vorhanden ist, käuflich sein.' National Archives and Records Administration, College Park, MD Microfilm publication M1946. Administrative records, correspondence, denazification orders, custody receipts, property cards, Jewish restitution claim records, property declarations, and other records from the Munich CCP, Roll 146. Restitution Research Records: Mühlmann, Kajetan, Reports and Correspondence.

Back in the United States, Antonie Lilienfeld—who had been able to export from Austria the rest of her art collection—developed a relationship with the curatorial staff at the Museum of Fine Arts, Boston, where William George Constable (1887 – 1976) was the curator of paintings. Upon her arrival in 1941, Mrs. Lilienfeld offered to lend her pictures to the MFA, but the Museum had to decline her offer for a lack of storage space. She supported the Museum, however, through monetary donations. In 1945, with the War over, she once again sought help in recovering her eight paintings, as attested by a note that W. G. Constable placed in the curatorial files:

Mrs. Lilienfeld called on December 12, 1945 to discuss her collection of paintings. She asked if I could do anything to facilitate the return to her of the eight paintings which she had left in Germany which the Nazi authorities had presumably seized. She said she would be delighted to give one of these paintings to the Museum to move to some extent officially in the matter.⁷⁵

Constable was part of Paul Sachs's 'Harvard Group' during World War II, advising the military about the protection and salvage of monuments and works of art in Europe. He had come to Boston from his position as Director of the Courtauld Institute of Art in London, where one of his pupils in the 1930s had been Andrew Ritchie. Ritchie went on to direct the Albright-Knox Art Gallery in Buffalo, NY beginning in 1942. From 1945 until 1946, Ritchie served as Chief of the MFAA for the United States Forces in Austria (USFA), facilitating the identification and restitution of looted and displaced art.

On December 17, 1945, Constable wrote to Colonel Ritchie:

⁷⁵ Museum of Fine Arts, Art of Europe, Curatorial file 66.1054.

The Museum is in very close relation with Mrs. Lilienfeld, who proposes to bequeath to us the pictures she has here. She came to see me the other day to ask if I could possibly do anything to ascertain the present whereabouts of the pictures that were left in Vienna. If she could get them back, they would, of course, be added to the bequest; but she said that she would be delighted to give one of them to the Museum at once. I am telling you all this to make it clear that this is not merely an attempt to benefit a worthy person, but a matter in which an American museum is very directly involved.⁷⁶

It is unlikely that Constable was trying to be anything less than altruistic when he added that the MFA stood to benefit from the recovery of the eight paintings. Mrs. Lilienfeld had been unable to garner the support of the State Department during the War, and she still had not obtained American citizenship. It stood to reason that if an American institution were to officially make a claim for the paintings, the wheels of government machinery might turn more quickly to facilitate the claim process.

The Lilienfeld paintings were all located at the Altaussee mines on July 12, 1945.⁷⁷ Hunna wrote to the Monuments Office immediately after the War, on July 6, 1945, to inquire if they had been found, and received a positive response that fall. He was prepared to help Mrs. Lilienfeld make a claim. Hunna wrote long letters of explanation to both the Reparations and Restitution branch of the Office of the Military Government, United States (OMGUS) and Mrs. Lilienfeld on February 12, 1946, explaining that

⁷⁶ National Archives and Records Administration. Microfilm publication M1926, Records of the Reparations and Restitutions Branch of the U.S. Allied Commission for Austria (USACA) Section, Records Relating to Claims, US Claims no. 11 (hereafter USACA claim file). A copy is also at the Museum of Fine Arts, Paintings Department files, Lilienfeld Collection.

⁷⁷ BDA Lilienfeld (op. cit., note 20).

I succeeded in averting the sale of the paintings to the last. Again and again one tried to press me to agree to a sale. The State Secretary in charge of the Administration for works of art, especially concerning Poland came several times to see me. The 'Deposit East', competent for the confiscation and requisitioning of Polish property, confiscated all patents as well as the paintings. The Manager of the State Picture Gallery of Dresden came to me to negotiate a voluntary sale of the picture of Hals by order of the Führer. Later, especial [*sic*] commissioner for the new Museum to be installed in Linz claimed the pictures.⁷⁸

Because Hunna had deposited them at the Dorotheum, the Hals and the Dou remained bound up in the pawn contract, even after the War. Hunna received the following report, which he forwarded to Mrs. Lilienfeld in February, 1946:

The two paintings in question, Franz Hals, portrait of a gentleman, and Gerard Dou, Vanitas Still Life, have been transferred for protection from air war damage to Salzburg in Alt Aussee where there still are, together with the other six paintings of the Lilienfeld collection taken over and cared for by the ...Institut für Denkmalpflege.... As the works of art accumulated in the storehouses are in safe custody and under professional care, they will not be returned to the owners before the present unsatisfactory transportation conditions will be improved. ... It will be necessary to pay the pawnshop debt at the Dorotheum.⁷⁹

⁷⁸ USACA claim file (op. cit., note 76). A copy is also at the Museum of Fine Arts, Paintings Department files, Lilienfeld Collection.

⁷⁹ USACA claim file (op. cit., note 76). A copy is also at the Museum of Fine Arts, Paintings Department files, Lilienfeld Collection.

Hunna wrote to the Dorotheum and to the United States Property Control Division to secure restitution of the paintings.

In the meantime, Constable had heard back from Colonel Ritchie, who met with Hunna in Austria. Hunna gave Ritchie the documentation Mrs. Lilienfeld would need to make her claim, including the receipt he was issued in 1944 when the paintings were transferred to Altaussee. Ritchie reported that he asked that the paintings not be transferred to the custody of the Austrian state, as was the normal protocol. Rather, he asked that they be given over to the United States government so that they could more easily be returned to Mrs. Lilienfeld at the Boston museum, which had an interest in them. Ritchie also advised Mrs. Lilienfeld, through Constable, about how officially to make her restitution claim.⁸⁰

The return of the eight paintings did not proceed smoothly. Once the pictures were located at Altaussee, they were supposed to be transferred to the U.S. Property Control warehouse in Salzburg. There they would await further disposition as arranged by the American Consulate General in Vienna, with Emmerich Hunna acting as Mrs. Lilienfeld's representative. Once apprised of this plan, however, Richardson Wolcott raised a vehement objection, namely that:

Hunna is not authorized to represent Mrs. Lilienfeld, so please take matters up with us. If counsel is required there Mrs. Lilienfeld prefers to get somebody else. Mrs. Lilienfeld has a letter from Dr. Hunna of recent date to which we shall reply shortly and perhaps if services of an attorney there are required they may be of such nature that we can entrust them to him, otherwise we will wish to employ somebody else. For your information you

⁸⁰ Museum of Fine Arts, Paintings Department file, Lilienfeld collection.

will understand that Dr. Hunna shortly before the war sent us various contradictory communications and disobeyed instructions with typical nazi [sic] arrogance.⁸¹

This continued, misplaced distrust of Hunna only delayed the process of restitution and complicated bureaucratic matters in Austria. First, Hunna had deposited the Hals and the Dou at the Dorotheum; he was responsible for maintaining and extending (as necessary) the pawn contract, which was still valid. He incurred expenses to do so, and the auction house would not relinquish possession of the paintings--which remained at Altaussee--until they had been paid. Nor would the Federal Monuments Office authorize export of the paintings to Mrs. Lilienfeld until these debts had been settled.⁸² Hunna could not negotiate these matters on Mrs. Lilienfeld's behalf without a new power of attorney. Mrs. Lilienfeld refused to recognize his authority as such, and spent well over a year looking for a new lawyer to represent her interests in Vienna. In mid-1947, the eight paintings were still at the Altaussee mines.

There was yet another stumbling block to the restitution of the paintings. On March 17, 1947, Julius Jezewski appeared at the Dorotheum, and reclaimed the Dou and the Hals on behalf of Poland. He alleged that before 1938 these paintings would have been Polish property, and that they had been taken to Austria only for restoration or conservation.⁸³ The basis for such an allegation remains unclear, as it was patently false. Hunna provided a written statement in defense of Mrs. Lilienfeld's ownership of the paintings, calling the Polish claim unfounded. He pointed out that the two paintings had never been in Poland, and that Dr. Lilienfeld formed his collection before 1914, that is to say, before he was married. The fact that Dr. Lilienfeld was a

⁸¹ USACA claim file (op. cit., note 76).

⁸² USACA claim file (op. cit., note 76).

⁸³ USACA claim file (op. cit., note 76). Also see National Archives and Records Administration, Microfilm publication DN 1929, USACA: Cases and Reports Pertaining to Property Administered by the Vienna Area Command (VAC), Roll 157: PC/V/I/120 Antonie Lilienfeld, Roll 157 (hereafter VAC file).

Polish citizen, he wrote, could hardly influence the law of inheritance of his wife and sole heir.⁸⁴ Still, however, the only way he could officially intercede on her behalf was to get a notarized power of attorney, which he repeatedly asked Richardson Wolcott for in the spring of 1947.

By September, 1947, Richardson Wolcott had found a new attorney, Dr. Josef Tafler, to represent Mrs. Lilienfeld in Austria. Her lawyers paid the Dorotheum, and in all official correspondence Richardson Wolcott cited their distrust of Emmerich Hunna as the reason for their delay in resolving the issue. The Hals and the Dou were finally released by the Dorotheum in the summer of 1948, and export was granted by the Monuments Office.⁸⁵ The two paintings came directly to the MFA.⁸⁶ The remaining six pictures did not leave Austria in the same manner. While the Dou and the Hals had remained in the custody of the Dorotheum, the other six pictures were officially designated ‘expropriated art.’ They had, in fact, been confiscated according to the 1941 ordinance by which the assets of emigrants fell to the Nazi state.⁸⁷ Hunna’s foresight in taking the two most valuable pictures to the Dorotheum, and binding the issue of their ownership to a contract, ironically saved them from ever having been ceded officially to the Third Reich. Ownership of the remaining six paintings was eventually restored to Mrs. Lilienfeld; they were released and shipped to her at the MFA in the fall of 1949. They

⁸⁴ VAC file (op. cit., note 82). A translation of the letter, addressed to the Bundesministerium für Vermögenssicherung und Wirtschaftsplanung, is in the USACA claim file (op. cit., note 76).

⁸⁵ BDA Lilienfeld (op. cit., note 20).

⁸⁶ None of the Lilienfeld paintings passed through the Munich Central Collecting Point for return to Austria. Two floral still-life paintings by Drechsler that went through Munich were, however, initially misidentified as coming from the Lilienfeld collection (MCCP nos. 4526 and 4535), but were subsequently identified as of unknown ownership.

⁸⁷ Decision of the Finanzlandesdirektion für Steiermark in Graz, January 20, 1949. BDA Lilienfeld (op. cit., note 20). That this reason was given for their confiscation suggests that the paintings had ultimately been considered Jewish property. Posse had apparently reported, however, that the paintings were taken as American enemy property.

were placed immediately on loan, and, with the exception of the Drechsler (which was returned in 1951) remained at the MFA until after Mrs. Lilienfeld's death.⁸⁸

The last piece of correspondence in Mrs. Lilienfeld's claim file within the Records of the U.S. Allied Commission for Austria dates to February 11, 1949. It is a memo from the United States Forces in Austria (USFA) to OMGUS, written at the request of Evelyn Tucker of the MFAA. Richardson Wolcott was copied. At long last, the memorandum pointed out Hunna's efforts to safeguard Mrs. Lilienfeld's collection:

Your oral report of the heretofore unknown correspondence between Dr. Hunna and Nazi agents, which revealed the extreme pressure to which he was subjected in order to force him to sell Mrs. Lilienfeld's paintings, which pressure he resisted in spite of all threats, should be interesting to Mrs. Lilienfeld and her Boston attorneys as they have been under the impression that Dr. Hunna did not act very correctly in the matter.⁸⁹

Whether Antonie Lilienfeld contacted Emmerich Hunna again after this date is not known.

Hunna was named the first president of the Bar Association of Vienna when it was reestablished after the War.⁹⁰ In the postwar years, he worked tirelessly on behalf of other victims of Nazi looting and expropriation, most notably Lea Bondi Jaray, the prewar owner of Egon Schiele's celebrated *Portrait of Wally*, as well as the widow of Paul Abel, the patent attorney who was supposed to administer Dr. Lilienfeld's estate.⁹¹ After a long and distinguished legal career, Hunna passed away in 1964.

⁸⁸ The paintings were received on October 26, 1949 (MFA loan no. TL 7068; later 296-300.53). The Drechsler remained at the Museum until June 26, 1951. The others remained until either June 19, 1974 (Ruysdael and Steen) or June 26, 1974 (Sorgh, Teniers, and Ochtervelt).

⁸⁹ USACA claim file (op. cit., note 76).

⁹⁰ A brief history of the Bar Association of Vienna can be found online at <https://www.rakwien.at/?seite=kammer&bereich=geschichte>

⁹¹ See, for example, reports of the Swiss Claims Resolution Tribunal online at <http://www.crt-ii.org>. Dr. Hunna's correspondence on behalf of claimants can be found throughout the military records pertaining to art looting and restitution at the National Archives and Records Administration, which have been digitized and made

In 1948, Mrs. Lilienfeld made a gift of the Dou to the MFA in memory of Dr. Lilienfeld; it is now attributed to Hendrick Gerritsz. Pot (c. 1585 – 1657), a Dutch painter known for his small-scale genre scenes.⁹² It was not until the 1960s that director Perry Rathbone approached her about a gift of the *Portrait of a Man*. The MFA would be celebrating its 100th anniversary in 1970, and Rathbone was looking to make stellar acquisitions for the Museum, which would be unveiled at the centennial.⁹³ The Trustees voted to accept the Hals in December of 1966. The portrait, once considered the cultural property of Vienna and barred from leaving Austria's borders, was now to be claimed by a new city: Rathbone described the gift as a 'wonderful enrichment of Boston's artistic treasure.'⁹⁴ Although the MFA hoped to acquire other paintings from the Lilienfeld collection, it was the two that had been so highly prized in National Socialist Austria that she gave to the institution. Mrs. Lilienfeld passed away on January 11, 1972.⁹⁵ The rest of her collection was dispersed following her death. The paintings that had remained on loan to the MFA were returned to her estate. Sotheby Parke Bernet sold many of her other paintings publicly in New York that spring.⁹⁶

available through www.fold3.com. G. Kerschbaumer, 'Gutgläubiger Erwerb oder institutionelle Habgier?' in G. Anderl and A. Caruso (eds.), *NS-Kunstraub in Österreich und die Folgen* (Innsbruck, 2005), pp. 159-70, discusses Hunna's work for Jaray, noting (without a specific citation) that Hunna 'selbst als "Ariseur" tätig gewesen war' (p. 164).

⁹² *Woman Seated at a Table (Vanitas)*, MFA accession no. 48.1165.

⁹³ 'Centennial Acquisitions: Art Treasures for Tomorrow,' *Museum of Fine Arts Bulletin* 68, no. 351/352 (1970), pp. 79-80, cat. no. 50. For more on the centennial, see B. Rathbone, *The Boston Raphael: A Mysterious Painting, an Embattled Museum in an Era of Change, and a Daughter's Search for the Truth* (Jaffrey, NH, 2014), pp. 65-80.

⁹⁴ December 20, 1966 letter from Perry Rathbone to Antonie Lilienfeld. Museum of Fine Arts, Art of Europe Department, Curatorial file 66.1054.

⁹⁵ 'Mrs. Lilienfeld' (obituary), *Winchester Star*, January 13, 1972, p. 2. She left two nieces, according to the obituary, Irena Meier and Maria Watkins. Irena Ziff Meier was in fact her grandniece; she was the daughter of Jozefa Lilienfeld (b. 1894), the daughter of Leon Lilienfeld's brother Marek.

⁹⁶ The present whereabouts of the six paintings are not known. The painting by Ochtervelt was published in 1979 as being in a private collection, London; see S. D. Kuretsky, *The Paintings of Jacob Ochtervelt (1634-1682)* (Montclair, NJ, 1979), p. 92, cat. no. 93. The painting by Sorgh appeared at auction, Christie's, New York, January 27, 2000, lot 26 (consigned by 'A European Family'). The Drechsler had no known publication history at the time it was at the MFA. W. G. Constable's handwritten annotations in the MFA library copy of Glück, op. cit. (note 12), indicate that it was oil on canvas, measured 18 ¾ x 13 ¾ inches, and was signed and dated 'Joh. Drechsler 1810.' No MFA registration photography of it exists. Fifty-eight of Mrs. Lilienfeld's other pictures were consigned for sale:

Frans Hals's *Portrait of a Man* has for many years been a testament to the memories of both Leon and Antonie Lilienfeld, but it should also serve as a reminder of the admirable efforts of Emmerich Hunna, who helped protect the painting from Nazi depredation, and of those MFAA officers who worked to ensure its safe return. The painting's story is also a sober reminder of the machinations of the various art looting agencies in the Third Reich. The painting bears material evidence of its journey, with Nazi-era labels on the verso.⁹⁷ Above all, the painting's provenance is a reminder that the path any work of art takes—even during periods of vast conflict and destruction—is determined, at least in part, by its style, subject matter, and art historical criteria. Hals's name and critical reputation, his place in the scholarly canon, and the demand for his work on the twentieth-century art market all helped fuel the pursuit of the *Portrait of a Man* in Nazi Germany. This fascination with the painting was, however, also stimulated by the goals of an authoritarian regime to obliterate 'non-Aryan' culture and exalt Germanic heritage. Examining these motives is critical to understanding the processes by which the Third Reich stripped art collectors of their assets, an endeavor so vast and so maniacally orchestrated that the process of identifying and returning looted art continues to this day.

Important Old Master Paintings from American Collections, Sotheby Parke-Bernet, New York, May 17-18, 1972 (with the Lilienfeld lots, nos. 1-58, auctioned on May 17). Thirty-four pieces of furniture from the collection were auctioned: *French Continental Furniture and Decorations*, Sotheby Parke-Bernet, December 16, 1972, lots 58-91.

⁹⁷ The painting has been relined and re-stretched, but its Nazi era labels have been retained and affixed to the present stretcher, namely the 1941 *Pfandsiegel* or pawn seal, and a paper label from the Dorotheum.



Figure 1. Frans Hals (Dutch, 1581 to 1585–1666). *Portrait of a Man*, about 1665. Oil on canvas, 85.8 x 67 cm (33 3/4 x 26 3/8 in.). Gift of Mrs. Antonie Lilienfeld in memory of Dr. Leon Lilienfeld. Museum of Fine Arts, Boston, 66.1054.



Figure 2. Hendrick Gerritsz. Pot (Dutch, about 1580–1657), *Woman Seated at a Table (Vanitas)*, about 1635–40. Oil on panel, 48.9 x 49.2 cm (19 1/4 x 19 3/8 in.). Gift of Mrs. Antonie Lilienfeld in memory of Dr. Leon Lilienfeld. Museum of Fine Arts, Boston, 48.1165.