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PAINTED INTO A CORNER: REMBRANDT'S BANKRUPTCY TODAY

BRIAN LOGAN BEIRNE*

This Article analyzes the development of the concept of bankruptcy by examining Rembrandt's insolvency through the lens of modern law. To lay a foundation, it provides the historical context of Rembrandt's bankruptcy and his specific actions most pertinent to modern bankruptcy proceedings. This analysis then transitions into the modern era with a comparison of the seventeenth-century Dutch insolvency to modern bankruptcy law. It then proceeds to analyze this famous insolvency had it occurred today. This case demonstrates the means by which insolvency law serves society's interests by providing debtors such as Rembrandt with a second chance to contribute to the world.

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INTRODUCTION

Art, that noble thing, it never shall abandon me,
 Even if I wander penniless, seeking out back alleys, . . .
 Art is a glorious jewel, worth more than any treasure¹

It was not uncommon in seventeenth-century Netherlands for Dutch merchants engaged in trade to suffer great losses and be driven into bankruptcy,² for their success was affected by weather, piracy, market conditions, and other factors entirely outside of their control. In contrast, the artist had a source of success that was wholly within himself: his talent.³ As a result, of the thousands of Dutch artists of the era, the vast majority were financially sound.⁴ However, despite possessing arguably the most talent of them all, a fate befell Rembrandt “which is seldom told about other painters, namely, that he went bankrupt.”⁵

Rembrandt Harmensz van Rijn is generally considered one of the greatest painters of all time.⁶ With a talent admired throughout seventeenth-century Europe, he received large sums from the sale of his paintings, portraits, and sketches, and those of the students in his school.⁷ Despite his pecuniary successes, the great artist’s lavish spending and sometimes irrational investments caused his wealth to dwindle even as his international fame grew.⁸ With Rembrandt’s patrons abandoning him and his creditors demanding repayment, the man once deemed “one of the great prophets of civilisation”⁹ applied for *cessio bonorum*, or “surrender of goods” insolvency, in 1656.¹⁰

This study analyzes the circumstances of Rembrandt’s insolvency from the perspective of modern bankruptcy law. It begins by providing the historical context of Rembrandt’s bankruptcy and his specific actions most pertinent to modern bankruptcy proceedings. The study then transitions into the modern era by means of a

1. PHILIPS ANGEL, PRAISE OF PAINTING (1642), in 24 SIMIOLIUS 227, 241 (1996) (Michael Hoyle trans.).

2. PAUL CRENSHAW, REMBRANDT’S BANKRUPTCY 17 (2006).

3. *See id.* at 18.

4. *Id.* at 17.

5. *Id.* (quoting FILIPPO BALDINUCCI, COMINCIAMENTO E PROGRESSO DELL’ARTE DELL’INTAGLIARE IN RAME, COLLE VITE DI MOLTI DE’ PIÙ ECCELLENTI MAESTRI DELLA STESSA PROFESSIONE 80 (1686)).

6. E. H. GOMBRICH, THE STORY OF ART 420 (16th ed. 1995).

7. *Id.* at 28-29, 32. Rembrandt taught nearly every important Dutch painter during the twenty years his school operated. KENNETH CLARK, CIVILISATION 203 (1969).

8. *See CRENSHAW, supra note 2*, at 1.

9. CLARK, *supra note 7*, at 205.

10. CRENSHAW, *supra note 2*, at 1.

comparison of the *cessio bonorum* insolvency of Rembrandt's time with modern bankruptcy law. Lastly, the study analyzes this famous insolvency had it occurred today. Rembrandt's case triggered immediate reforms in the Netherlands and may even have ramifications that continue to reverberate through bankruptcy law.

I. REMBRANDT'S *CESSIO BONORUM*

Artists of the "Dutch Golden Age" were typically from privileged families who provided cushions against the swings of the sometimes-volatile Dutch art market.¹¹ Whether they used their craft as their main source of income or supplemented it with mercantile endeavors,¹² relatively few artists of the era became insolvent.¹³ G. J. Hoogewerff's study of St. Lucas guilds throughout the northern Netherlands concluded that such organizations successfully provided economic security to local artists.¹⁴ Such guilds, if powerful and well-organized, were able to keep prices high and afford the area artists the luxury of living off their works. In fact, those artists who suffered bankruptcy "worked in Amsterdam and other places where the guild system had largely deteriorated – or never existed."¹⁵ Rembrandt was one such case.

A. *The Artist's Rise and the Foundations of His Fall*

Rembrandt was born into "embarrassingly humble" beginnings.¹⁶ Despite being part of the lower-middle class, Rembrandt's family income¹⁷ provided him with the privilege of attending the University of Leiden before taking on apprenticeships with painters to learn the craft.¹⁸ He enjoyed early success in Leiden and then in Amsterdam, where he became a respected member of society.¹⁹ His paintings fetched thousands of guilders and his school was filled with students, from whom he received tuition and part

11. *See id.* at 20.

12. Or merely lived off inherited wealth.

13. *Id.* at 17-20.

14. *Id.* at 20.

15. *Id.*

16. CLIFFORD S. ACKLEY ET AL., *REMBRANDT'S JOURNEY* 12 (2003).

17. EMILE MICHEL, *REMBRANDT, HIS LIFE, HIS WORK AND HIS TIME* 5-6 (Frederick Wedmore ed., Florence Simmonds trans., 1918).

18. *Id.* at 7, 12-15. Whatever the family's social standing, Rembrandt's father was a relatively prosperous miller and his mother was the daughter of a baker. Worldwide Gallery of Art, Rembrandt Harmenszoon van Rijn (1606 – 1669), <http://www.theartgallery.com.au/ArtEducation/greatartists/Rembrandt/about/> (last visited on Mar. 4, 2009).

19. *See* ACKLEY, *supra* note 16, at 12.

of the revenue from the sale of their works.²⁰ However, Rembrandt's income dwindled in the 1640s and 1650s due to three interrelated causes: 1) a decline in Rembrandt's production that followed his decision to retire from the lucrative portrait market; 2) the negative impact on his standing in the community that resulted from the chaos in his personal life; and 3) a general economic downturn following the First Anglo-Dutch War that tempered demand for luxury goods.²¹

Ironically, Rembrandt's success hastened his economic demise. The popularity of his style in the 1630s diluted the market as his maturing students began offering similar works at much lower prices.²² The merchant class increasingly purchased these similar, albeit far less expensive, paintings and portraits that glutted the market.²³ This, in turn, led the Rembrandtesque style to be deemed unfashionable by the elite;²⁴ however, rather than cater to the new fashions, "Rembrandt expected his patrons to cater to him."²⁵

This shift in tastes coincided with problems in Rembrandt's personal life.²⁶ After the deaths of his first three children and his wife, Rembrandt "retire[d] from society"²⁷ and became embroiled in various publicly-known affairs with women of lower social standing.²⁸ This led to further declines not only in his production but also demand for his works, as his reputation among the elite, who were the most able to afford his work, soured.²⁹ With his income stream waning throughout the 1640s, Rembrandt was particularly vulnerable to the effects of the economic depression that hit the Netherlands following the First Anglo-Dutch War in the 1650s.³⁰ This downturn had a detrimental impact on the merchants who formed the core of his clientele.³¹ In such hard times, "[l]uxury goods stood little chance of making a profit."³² However, despite his income dwindling over this period, Rembrandt's spending habits

20. CRENSHAW, *supra* note 2, at 28-29.

21. *See id.* at 31-43.

22. *Id.* at 32.

23. *See id.*

24. *See id.*

25. *Id.* at 33.

26. *Id.* at 40-43.

27. *Id.* at 31.

28. After his romantic relationship with Geertje Direx, his son's nurse, soured she sued him for payment. The next year "he was instrumental in having Geertje confined to a . . . house of correction." This scandal damaged his reputation among the community. *Id.* at 41-42.

29. *Id.* at 43.

30. *See id.* at 38.

31. *See id.*

32. *Id.*

were escalating.³³

Upon finding success in the 1630s, Rembrandt quickly began living well beyond his means. His financial difficulties began when he purchased a rather large townhouse in Amsterdam in 1639.³⁴ Taking on enormous debt for the purchase, he had to scramble to make his mortgage payments.³⁵ Had he invested his significant earnings prudently, he likely would have had few difficulties paying off this primary liability. However, instead of paying down his debt and investing in the booming worldwide trade and manufacturing of the 1640s with his significant earnings,³⁶ he enjoyed a lavish lifestyle and filled his home with items that were exorbitantly expensive but possessed little income potential.³⁷ An obsessive collector of all types of art, he spared no expense.³⁸ In fact, with a narrow focus on restoring the value of his art, he reportedly spent exorbitant amounts on repurchasing his own paintings from all over Europe at inflated prices in a failed attempt to make them more scarce and coveted.³⁹ Not only was he spending lavishly and imprudently, he was also taking on additional debt to do so.

Infatuated with his art and collecting aesthetically pleasing things, Rembrandt saw his financial obligations as mere distractions.⁴⁰ When he was forced to address issues outside of his artistic realm, he consistently took the most expedient measures to resolve them. When creditors came to collect, he borrowed more money from elsewhere, repaid just the amount immediately due and spent the rest of the new loan elsewhere.⁴¹ For example, in 1653, he needed to repay 7,000 guilders of the 8,100 owed for his house mortgage.⁴² He quickly borrowed 9,000 guilders elsewhere and, rather than paying off this debt, he repaid only the 7,000 immediately owed. “[I]t is unclear what happened to the remaining” 2,000 guilders.⁴³ “This priority of spending proved to be typical for the painter . . . Rembrandt’s continual neglect for his debts eventually debilitated the confidence of his creditors and opened him

33. *See id.* at 38-39, 92-108.

34. *Id.* at 44.

35. *See id.* at 46.

36. *Id.* at 37.

37. His spending on a lavish lifestyle was derided by some as “typical of the nouveau riche.” *Id.* at 2.

38. *See id.* at 92-109.

39. *Id.* at 36-37. Note, however, that the source of this assertion has been characterized as unreliable; consequently, this account may be apocryphal. *See id.*

40. *See id.* at 92-108.

41. *Id.* at 54-55.

42. *Id.*

43. *Id.*

up to litigation.”⁴⁴ Rembrandt’s unsustainable lifestyle eventually began to catch up with him.

B. Rembrandt’s Spiral

As creditors began to close in during the mid-1650s, Rembrandt resorted to underhanded maneuvers and “clandestine deals” as quick fixes to his troubles.⁴⁵ Resorting to tactics described by his contemporaries as “narrowly within legal bounds” and “socially disreputable.”⁴⁶ On one occasion, he attempted to liquidate assets without the knowledge of his creditors. In one rumored scheme, two art dealers acting on Rembrandt’s behalf attempted to sell one of his paintings, with the stipulation that the transaction not be mentioned to a certain creditor of Rembrandt’s.⁴⁷ Ironically, the deal apparently fell through when the buyer attempted to pay with an uncollectible debt from a bankrupt merchant.⁴⁸ In 1656, Rembrandt again resorted to what the Dutch considered shameful activity: knowing “that a declaration of bankruptcy was inevitable,” he transferred the deed of his house to his son Titus less than two months before applying for *cessio bonorum*.⁴⁹ While this was technically legal at the time, “it ran so contrary to customary and accepted practice that it was quickly outlawed” two weeks later.⁵⁰ Rembrandt was becoming increasingly desperate as he ran out of financing.

Although Rembrandt had been able to accumulate debt for years, a small, court-ordered sum may have been the immediate trigger that drove him into insolvency. This obligation stemmed from a romantic affair with his son’s nurse, Geertje Dircx. When the relationship soured, Geertje took her case for financial support before the Chamber of Marital Affairs.⁵¹ While the two were not technically married, the commissioners ruled that he was required to pay her 200 guilders a year.⁵² However, Rembrandt “was instrumental in having Geertje confined to a . . . house of correction,”⁵³ which happened to relieve him of this court ordered obliga-

44. *Id.* at 55-56.

45. *Id.* at 57.

46. *Id.* at 2.

47. *Id.* at 57; John Michael Montias, *A Secret Transaction in Seventeenth-Century Amsterdam*, 24 NETH. Q. FOR HIST. ART 1, 5 (1996).

48. CRENSHAW, *supra* note 2, at 57.

49. *Id.* at 68-69.

50. *Id.*

51. *Id.* at 41.

52. WALTER STRAUSS & MARJON VAN DER MEULEN, *REMBRANDT DOCUMENTS* 276 (1979).

53. CRENSHAW, *supra* note 2, at 42.

tion for a time.⁵⁴ Once Geertje was released, she sought resumption of payment in 1656 and Rembrandt, so incredibly overleveraged, was unable to acquire the necessary cash.⁵⁵ While he had put off payment to creditors for years, he could no longer circumvent the Chamber's order.⁵⁶ Two months later, he applied for *cessio bonorum*.⁵⁷

C. Cessio Bonorum in Action

In pre-modern Europe, insolvency carried with it great moral condemnation.⁵⁸ It was not always this way. A Roman practice attributed at times to both Emperor Augustus or Caesar,⁵⁹ *cessio bonorum* was not accompanied by great shame during Roman times.⁶⁰ Instead, it was seen as a demonstration of "princely grace toward debtors"⁶¹ that allowed them "to escape imprisonment through a public ceding of all their goods, saving a few life necessities, to their creditors."⁶² Insolvents were typically jailed but *cessio* allowed them immunity from imprisonment, although the Roman *cessio* typically did not provide discharge.⁶³ However, when the practice was revived in the Middle Ages, it was merged with heavy sanctions of dishonor.⁶⁴ While it came with the added benefit that "a debtor insolvent through no fault of his own could receive a full discharge by declaring *cessio*," it nevertheless required a shameful path.⁶⁵ Pre-modern Europe incorporated into the Roman tradition certain public shaming rituals, often including bizarre practices involving heckling crowds and public nudity.⁶⁶ In fact, a legal text,

54. *Id.* at 67.

55. *Id.*

56. *See id.*

57. *Id.* at 67, 69.

58. James Q. Whitman, *The Moral Menace of Roman Law and the Making of Commerce: Some Dutch Evidence*, 105 YALE L.J. 1841, 1877-79 (1996).

59. *Id.* at 1872.

60. *See* G. Eric Brunstad, Jr., *Bankruptcy and the Problems of Economic Futility: A Theory on the Unique Role of Bankruptcy Law*, 55 BUS. LAW. 499, 514 (2000).

61. Whitman, *supra* note 58, at 1872.

62. *Id.* For a full description, see MAX KASER, DAS RÖMISCHE ZIVILPROZESSRECHT 316-17 (1966).

63. *See* Whitman, *supra* note 58, at 1872-73 (citing MATTEO BRUNO, TRACTATUS MATTHAEI BRUNI ARIMINENI DE CESSIONE BONORU 115[v] (Venice 1561)); Robert T. DeMarco, *Bankruptcy in a Word* (2004), <http://www.thrushandrohr.com/history.htm>.

64. *See* DeMarco, *supra* note 63.

65. Roman law as interpreted by early-sixteenth-century canon lawyers. Whitman, *supra* note 58, at 1873 (citing BRUNO, *supra* note 63, at 115[v]).

66. *See id.* (citing BRUNO, *supra* note 63, at 115[v]). In one of the more colorful punishments,

[t]he custom has grown up, in parts of Italy, that the insolvent who wishes to declare a *cessio bonorum* must go naked in a public and notorious place. There he strikes his backside three times against a rock or column, crying

written contemporarily to Rembrandt's application, described an old law on the books in the artist's hometown, Leiden: "those that want the benefit of a *cessio* must expose themselves in their underclothes before the city hall for an hour at midday, for several days, at a certain raised spot called 'the jaws' [i.e., the stocks]."67 Luckily for Rembrandt, this law had fallen into disuse.68

By the seventeenth century, "traditional, and brutal, shame sanctions died away in the commercializing Lowlands."69 The Dutch had sought to develop a more Romanesque, shame-free view of *cessio*.70 In this period, it was typically not the lower classes that used the practice, but instead merchants, who were of higher social station,71 a circumstance that may have helped promote this more favorable opinion of insolvency. Viewing their practices as more enlightened, Dutch authors of the day contrasted their nation's unique *cessio* with that of France's more common setup.72 For example, while France required the debtor declare *cessio* himself in a "humiliating" way, the law adopted in Amsterdam73 sought to remove the "public scandal" from the practice and allowed for legal representatives to declare in the debtor's place.74 While a difference such as this may seem subtle from today's perspective, some even saw the Dutch approach as so liberalized that loost de Damhouder van Brugge wrote, in 1626, that "some debtors even gloried in having performed a *cessio bonorum*."75

Even with the Netherlands' determined shift away from public shaming for insolvency, "many members of society would have viewed Rembrandt's declaration of bankruptcy unfavorably on moral grounds, and some would have denounced him for it."76 Despite the progressiveness of the legal system, religious institutions still held the notion that shame was the rightful price to be paid for violating the demands of the Bible.77 The Calvinist Church of the era delineated between *faillissement*, in which the debtor was

out, I DECLARE BANKRUPTCY.

Id.

67. *Id.* at 1878 (citing SIMON VAN LEEUWEN, MANIER VAN PROCEDEREN IN CIVILE EN CRIMINELLE SAAKEN 104 (1666)).

68. *Id.* at 1879.

69. *Id.* at 1877.

70. *Id.* at 1871.

71. CRENSHAW, *supra* note 2, at 68. And higher station meant higher social esteem. *Id.*

72. Whitman, *supra* note 58, at 1877-78.

73. Calvinist Amsterdam adopted Flemish law in this area. *Id.* at 1878.

74. *Id.* at 1879 (citing SIMON VAN LEEUWEN, MANIER VAN PROCEDEREN IN CIVILE EN CRIMINELLE SAAKEN 104 (1666)).

75. *Id.* at 1878 n.140.

76. CRENSHAW, *supra* note 2, at 69.

77. Whitman, *supra* note 58, at 1874-75.

seen as “unfortunate but faultless,” and *bankroet*, where the insolvency was “considered to have been brought on by deception and fraud.”⁷⁸ Rembrandt likely fell nearer the *bankroet* end of the spectrum, as “[t]he church was wary of people like Rembrandt who left their debts unresolved.”⁷⁹ A case like Rembrandt’s likely caused much embarrassment and “aroused ill-will from neighbors,” such that many who went bankrupt fled town in order to gain a fresh start.⁸⁰ However, Rembrandt was an eccentric artist who was so fixated on his art that personal shame was likely of secondary importance.⁸¹

Within this context, Rembrandt applied to the High Court in The Hague for *cessio bonorum* in July of 1656.⁸² This would allow him to cede all of “his assets to his creditors with the condition that they could make no further claims on him.”⁸³ Hoping that his house was safely out of reach in his son’s hands, he applied to the court for protection from his creditors.⁸⁴ It is likely he “knew that his collection of art and artificialia would not bring enough money to satisfy his debts, but he showed little concern for providing fair recompense to his creditors.”⁸⁵ He was apparently only interested in the protection from imprisonment and harassment that the court could grant him.⁸⁶

Adhering to the typical *cessio* process, the court appointed a trustee from Amsterdam’s Desolate Boedelskamer (Chamber of Insolvent Estates). The trustee commenced by taking a thorough inventory of all of Rembrandt’s possessions.⁸⁷ While it is unproven, scholars suspect Rembrandt successfully hid some of his possessions. As evidence, they first cite the absence of Rembrandt’s printing plates from the inventory.⁸⁸ While arguably of professional necessity, such items were not protected under *cessio*, as evidenced by other artists’ bankruptcies of the period.⁸⁹ Scholars also point to the absence of most of his own prints even though other artists’ works in his albums were duly catalogued.⁹⁰ The most damning evidence involves reports that Rembrandt sold certain items out-

78. CRENSHAW, *supra* note 2, at 69.

79. *Id.*

80. *Id.* at 70.

81. *Id.* at 54-55.

82. *Id.* at 69.

83. *Id.*

84. *Id.* at 69.

85. *Id.*

86. *See id.*

87. *Id.* at 70.

88. *Id.* at 75.

89. *Id.* Specifically, those of Jan Blom and Pieter Willemsz. *Id.*

90. *Id.* Only one album of Rembrandt’s prints was catalogued. *Id.*

side the jurisdiction of the Desolate Boedelskamer.⁹¹ Specifically, he reportedly sold uninventoried sculptures to the Elector Palatine in 1658.⁹²

Although the Desolate never took action against Rembrandt for such alleged conduct they did react to his transfer of house title to Titus immediately prior to his bankruptcy. While his transfer had been legal at the time, it was found to be of such a “mendacious nature” that new regulations forbade it.⁹³ Further, finding Rembrandt’s act so “patently evasive,” the Desolate Boedelskamer overrode the transfer of title to Titus and liquidated Rembrandt’s Amsterdam townhouse in 1658.⁹⁴ This revulsion is indicative of the Dutch attitude towards asset concealment.⁹⁵

As it developed, Dutch bankruptcy law displayed “a movement from penalizing insolvency[, as discussed above,] to penalizing asset concealment.”⁹⁶ Dutch moralists of the day explained that “[i]f insolvency came, merchants were simply, and honestly, to declare a *cessio*. Above all, they were not to conceal assets.”⁹⁷ There are many instances where Dutch debtors, in an effort to later provide for themselves and families, “[b]efore they ma[de] an ostensible *cessio bonorum*, they conceal[ed] all the assets that they c[ould].”⁹⁸ This practice was described, in no uncertain terms, as “com[ing] from Satan.”⁹⁹ This shift from viewing declaring *cessio* as reprehensible to only condemning violations of the process marked a profound change.¹⁰⁰ In this way, the Dutch had altered the institution to better conform to its increasingly commercial society, even as the rest of Europe still viewed *cessio* declaration itself as profoundly objectionable.¹⁰¹

Once catalogued, Rembrandt’s items were sold at auction.¹⁰² The law technically provided priority to those creditors with official loans registered with the magistrates.¹⁰³ However, political influence seemingly played an important role, as Rembrandt’s most powerful creditors were paid first, leaving little for the oth-

91. *Id.*

92. *Id.*

93. *Id.* at 87.

94. *Id.* at 78.

95. Whitman, *supra* note 58, at 1882-83.

96. *Id.* at 1882.

97. *Id.*

98. *Id.* at 1881 (quoting GODFRIED UDEMANS, “T GEESTELYK ROER VAN ‘T COOPMAN’S SCHIP 14[r]” (1638)).

99. *Id.*

100. *Id.* at 1882.

101. *See id.* at 1882-83.

102. CRENSHAW, *supra* note 2, at 75.

103. *Id.* at 80.

ers.¹⁰⁴ Even after his house was included in the estate, his assets were still far from equaling his total debt, and even some of his major creditors received nothing.¹⁰⁵ Throughout the rest of his life, Rembrandt continued, to a degree, to treat his finances as an afterthought to his art. He never made great efforts to repay his creditors. To the day he died, Rembrandt refused to relinquish his artistic control and paint his way out of his subsequent debt.¹⁰⁶

II. THROUGH THE LOOKING GLASS: REMBRANDT'S BANKRUPTCY TODAY

“At a time when French or Italian debtors faced fearsome shame sanctions, and German and English ones faced hellish prisons, this Dutch practice was stunningly liberal, a long step on the road toward modern bankruptcy.”¹⁰⁷ Dutch debtors took full advantage of this, “with rates of the declaration of *cessio* noticeably high in the seventeenth century.”¹⁰⁸ With nearly 1.5 million individuals and over 50,000 businesses filing for bankruptcy in 2006 and 2007, it would appear that modern Americans have more in common with the seventeenth-century Dutch than one would think.¹⁰⁹ Based upon *cessio bonorum*, modern bankruptcy continues the Dutch-pioneered movement away from shaming.¹¹⁰ In fact, the United States has taken additional steps relatively recently to continue to move away from the shroud of public shame long associated with bankruptcy. The Bankruptcy Act of 1978 continued moving in the direction begun centuries ago in Holland by helping to lessen the stigma associated with bankruptcy via such measures as using the word “debtor” instead of “bankrupt”¹¹¹ and creating

104. See *id.* at 80, 87-88.

105. See *id.* at 88.

106. While there are accounts of him seeking to paint more lucrative portraits and finish paintings to raise funds, *id.* at 134, 142, he nevertheless refused to paint certain portraits, *id.* at 142, and “[t]he artist’s determination to maintain a high level of control in all aspects of production, revealed most acutely when disputes arose, left him with few consistent and reliable patrons,” *id.* at 135.

107. Whitman, *supra* note 58, at 1881.

108. *Id.*

109. AMANDA LOGAN & CHRISTIAN E. WELLER, CTR. AM. PROGRESS, BUSH’S BANKRUPTCY LEGACY (Apr. 17, 2008), http://www.americanprogress.org/issues/2008/04/bankruptcy_column.html; MARK DOUGLAS, UNITED STATES: THE YEAR IN BANKRUPTCY: 2007 (Mar. 12, 2008), <http://www.jonesday.com/files/Publication/34b19d7b-0c3f-4c53-bfe3-6217cf0e6e9d/Presentation/PublicationAttachment/2bb4b1df-21aa-411a-bca2-023da0d4a175/2007YearinReview.pdf>.

110. See Jason J. Kilborn, *Mercy, Rehabilitation, and Quid Pro Quo: A Radical Reassessment of Individual Bankruptcy*, 64 OHIO ST. L.J. 855, 870-76 (2003).

111. Richard M. Hynes, *Why (Consumer) Bankruptcy?*, 56 ALA. L. REV. 121, 163 (2004) (citing Karen Gross, *Preserving a Fresh Start for the Individual Debtor: The Case for Narrow Construction of the Consumer Credit Amendments*, 135 U. PA. L. REV. 59, 148 (1986)).

Chapter 13, which provides a means of avoiding the stigma of liquidation.¹¹² Despite the centuries between them, modern bankruptcy law holds much in common with the Dutch *cessio bonorum*.

A. General Similarities Between the Systems

U.S. bankruptcy proceedings and seventeenth-century Dutch *cessio bonorum* possess similar policy goals. Both share the general, overarching objectives to both provide debtors with a fresh start and rehabilitate viable endeavors, all while providing creditors with equality of distribution.¹¹³ In doing so, both promote future productivity by restoring incentives.¹¹⁴ Similar to the manner in which Dutch *cessio* was seen as an “act of princely grace toward debtors”¹¹⁵ that sought to remedy the debtors’ insolvency without shame, modern bankruptcy likewise aims to provide debtors with a financial “clean slate.”¹¹⁶ Both provide discharge, which allows the debtor the chance to reinvigorate his livelihood, rather than condemning him to prison or some kind of indentured servitude. Further, while extremely limited in the case of *cessio*, certain life necessities are exempted from the creditors’ reach, thereby permitting the debtor to emerge from insolvency as a productive citizen.¹¹⁷

From the creditors’ perspective, both *cessio bonorum* and modern bankruptcy provide a centralized proceeding with a focus on gathering accurate information for creditors to use. The court then develops a plan to best utilize the debtor’s assets (liquidation in both *cessio* and Chapter 7 in modern bankruptcy¹¹⁸) and divides the proceeds among the creditors with the objective of distributing the funds in the fairest way possible.¹¹⁹ Although in Dutch *cessio* the politically powerful often received the most repayment, both systems nevertheless strive to more efficiently allocate the debtor’s resources through a centralized process.¹²⁰

While a far cry from historic British and German remedies of incarceration, ear-cutting, or even execution, both systems’ lenien-

112. MODERN REAL ESTATE PRACTICE IN NEW YORK 364 (Edith Lank et al. eds., 7th ed. 2001).

113. See Brunstad, *supra* note 60, at 499.

114. Nicholas L. Georgakopoulos, *Bankruptcy Law for Productivity*, 37 WAKE FOREST L. REV. 51, 58 (2002).

115. As derived from its Roman predecessors.

116. Whitman, *supra* note 58, at 1872, 1881-82.

117. See Brunstad, *supra* note 60, at 514 n.50.

118. And potentially in the case of Chapter 11 as well.

119. See *id.* at 524-30.

120. See generally *id.*

cy is not without bounds.¹²¹ Both reserve the privilege of bankruptcy protections for honest but unfortunate debtors.¹²² While the modern concept of the “honest but unfortunate debtor” is a new one, the seventeenth-century Dutch system was similar in that it contained the requirement that debtor claiming *cession* be honest and forthcoming.¹²³ Those who did not act honestly received fierce retribution from the court. Although the Dutch tradition of branding for such a transgression had fallen into disuse by Rembrandt’s time, a debtor caught acting dishonestly faced great shame and imprisonment.¹²⁴ As was the case with the Dutch merchants who followed what was seen as Satan’s call to hide assets,¹²⁵ Americans today also attempt to underhandedly circumvent the system and are punished for it. The majority in *Marrama v. Bank of Massachusetts* found that “a debtor who acts in bad faith prior to, or in the course of, filing a Chapter 13 petition by, for example, fraudulently concealing significant assets, thereby forfeits his right to obtain [bankruptcy] relief.”¹²⁶

B. Differences: Rembrandt Before the Judge

Despite the many general similarities between the two systems, Rembrandt’s bankruptcy would have unfolded differently in modern times. This section traces the artist’s actions from the vantage of U.S. bankruptcy law in 2009. It relies primarily upon the information known to the High Court in The Hague and the Desolate Boedelskamer. For example, the court knew of Rembrandt’s house transfer but was not seemingly aware of those occasions when he sought to hide assets. After laying this foundation, this study goes further to interject the probable consequences of Rem-

121. See Georgakopoulos, *supra* note 114, at 56.

122. Douglas G. Baird, *Discharge, Waiver, and the Behavioral Undercurrents of Debtor-Creditor Law*, 73 U. CHI. L. REV. 17, 17 & n.2 (2006) (citing 11 U.S.C. § 727 (2000) (“The court shall grant . . . a discharge, unless’ the debtor commits any of several forms of falsehood”).

[T]he characterization of the “honest but unfortunate debtor” as the one for whom the bankruptcy discharge is intended is a twentieth century development. The phrase itself can be traced to *Local Loan Co v. Hunt*, 292 US 234, 244 (1934) (explaining that the Bankruptcy Act “gives to the honest but unfortunate debtor . . . a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of pre-existing debt”).

Id. at 17 n.2.

123. Whitman, *supra* note 58, at 1882 (“Concealment of assets had traditionally been penalized . . . through the awesome shame sanction of branding.”).

124. *Id.*

125. *Id.* at 1881.

126. *Marrama v. Citizens Bank of Massachusetts*, 549 U.S. 365, 367 (2007) (quoting *Grogan v. Garner*, 498 U.S. 279, 286-87 (1991)).

brandt's more notorious actions that went seemingly undetected by the court.

Prior to his proceeding, Rembrandt transferred his house to his son, Titus.¹²⁷ While technically legal at the time, this was seen as quite unethical.¹²⁸ In modern times, this transfer would likely be unnecessary. Under 11 U.S.C. § 522's homestead exemption, Rembrandt's townhouse would be exempted because it likely qualifies as "personal property that the debtor or a dependent of the debtor uses as a residence."¹²⁹ Although the *cessio* process sought to enable a fresh start once discharged, it nevertheless left the debtor with little to do so. In fact, the *cessio* proceedings took Rembrandt's home, furniture, all of his (known) paintings, and tools. This process left him with little except food, linens, and some of his clothes. He would have fared far better under modern bankruptcy. Aside from retaining his home, he would likely have retained his non-antique furniture, his late wife's jewelry worth less than the equivalent of \$550, and the tools of his art trade.¹³⁰ While his large collection of other artists' work would be accessible to creditors, he would likely argue that the art he created should be exempt under the Code's § 522 (B)(i), which protects such possessions. However, it would be open to the court to decide whether to treat Rembrandt's works as business inventory, since Rembrandt was running a profitable business of teaching students and selling art.¹³¹

Rembrandt's attorney would likely have no choice but to file for Chapter 11 on his behalf.¹³² While it is difficult to compare with certainty, Rembrandt would likely fail the means test for Chapter 7.¹³³ "While there's no accurate way to render [it] in today's greenbacks," a wealthy merchant in seventeenth-century Netherlands would earn roughly 3,000 guilders annually, which would already comfortably surpass the median income for the time.¹³⁴ In comparison, Rembrandt's net worth was appraised at 40,000 guilders in 1647.¹³⁵ With Rembrandt selling multiple paintings in the mid-1650s, one even fetching over a thousand guilders,¹³⁶ this analysis assumes that his income surpassed the median income of similar

127. CRENSHAW, *supra* note 2, at 68.

128. *Id.* at 68-69.

129. 11 U.S.C. § 522(d)(1) (2007).

130. *See* 11 U.S.C. § 522(d) (2007).

131. CRENSHAW, *supra* note 2, at 29-32.

132. *See* Toibb v. Radloff, 501 U.S. 157 (1991) (citing section 109(d) as the source of an individual debtor's right to file Chapter 11).

133. *See* 11 U.S.C. § 707(b) (2008).

134. Mike Dash, *When the Tulip Bubble Burst*, BUS. WK., Apr. 24, 2000, available at http://www.businessweek.com/2000/00_17/b3678084.htm.

135. CRENSHAW, *supra* note 2, at 2.

136. *Id.* at 29-30.

households. While it is entirely possible that Rembrandt had not sold any paintings immediately prior to bankruptcy,¹³⁷ it is unlikely that he had below median income over the six months prior to his bankruptcy, as documents show that he still operated an art school with “very high tuition fees” and received a portion of his students’ sales.¹³⁸

In addition to ruling out Chapter 7, his circumstances would also likely prohibit Rembrandt from filing for Chapter 13. Under 11 U.S.C. § 109(e), a debtor may only file for Chapter 13 if his or her unsecured debts are less than \$336,900 and his or her secured debts are less than \$1,010,650.¹³⁹ While the entire extent of Rembrandt’s debt is unknown, the fact that the more than 16,000 guilders raised by the Desolate Boedelskamer’s sale of Rembrandt’s house, furniture, and extensive art collection left even some of his primary creditors with nothing suggests that Rembrandt’s debt was extremely large.¹⁴⁰ Thus, Rembrandt’s only option today would be Chapter 11.

Rembrandt’s artistic endeavors were much more valuable as a going concern,¹⁴¹ and Chapter 11 reorganization would potentially give his creditors substantially more money than *cessio bonorum*’s straight liquidation and discharge.¹⁴² Were he facing a Chapter 11 proceeding, he would have to provide the bankruptcy court with extensive financial information and work with his creditors and the court to develop a plan for reorganization.¹⁴³ However, with

137. The history suggests that he was busy negotiating with creditors and attempting to hide assets. See *supra* text accompanying notes 46-50.

138. *Id.* at 28-29.

139. 11 U.S.C. § 109(e) (2006); Revision of Certain Dollar Amounts in the Bankruptcy Code Prescribed Under Section 104(b) of the Code, 72 Fed. Reg. 7082 (Feb. 14, 2007).

140. *Id.* at 76-79. As a means of comparison, if the “wealthy merchant”, see *supra* text accompanying note 134, made the equivalent of \$200,000 a year, that would mean that the 16,000 guilders were worth \$1.01 million.

141. It is difficult to draw the line between Rembrandt’s personal life and his business, which was basically an art sole proprietorship.

142. Unless, of course, the court allows Rembrandt to hold most of his future earnings, as discussed in the following paragraph.

143. Unless the court orders otherwise, the debtor must file with the court: (1) schedules of assets and liabilities; (2) a schedule of current income and expenditures; (3) a schedule of executory contracts and unexpired leases; and (4) a statement of financial affairs. FED. R. BANKR. P. 1007(b)(1).

If the debtor is an individual, there are additional document filing requirements. Such debtors must file: a certificate of credit counseling and a copy of any debt repayment plan developed through credit counseling; evidence of payment from employers, if any, received 60 days before filing; a statement of monthly net income; any anticipated increase in income or expenses after filing; and a record of any interest the debtor has in an education individual retirement account or qualified State tuition program.

11 U.S.C. § 521(a)(1)(B)(iv)-(vi), (b)-(c) (2006).

Rembrandt's history of "continual neglect for his debts,"¹⁴⁴ and "resist[ance to] making arrangements with his creditors that would sacrifice his personal authority,"¹⁴⁵ it is likely his role as "debtor in possession"¹⁴⁶ would be short-lived. Even if Rembrandt's asset concealment and illegal transfer went undetected, as it largely did in 1658,¹⁴⁷ it is still rather likely the creditors or the U.S. Trustee would motion for appointment of a trustee due to "incompetence or gross mismanagement."¹⁴⁸ After consultation with parties in interest and subject to the court's approval,¹⁴⁹ the Trustee would be appointed to manage the property of Rembrandt's estate, oversee the operation of his art business, and file the plan of reorganization.

If *In re Cooley*¹⁵⁰ or *In re FitzSimmons*¹⁵¹ are any indications, the plan would likely leave Rembrandt in a comfortable financial position. Ironically, Rembrandt's wasteful spending tactics may actually play in his favor in modern proceedings, as the "burden of proof rests upon the creditor as movant to show that the purported individual debtor's earnings are in actuality '[p]roceeds, product, offspring, rents [or] profits' derived from those assets or other property interests which have previously accrued to the estate by operation of Section 541."¹⁵² Rembrandt spent almost all of his creditors' money on a lavish lifestyle, buying non-income-bearing furniture and artwork, and paying interest payments to other creditors. His earnings, on the other hand, primarily stemmed from his own human capital: his artwork and teaching students.¹⁵³ The court in *FitzSimmons* held that "[t]o the extent that the law practice's earnings are attributable not to FitzSimmons' personal services but to the business' invested capital, accounts receivable, good will, employment contracts with the firm's staff, client relationships, fee agreements, or the like, the earnings of the law practice accrue to the estate."¹⁵⁴ In *FitzSimmons*, the court split his earnings with creditors because the sole proprietorship was not composed of just him alone.¹⁵⁵ However, with the exception of contracts that may have been made possible by the creditors, Rem-

144. CRENSHAW, *supra* note 2, at 55-56.

145. *Id.* at 88.

146. 11 U.S.C. § 1101(1) (2006).

147. *See supra* Part I.C.

148. 11 U.S.C. § 1104(a)(1) (2006).

149. FED. R. BANKR. P. 2007(a).

150. *In re Cooley*, 87 B.R. 432 (S.D. Tex. 1988).

151. *In re FitzSimmons*, 725 F.2d 1208 (9th Cir. 1984).

152. *In re Cooley*, 87 B.R. at 441 (quoting 11 U.S.C. § 541(a)(6) (2006)).

153. *See* CRENSHAW, *supra* note 2, at 28-59.

154. *In re FitzSimmons*, 725 F.2d at 1211.

155. *Id.*

brandt's income is largely attributed to services he personally performed.¹⁵⁶ Following the logic employed in *Cooley* and *FitzSimmons*, it is likely that Rembrandt would be able to retain the bulk of his future earnings under a reorganization plan.

If the reorganization plan is accepted, § 1141(d)(1) provides that confirmation of a plan discharges Rembrandt from the enormous debt that he accumulated before the date of confirmation.¹⁵⁷ Rembrandt would then be bound by the plan and required to make the provided payments.¹⁵⁸ The creditors would receive pro rata distribution—not based upon their political influence, as in the Dutch *cessio* system, but based on a formula developed in accordance with the court's policy goal of providing equality of distribution among creditors. If Rembrandt "behaved" himself, which may be unlikely in light of his penchant for blatantly disregarding his finances, the estate could eventually be fully administered.¹⁵⁹ In this best case scenario, Rembrandt would retain his beloved house as well as much of his earnings while achieving a fresh start to begin running up debts once again. However, this is all assuming the court never learned of Rembrandt's more underhanded actions.

Before filing for *cessio bonorum*, Rembrandt attempted to manipulate his financial position. If Rembrandt's secret attempt to exchange a painting for cash, as described in Part I. B., had been successful and undiscovered, he might be deemed to have made a fraudulent transfer under § 548 (a)(1)(A).¹⁶⁰ The trustee would likely use his or her avoiding powers to nullify the transfer and make the paintings available to all of Rembrandt's creditors.¹⁶¹ This practice of "avoiding transfers" is analogous to what the Desolate Boedelskamer did in "avoiding" Rembrandt's property transfer to his son, Titus.¹⁶² Although the modern court would not likely find fault with Rembrandt transferring his homestead to Titus, if the Desolate Boedelskamer did find the transfer objectionable, it had the power to avoid the transfer. The aforementioned painting transfer may have been only one of Rembrandt's objectionable dealings.

156. See CRENSHAW, *supra* note 2, at 28.

157. 11 U.S.C. § 1141(d)(1) (2006).

158. Further, "Sections 1106(a)(7) and 1107(a) of the Bankruptcy Code require a debtor in possession or a trustee to report on the progress made in implementing a plan after confirmation." Chapter 11 – Bankruptcy Basics, <http://www.uscourts.gov/bankruptcycourts/bankruptcybasics/chapter11.html#work> (last visited Mar. 4, 2009).

159. See FED. R. BANKR. P. 3022.

160. As long as he made the sale with the intent to defraud, although this may be hard to prove.

161. Provided the transfer occurred within the statutory window before filing the petition. 11 U.S.C. § 548(a)(1) (2006).

162. See Chapter 11 – Bankruptcy Basics, *supra* note 158.

During his liquidation, Rembrandt allegedly hid assets, as discussed in Part I.B. If caught, he would be dealt with harshly under both *cessio bonorum* and modern U.S. bankruptcy law. Under seventeenth-century Dutch law, hiding assets, if detected, would likely have led to branding.¹⁶³ Under modern U.S. law, such action would place Rembrandt outside of “the class of ‘honest but unfortunate debtor[s]’ that the bankruptcy laws were enacted to protect.”¹⁶⁴ As such, his case could “be dismissed . . . because of . . . bad-faith conduct,” thereby denying Rembrandt any bankruptcy protection.¹⁶⁵ The U.S. Code and the Federal Rules of Bankruptcy Procedure were designed “to insure that complete, truthful, and reliable information is put forward at the outset of the proceedings, so that decisions can be made by the parties in interest based on fact rather than fiction.”¹⁶⁶ Therefore, “dishonesty among debtors in failing to completely disclose their financial affairs undermines the civil bankruptcy system, and certain dishonest acts committed by debtors may even constitute bankruptcy crimes under 18 U.S.C. §§ 151-157.6.”¹⁶⁷ Specifically, 18 U.S.C. § 152(1) makes it a criminal offense for a debtor to “knowingly and fraudulently” conceal from a trustee or “other officer of the court” any property “belonging to the estate of a debtor.”¹⁶⁸ While historians may never know for sure, Rembrandt reportedly attempted to sell a sculpture, which he hid well enough to escape the Desolate Boedelskamer’s inventory, outside the *cessio* proceedings.¹⁶⁹ This sculpture, since it was not Rembrandt’s work, would most likely not be exempted under § 522 and therefore would be included in the estate. Under similar circumstances, Harry Herbert Wagner, Jr. was sentenced to six months imprisonment when the Sixth Circuit upheld his conviction for concealment of assets under § 152(1).¹⁷⁰ Rembrandt would likewise face imprisonment if his transaction were discovered today.

163. Whitman, *supra* note 58, at 1882.

164. *Marrama v. Citizens Bank of Massachusetts*, 549 U.S. 365, 374 (2007) (quoting *Grogan v. Garner*, 498 U.S. 279, 287 (1991)).

165. *See id.*

166. *In re Marrama*, 430 F.3d 474, 478 (1st Cir. 2005) (quoting *Boroff v. Tuley*, 818 F.2d 106, 110 (1st Cir. 1987)).

167. Michael D. Sousa, *The Crime of Concealing Assets in Bankruptcy: An Overview and an Illustration*, 26 AM. BANKR. INST. J. 20, 20 (Mar. 2007).

168. 18 U.S.C. § 152(1) (2006).

169. CRENSHAW, *supra* note 2, at 75.

170. *United States v. Wagner*, 382 F.3d 598, 602-03 (6th Cir. 2004).

CONCLUSION

This study analyzed Rembrandt's insolvency from the perspective of modern U.S. bankruptcy law. It focused on Rembrandt's most pertinent—and allegedly unscrupulous—actions leading up to and during his bankruptcy. The study then compared the Dutch *cessio* process with bankruptcy law today and, despite the overall similarities between the two systems, determined that Rembrandt would have fared better under the more lenient modern system. As long as he was honest in the eyes of the court, bankruptcy would enable him to escape the yoke of his unwieldy debt and once more serve society as a productive citizen.

Rembrandt was an unbelievably gifted artist but also an unbelievably inept businessman. He painted and sketched his way into history, earning great fame and riches. However, his poor financial management led him to squander his wealth and lose almost everything he amassed over his lifetime. Luckily, the Netherlands had a liberal interpretation of the Roman concept of *cessio bonorum* that enabled Rembrandt to retain his freedom by surrendering his goods. Possessing many of the same general goals as modern U.S. bankruptcy law, the Dutch *cessio bonorum* insolvency law provided Rembrandt with discharge and a fresh start with which to resume his art business. Had he been caught circumventing the system, he would have likely been imprisoned under either system. However, for those who act honestly, the law provides a second chance. This Article focuses on a man who used that second chance to produce cherished works of art that now line museum walls. In this way, insolvency law enabled Rembrandt to utilize his tremendous gift and grace the world with more of his masterpieces.

The New York Review of Books

Rembrandt Now

Ernst Gombrich

MARCH 12, 1970 ISSUE

Rembrandt: The Complete Edition of the Paintings

by Abraham Bredius, 3rd edition revised by Horst Gerson
Phaidon, 612, 664 illustrations pp., \$20.00

Rembrandt Paintings

by Horst Gerson
Reynal, 527, 600 illustrations, 80 color pages pp., \$39.95

Rembrandt

by Joseph-Emile Muller, translated by Brian Hooley
Abrams, 272, 134 illustrations, 58 in color pp., \$7.50

Rembrandt: Life and Work

by Jakob Rosenberg
Phaidon, 386, 283 illustrations pp., \$4.95 (paper)

Rembrandt As An Etcher

by Christopher White
Pennsylvania State University, 2 vols, 531, 348 illustrations pp., \$29.95

Rembrandt

by Michael Kitson
Phaidon, 24, 50 color plates pp., \$5.95

Rembrandt: His Life, His Work, His Time

by Bob Haak, translated by Elizabeth Willems Treeman

Abrams, 348, 612 illustrations, 109 in color pp., \$35.00

Rembrandt in Amsterdam

by R.H. Fuchs, translated by Patricia Wardle, translated by Alan Griffiths
New York Graphic Society, 162, 121 illustrations pp., \$9.50

Rembrandt's "Aristotle" and Other Rembrandt Studies

by Julius Held
Princeton, 224, 132 illustrations, 3 color plates pp., \$10.00

There are any number of good reasons for remembering Rembrandt, but certainly one which is rather irrelevant—the fact that we have ten fingers on our hands and therefore regard centenaries as round numbers. Since Rembrandt died at the age of sixty-three, an undischarged bankrupt, on October 4, 1669, the calender indicated last year that exhibitions had to be mounted and books published, not to speak of articles and radio talks asking the mock-soleman question “How do we stand with respect to Rembrandt today?” How indeed? How do we stand with respect to the Psalms, to Chartres Cathedral? Such works are more or less protected by anonymity from the dangerous institution of centenaries which not only tend to create a revulsion by surfeit but also are counterproductive of scholarship. The normal course of research depends on continuous argument; the ideas and suggestions advanced by one scholar are accepted or rejected by the next, and we all hope that in this sifting process we get a little closer to the truth. But it is rare, in the nature of things, that publications which appear in one given year can take notice of each other, and so the result is less like a dialogue than like a Babel of voices.



Rembrandt; drawing by David Levine

The present spate of Rembrandt books provides an instance which has become notorious. Invited by the Phaidon Press to bring their standard edition of Rembrandt’s paintings by A. Bredius (1935) up to date, Professor H. Gerson has not only relegated 56 out of 630 paintings to an appendix of unacceptable pictures, he has also expressed his doubts in the

notes about a good many others, among them such famous works as *David Playing the Harp before Saul*, the proud possession of one of Europe's most attractive galleries, the Mauritshuis in the Hague.

Ever since this famous picture—which does not have an old history—was acquired by A. Bredius in 1898...it has been hailed as one of Rembrandt's greatest and most personal interpretations of Biblical history.... I fear that the enthusiasm has a lot to do with a taste for Biblical painting of a type that appealed specially to the Dutch public of the Jozef Israels generation rather than with the quality of the picture itself.

The allusion here is no doubt to the markedly Jewish type of the young David, which reminds the author of paintings by the famous Victorian painter of Jewish life. For it is this realistic type rather than the quality of the paint, he goes on, which has caused the enthusiasm.

The painterly execution is superficial and inconsistent: Saul's turban is shining and variegated, and rather pedantic in treatment, in contrast with the clothing and the hand, which are painted loosely, in one monotonous tone of brownish red. All this points to an execution in Rembrandt's studio....

The picture, we learn, has been mutilated.

This may partly help to excuse the emptiness of the curtain motive, but not the somewhat "larmoyant" interpretation. David's figure is the best and most consistent part of the picture, but not to the degree that I would recognise Rembrandt's touch in it....

In the opening remarks of his own volume (from which the *David and Saul* is excluded) Professor Gerson has certainly nailed his colors to the mast:

The mystique of art has begun to be debunked, and surely all of us can breath a sigh of relief over that. One element...that has assisted this process is the declining share of German interpretations as against critical work done elsewhere in the world.

The cheapness of this aside is out of keeping with the general standard of the book. Be that as it may, it happens that among the present crop of books, a brief monograph translated from the French of Joseph-Emile Muller shows no awareness of Professor Gerson's opinion. To that author the painting is not only a great work of art but also a document of Rembrandt's reaction to his bankruptcy:

His purpose in painting *David harping before Saul* (c. 1657) was obviously to depict the mental torment and the relief, albeit accompanied by tears, which art is able to bring to the depressed and lonely man. Beyond doubt, the great powers of suggestion of this picture are due to Rembrandt's personal experience of these two feelings. Bowed down by melancholy, the King is seated holding a fold of the heavy curtain which hangs behind him. He conceals half his face as he wipes his left eye with it; the right eye blazes with anxiety. His long, thin, nervous hand rests limply on the shaft of a spear, incapable of throwing it at the target of his jealousy. Beside this man, impressive both in his size and in the splendour of his robes, David looks small, but the combination of light and shade on his own features gives him rather the demoniac appearance of a sorcerer. Rembrandt now knew that stirring, and even soothing, art could arise only from a mind from which serenity and peacefulness were excluded.

It is precisely this kind of response that explains Gerson's reaction, but does it also justify it? Must we not be on our guard precisely because of the trend toward "debunking" for which Gerson renders thanks? Response to art demands a certain initial receptiveness. Granted that Gerson may be right that the reputation of a work may sometimes tend to make us overresponsive, it is equally true that you can inhibit response by sowing the seeds of doubt. Who wants to have fallen for "bunk"? Tell us in the right tone of voice that such a crude melodrama as *King Lear* cannot have been written by Shakespeare, and we may begin to ask ourselves whether we have been insufficiently sensitive. It is not a mood in which we can easily surrender to the spell of the play. Tell us that a painting is "larmoyant" and we will strengthen our defenses against being moved.

But what of the painterly qualities? Jakob Rosenberg, in what is still the most readable general book on the artist, *Rembrandt: His Life and Work*, showed himself moved not only by the story the picture tells:

The glow and vibration of the colours add tremendously to the moving power of this picture, particularly the deep purplish red and golden-yellow lining of Saul's cloak and the gold embroidery of his robe. Here the colour is laid on with Tintoretto-like boldness and sketchiness, while the variegated turban, surmounted by a pointed crown, is executed in a more detailed manner. This flexibility in technical treatment lends the picture an unusual richness.... Everything, colour and brushwork, light and shade, spatial composition and pictorial design, serves primarily to express the meaning of the story. And for this purpose the artist's language has taken on a symbolic significance....

Can it be that it is not so much the mystique of art but the mystique of connoisseurship that is in need of "debunking"? In one respect this may indeed be the case. For connoisseurship in art, the craft of the attributionist, has inflated the "cult

of personality.” Collectors want to own a “genuine” Rembrandt, one by the master’s own hand, which is worth a multiple of what is called “a work by the school” or “from the studio.” Thus to admire a painting of this lesser category is to betray insufficient discrimination, a damaging lack of fastidiousness. But, historically speaking, this is nonsense. Much of the art of the past was the product of teamwork under the inspiring guidance of a great master.

Perhaps the time has come for us to take more notice of the potentialities of such modes of creation. In science, after all, it is a matter of course that the director of research guides and inspires his younger collaborators and that none may be able to tell in the end who exactly did what. The same must be true of the most lively of contemporary arts, such as film and television where the producer must rely on others to carry out his ideas, but is also fed with ideas by them. Even our leading statesmen have their speech writers who learn to express their policy and their thoughts. One wonders whether even they themselves can always tell in the end which passages were totally their own.

Admittedly it is much more difficult for the modern critic to imagine a painting to be the product of a collective. We are so wedded to the idea of every individual brush stroke being the expression of a unique personality that we have no use for second-hand creations. There is a cautionary tale for all who believe in the possibility of making this distinction, though it concerns a work by Raphael rather than by Rembrandt:

When the Duke of Mantua wanted to possess Raphael’s portrait of Pope Leo X with two Cardinals (now in the Uffizi in Florence), the Pope instructed the owners to send it to him. Being unwilling to part with this treasure, however, they had a copy made by Andrea del Sarto and sent it instead. Vasari, who tells us this story, had watched Andrea doing the copy and when years later he came to Mantua he was surprised to find that Raphael’s pupil Giulio Romano believed it to be the original. In fact—and this makes the story doubly relevant—Giulio assured him that he remembered having painted part of it himself. He was wrong; he obviously could not tell his own brushwork from that of Andrea del Sarto.

Modern connoisseurs are in less danger of being refuted, for they are rarely confronted with witnesses who watched the painting being done. Of course the fact that they are fallible does not prove that they cannot be right or that their activities are useless. Those who have spent a lifetime studying the works of a particular master do build up in their minds a picture of his personality which is sure to be more consistent and more valid than that of the casual observer. But the fact remains that different students build up different pictures and that we have no means, as a rule, of testing their vision against reality. Sometimes they may be too rigorous, sometimes too lenient in their criteria. We tend to prefer the first, and so did

Max Lieberman, who is reported to have said that “it will be the job of future art historians to deny that I ever painted my bad paintings.”

The history of Rembrandt research shows the pendulum swinging backward and forward; the canon of his etchings was the first battleground. Around 1800 it was thought to number some 375; during the late nineteenth century artists who were themselves etchers, such as Seymour Haden and Alphonse Legros, found that most of them were wanting by their standards; in fact only seventy-one were left after they had done their best or worst. In 1952 Ludwig Münz acknowledged 279, and some modern connoisseurs find him too strict. It is the same with painting: Hofstede de Groot early in the century listed more than a thousand, though his list was intended to be as comprehensive as possible. Rudolf Valentiner in the next generation included some 700 in his volumes of *Klassiker der Kunst*, while Gerson’s own list now comprises only 420.

Perhaps some crude statistics may help us to see the meaning of these fluctuations from a different angle. Born in 1606, Rembrandt was about nineteen when he set up an independent studio. His active life thus comprised some forty-four years. Painting a picture every month on an average, he could have done 528 paintings, fitting the etchings in between. Naturally some of the monumental paintings and some of the etchings must have occupied him for a long time, but there are also authentic items in his oeuvre that he may well have thrown off in a few hours. From this purely numerical point of view, therefore, the restrictionist’s case is perhaps not so strong as one would expect, if one remembers the incredible creativity of composers such as Bach, Mozart, or Schubert.

Here we come back to the elusive problem of the “studio,” which alone can explain the discrepancies in the size of the oeuvre attributed to Rembrandt. That Rembrandt’s conception of art was not so individualistic as ours, we know. In his early years he shared a studio with Jan Lievens, and the two worked so closely together that collectors at the time described certain paintings as being “by Rembrandt or Lievens.” After he had moved to Amsterdam, eyewitnesses tell us that he was surrounded by pupils whose work, they allege, he sold as his own—as indeed he was perfectly entitled to do under the law. We know something about his teaching activities, for we have several drawings by students which he can be seen to have corrected with a heavy stroke. The fact that such intervention cannot so easily be shown in paintings does not mean that it did not occur.

Moreover it is generally agreed that his students sometimes worked out Rembrandt’s ideas and inventions. Could he not then have guided the work even further by word of mouth or even by active collaboration? It was in this way, no doubt,

that he impressed his personality and his outlook to a greater or lesser degree on a host of young painters. Indeed, as Jakob Rosenberg and Seymour Slive put it in their excellent chapter on the Rembrandt School in the *Pelican History of Art*, “He was able to teach his best students naturalness, sympathy and human warmth, as well as drawing and coloring.”

For good or ill, such a term as “human warmth” is not frequently encountered in the type of art historical literature that hopes to “debunk” the mystique of art. But who can deny that there is such a thing and that it colors our response to Rembrandt’s works? He stands for more in the history of art than for “drawing and coloring.” Like many other great artists, he conquered a new province of expressiveness, and articulated a world of feeling that had never been given shape before. We are no longer so much used to seeing painters as discoverers of psychological states and attitudes for we still have a lingering fear of the “anecdotal” in art. For anyone dealing with Rembrandt’s achievement this fear is debilitating. What Rembrandt taught his students and indeed mankind was not only how to see the visible world in a novel way, but also how to reveal the inner life.

We do not have to rely on guess-work here. For though Rembrandt was certainly not fond of theoretical discussions, we have one remark from his pen which bears on this central aim of his artistic explorations. At the height of his success, at the age of thirty-two, he wrote to Constantijn Huyghens, the secretary to the Governor of the Netherlands, for whom Rembrandt was painting a series of the Passion of Christ. He apologized for the time he had taken over the *Entombment* and the *Resurrection*, and added that he hoped these paintings would give pleasure because in them “the greatest and most natural movement had been expressed, which was also the main reason why they had taken so long to execute.” The phrase “*de meeste ende die naetereelste beweeghlickheit*” has been turned and squeezed by modern scholars to bring out the last ounce of what Rembrandt may have meant.

Literally the term means mobility, but could it not also mean expressiveness? In interpreting terms of criticism, particularly those used unself-consciously, it is always advisable that we start at the negative end. Clearly what Rembrandt wanted to say most of all is that his paintings are not stiff and lifeless. To paint a stiff and lifeless painting may take a journeyman little time, but what he wanted to do and achieve needed profound study and thought. The painting of the Resurrection shows indeed almost an excess of movement. The soldiers guarding the tomb are hurled into the air as if the liberating angel had burst open the coffin with an explosive charge. One of them is seen falling head over heels, another is rushing away in terror, dropping his sword.

The *Entombment* on the other hand shows no violent gesture. All is quiet as Christ's body is lowered into the tomb, and only one of the women is raising her hand gently, as if to soothe the grief of the mourning Virgin. One can imagine Rembrandt, having started to write "the greatest movement," remembering his second picture and inserting the other qualification which was dear to him, "the most natural." The opposite of natural is unnatural, artificial, or affected. His pictures live but they are not theatrical. They are, to exploit the possibilities of the English language, "moving," in every sense of the term. It is not impossible that the word used by Rembrandt carried similar overtones. When the early collectors of medieval art in Cologne, the brothers Boisseré, brought home a Gothic painting, they were pleased to report that their mother had called it "*ein bewegliches Bild.*" She was speaking low German rather than Dutch, but the connotation of "moving" may well belong to the word in both languages.

It happens that we can even guess why Rembrandt, in his apology for the delay, mentioned this quality at which he was aiming. Some ten years earlier Constantijn Huyghens had visited the young artist, whose *Repentance of Judas* had deeply impressed him precisely for its expressiveness.

The gesture of this one despairing Judas...who rages, moans, implores for mercy...the twisted arms, the hands clasped so tightly that they bleed...his whole body rising in desperate lamentations...this figure I place against every elegant work of art the ages have brought forth...

The picture has come down to us, and it is certainly "moving," but it is also theatrical. It is rhetorical rather than "natural." Many of Rembrandt's early works show the same interest in dramatic gesticulation and facial expression. It is well known, however, that he gradually sheds these more obvious devices as he learns to convey the inner life of his figures by the slightest nuance. It is the difference between the barnstorming actor and the mature master whose very stillness can "speak volumes."

What makes Rembrandt's utterance so precious to us is that it shows how much this process of search was a conscious one. In a sense his oeuvre is a record of this search and its success. Who would dare to plot the path along which he found the means toward this end? His earliest biographers attributed his skill merely to his power of observation and to his retentive memory for gestures and movements. But there is more to it. Perhaps we do well to remember that Rembrandt was not only an illustrator but also a portrait painter. As such he had the opportunity of exploring the human figure at rest and of discovering the expressive power of the nuance.

Moreover, there was one area in which he could combine observation and introspection for the exploration of expressiveness—the painting of selfportraits. It is well known that some of Rembrandt’s early self-portraits are studies of expressions he tried out in front of the mirror. But clearly such grimacing would never give him the insight he searched for, the knowledge of the way a real mood marks and molds the face. The intensive self-scrutiny of his mature self-portraits must have shown him precisely this, for here he was the privileged observer who could watch both his mind and his face. Many have felt that he thus learned to watch and represent the minds of his sitters through their faces. As Christopher White puts it in discussing the etched portraits:

By intensive study and experiment, he finally succeeded in penetrating the outer mask of the face, the place where so many lesser artists stop, and he created before our eyes a living and thinking being, with whom the spectator is immediately able to establish intimate rapport. The limited nature of portraiture...does in the final result make it impossible for the artist to record the actual details of the sitter’s thoughts and character. But if Rembrandt was unable to label the innermost feelings of his sitters, he went as far as possible in suggesting something of their character.

Michael Kitson, in his equally perceptive essay, meditates more critically on this claim, but in the end he comes to a similar formulation:

...it is evident that Rembrandt’s depiction of character is far from being the total disclosure that it is sometimes made out to be.... What Rembrandt achieves is all that a painter can achieve, namely to show, by artistic means, certain qualities in the sitter’s character that we might be able to recognize in his face if we knew him in life. It is in the nature of things that we cannot specify or label these qualities very exactly and that our understanding of them is subjective....

It is, no doubt, but what else could our response to other human beings be? Whatever the advocates of objective tests may say, the “feel” of a person, what we sense to be uniquely peculiar to his presence, his voice, his bearing, would not be individual if it could be objectively categorized. It is interesting that both authors stress that Rembrandt’s “characters” cannot be labeled. Precisely. If they could they would be character masks rather than human beings.

Indeed we may here come a little closer to the secret of Rembrandt’s discovery. The emotions and expressions of his *Repentance of Judas* could easily be described and labeled, much to the pleasure of Constantijn Huyghens. But those

distinct emotions which figure in the ancient manuals of painting and acting as the “passions,” remorse, contempt, anger, love, or joy, are only simplified abstractions out of the infinite gamut of fluctuating and ambivalent emotions that make up the life of the soul.

Hence Rembrandt came to reject these stereotypes and to explore the whole range of expressiveness which indeed far transcends what can thus be “labeled.” Just as great music can be infinitely expressive precisely where it eludes the fixed stereotypes of joyful or mournful moods, so Rembrandt entered into an uncharted region of the soul where these descriptive terms lose much of their meaning. The small gesture of the woman’s hand in the *Entombment* is infinitely touching in the tragic context of the scene precisely because it cannot be translated into words. Rembrandt learned how to be indefinite without being vague. Indeed his pictorial explorations of the chiaroscuro, the darkness broken by luminous reflections, the mysterious glow in a pool of shade are the perfect metaphor for his expressive means. And just as his light clarifies a spacial situation by the most unexpected stroke, so his pen or brush may bring out the expressiveness of a face not through the conventional signs of a smiling mouth or a wrinkled brow, but by the way the cheekbone indicates the structure of the head.

Few of these means have as yet been analyzed, and there must be limits to what such an analysis could achieve. But one aspect of Rembrandt’s artistic method is gradually coming into view: his use of the tradition. Far from looking only at nature, this ardent collector studied and used the works of others as any discoverer and inventor would study and use the results of his predecessors.

Christopher White illustrates such a telling example, the obvious derivation of Rembrandt’s etching, *The Return of the Prodigal Son*, from a woodcut by the sixteenth-century artist Heemskerck. The similarity extends to the position of every limb of father and son. But the sixteenth-century woodcut is a pictographic illustration of repentance and forgiveness, Rembrandt’s etching a human drama that eludes description; the father is not only dignified and forgiving, he shares the sorrow of the son, who is not only a petitioner, like Heemskerck’s figure, but a man who has suffered and has come home at last. The way Rembrandt enriches the old composition by making the posture more supple and expressive reminds us again of his qualities as a teacher. The tool with which he probed life was art. It was the critical scrutiny of images, those he found in the tradition, those he had created himself, and those of his pupils, which brought him closer and closer to the springs of expression.

One of the few other utterances of Rembrandt about which we know points in this direction. Samuel van Hoogstraten, who was his pupil, tells that once when he had irritated Rembrandt by asking too many “whys,” he was told: “Once you

have learned properly to apply what you already know, you will soon also discover the mysteries which are still hidden from you.” You discover through painting, not through talking; provided, of course—and that Rembrandt took for granted—that you can step back from the canvas and scrutinize it with that critical gaze with which he scrutinized his own face in the mirror.

Did the *David and Saul* in the Mauritshuis pass this test? Gerson would want us to believe that it did not, or should not have done so. It would be cruel but not quite inappropriate to ask him in what way exactly Rembrandt might have improved it. He would have the right to retort, of course, that to answer this question he would have to be Rembrandt, but at least such a discussion would get us away from the mystique of connoisseurship.

There is an early painting by Rembrandt of the same subject which is acknowledged by Gerson to be from the same period as the *Repentance of Judas*. It shows Saul in regal splendor facing the spectator and fiercely gripping his javelin. His brow is wrinkled as he glances sideways at the half-hidden figure of the youth with the harp. The change of conception between this early work and the Mauritshuis picture, as Rosenberg has remarked, is away from the conspicuously obvious to a very different reading. There is a striking lack of “decorum” in the type chosen for the later David and even more so in the gesture of Saul, who wipes his eye with the curtain. He does not grip the javelin, he fingers it. It is this rejection of the obvious rather than any memories of Israel that has convinced so many lovers of Rembrandt that the master’s spirit is here at work. “Studio picture” or not, this is surely true.

It used to be thought that Rembrandt’s voyage of discovery away from the obvious also determined his outward fate, in other words that the more he grew as an artist, the less success he had with the public. The legend of Rembrandt’s rejection by the philistines has been dear to all artists who have felt themselves similarly misunderstood, but the facts are certainly not quite so simple. We now know that Rembrandt never lost his reputation and that he remained an international celebrity to the end.

And yet there may be something in the story that Rembrandt’s tragic fate was bound up with his conception of art. His view of his calling certainly differed from that of the Dutch middle classes. Most of the painters of that milieu were specialists, some were portrait painters, such as Frans Hals, others specialized in landscapes, seascapes, genre pieces, still lifes or architectural interiors. Rembrandt served notice from the outset that his aspirations aimed higher. Nor did he have to look very far for a model of an artist of a different kind. Peter Paul Rubens across the political border was then at the height of his career. The same Huyghens who had admired Rembrandt in Leyden wrote of Rubens at that time that “no

one could compare with him in the abundance of creative ideas and the range of themes, encompassing every sphere of painting.”

Rembrandt had a right to feel that he was Rubens’s equal and he probably hoped that his situation in wealthy Amsterdam would come to match that of Rubens in Antwerp. There were years when this comparison would not have seemed out of place. At the age of twenty-eight he had married Saskia, a rather wealthy heiress, and lived in style, surrounded by pupils and bidding at auctions for expensive works of art. But however great his success, the narrower world of Protestant Holland could not possibly provide the same sphere of activity that the courts of Catholic Europe offered Rubens. The detailed causes of Rembrandt’s financial failure are more complex and still partly obscure. He had raised a large sum to buy an expensive house, and was not in a hurry to repay it, nor was he pressed to do so. But when his wife Saskia lay on her deathbed, she made a will to which many of Rembrandt’s subsequent troubles can be traced.

Not that she was not a loving mother and trusting wife. She left half of her considerable fortune to Rembrandt and half to their son Titus, saying explicitly that she trusted her husband to administer the whole. But if he married again, his portion was to go back to her family. This involved Rembrandt in difficulties first with the nurse of Titus, who threatened him with action for breach of promise and whom he finally got confined in a workhouse, and then with Hendrickje Stoffels, who became his mistress and was officially admonished for living in sin. Moreover, when credit became scarcer in Holland the loan on the house was recalled and he was forced to sell his precious collection of art and of curiosities at the most unfavorable moment when it realized much less than he had spent on it. He could not touch the portion which belonged to Titus and which was perhaps artificially enlarged to remove it from the creditor’s grasp.

Indeed from that period on, Rembrandt had to appear as a pauper in the eyes of the law in order to protect his belongings from execution. There is a pathetic document according to which Hendrickje had to perjure herself and swear that the valuable contents of a certain wardrobe in their house were her personal property, to save them for Rembrandt. How destitute Rembrandt really was at his death we do not know. The inventory drawn up at the time covers only his few personal effects and not the collection and paintings stored in three rooms which were sealed by the notary.

As might be expected, Gerson is particularly anxious that Rembrandt’s biography and personality should be freed from sentimental accretions, and it must be admitted that some of the documents might bear a rather unfavorable interpretation; but the truth is that they do not tell us enough to form a judgment. Even the rather unpleasant incident with the nurse of Titus may be less damaging than Gerson implies, for after all she may indeed have been mentally deranged. We shall never know.

The book by Bob Haak bears the title *Rembrandt: His Life, His Work, His Time*, and deals most fully with the biography. Occasionally the figure of the artist all but disappears in the mass of background material. This applies in particular to the illustrations in which many of his masterpieces are sacrificed to facsimiles of documents, portraits of contemporaries, and other extraneous matter relating to Rembrandt's sitters or to local history. As a supplement to monographs on the artist this material is welcome, but standing by itself the compromise between Life, Work, and Time is not very successful.

Even less convincing in this respect is the book by R. H. Fuchs, *Rembrandt in Amsterdam*, which deals with a number of selected aspects of the subject but less successfully, it appears to me, than the earlier book by Christopher White, *Rembrandt and his World* (London, Thames and Hudson, 1964). The way in which Joseph-Emile Muller tries to make life and work interpenetrate has been illustrated above. His book certainly does not supersede Rosenberg's masterly monograph. We may well ask whether there was a need to translate it. What we need is rather the detailed study of individual works and problems.

Here we have every reason to be grateful to Julius Held for having collected his specialized studies on Rembrandt (including a new essay) in a handsome volume. To look at Rembrandt's *Aristotle*, his *Polish Rider*, his *Juno*, or his treatment of the Tobit story, under Held's very expert guidance is to penetrate more deeply into the problems of Rembrandt's oeuvre than if we plough through the bulkier monographs. The reason is plain: this type of intensive study allows us to see a particular work in the round, and even where we may not agree with an individual interpretation, we never have the feeling of arbitrariness and the awareness of gaps which the other books may give us.

At the other end of the scale we have a considered essay on Rembrandt's art, Michael Kitson's Introduction to the Phaidon volume, an effort at criticism of the kind more frequently practiced in literary studies. All the other books take the oeuvre to pieces in order to reassemble fragments. Where the topic is a technique, as in White's book on the etchings, the result is still coherent. Where it is merely a medium, as in Gerson's two books on the paintings, the reader is left with the feeling of conventional classification. The feeling is enhanced by the tendency of so many books on Rembrandt (including those of Rosenberg and White) to slice up the oeuvre according to the categories of portraits, landscapes, Biblical illustrations, etc., each of which is traced through the artist's career, thus breaking the subtle threads that lead from one to the other. Admittedly it is easier to criticize these principles of arrangement than to replace them.

Ideally, no doubt, we would like to follow the master's development chronologically as he alternated between the media of his choice and moved from one subject to another. But even if we could know the sequence we would have to face the fact that he must have worked at many things concurrently and that any linear arrangement would be misleading. The one

attempt at such a chronological arrangement of the oeuvre of a well-documented artist, the *Dürerkatalog* by Hans and Erica Tietze, has not encouraged imitation. No one book on Rembrandt can serve every purpose, but it is doubtful whether we need any more anthologies of indifferent reproductions.

The impression with which one is left in dealing with this crop of books about a great painter is certainly the woeful inadequacy of our techniques of reproduction. To explain the range and subtlety of Rembrandt's art by means of these illustrations is like trying to demonstrate the virtuosity of a master of instrumentation on an old upright piano. The black and white pictures of the new Bredius are particularly disappointing. Those in Gerson's large folio volume are much better, but how much of those miracles like the *Polish Rider*, in the Frick Collection, or the *Jewish Bride*, in Amsterdam, is preserved in these shadows? The shadows are particularly black in the large folio by Bob Haak, but for those, at least, who know the originals, some of the details, such as the sleeve from the *Jewish Bride*, offer some compensation.

Unfortunately most of the color reproductions are even worse, for here the "upright" turns out to be badly out of tune. It is instructive but depressing to compare the same painting as it appears in the various books under review. The inexpensive Phaidon volume, oddly described as having "fifty plates in full colour," shows the *Polish Rider* mounted on a blue-green horse, and the schoolboy Titus in Rotterdam with such a greenish complexion that one is glad to be reassured by the plate in Muller that shows a much healthier tan and by Gerson's volume which gives him quite a ruddy face, the red extending from the lips into the corners of the mouth as if he had carelessly applied lipstick.

The Mauritshuis *Presentation* happens to figure in all four volumes, and here the plate in Gerson easily comes out on top. On the whole the plates in that work are probably the best, despite an excess of yellowish tones, which is preferable to the reds of the Abrams plates and the greens and blues of the Phaidon ones. One wonders what Rembrandt would have said about it all. He certainly would not have minced words. We know how much he cared about the exact tone of reproductions when he worked at his etchings.

Here the centenary has brought a most welcome addition to the literature—the two volumes by Christopher White, *Rembrandt As An Etcher*, in which this aspect of the master's oeuvre is illustrated with sensitivity and love. It is supplemented by the exhibition catalogue, entitled somewhat modishly *Rembrandt: Experimental Etcher*, where, for once, the disadvantages of the centenary rush were not allowed to operate; the Preface to this pleasant volume acknowledges the cooperation of Mr. White.

But even these useful publications only serve to underline the obvious fact that no illustration can replace the study of the original. One of the subjects of Rembrandt's experiments was precisely the effect of different papers. He was fond of Japan paper, which has a yellow tone, while the tone of all the plates in these volumes is uniform. Here the book by Bob Haak scores, for some of the etchings are at least produced on a toned background.

In some respects the trickiest medium for reproduction is that of drawing, precisely because it looks comparatively easy. No book exclusively devoted to this aspect of the master's oeuvre has appeared since Phaidon's seven-volume corpus by the late Otto Benesch, but naturally all general books on Rembrandt illustrate some drawings. Once more Bob Haak's volume with its selected facsimiles may least disappoint the art lover who seeks to recapture one of the great pleasures of the recent Amsterdam exhibition—those slight sketches of landscape motifs where a sense of light and distance is evoked by the merest shade of difference in the pressure of the pen.

How did Rembrandt do it? We have no studies yet attempting to answer this simple-minded question—least of all when it comes to the pictorial effects of his paintings—yes, and those of his studio. We remember that when his pupil asked him how and why he did it, the pupil was sent back to work. No wonder the late Fritz Saxl, who had devoted much of his life to Rembrandt, used to say that if we had gone to Rembrandt's house in Amsterdam with such questions the old man would have thrown us down the stairs. Those of us who have stood in front of the self-portrait in the Frick Collection in New York will know exactly what he felt. Indeed when it comes to “debunking,” that formidable presence is more likely to debunk us than the other way around. The question is not really “How do we stand with respect to Rembrandt?” It is “How do we stand up to him?” Thanks for asking, not very well.

Letters

Not the Sheik April 23, 1970