

Sammlung Emil Bührle

Emil Bührle Collection

Collection Emil Bührle

On the Sale of Claude Monet's *Field of Poppies near Vétheuil* by Hans Erich Emden via the Swiss Art Trade to Emil Bührle 1940/41

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Introduction

In 1941, the armaments industrialist Emil Bührle (1890-1956), who lived in Zurich, acquired the painting *Poppy Field at Vétheuil* by Claude Monet from the collection of Max Emden (1874-1940) for 35,000 Swiss francs through the Swiss-based dealer Dr Fritz Nathan. In 1960, Bührle's descendants transferred the painting to the E.G. Bührle Collection Foundation, which was established at that time and with whose holdings it has been on permanent loan to the Kunsthaus Zürich since 2021.

The seller of the painting was Hans Erich Emden (1911-2001), the only son of Max Emden, who died in Ascona on 26 June 1940. The latter came from a Hamburg merchant family with Jewish roots but had converted to Protestantism early in his life. In 1926, Max Emden retired from business at the age of 52, acquired the island of Brissago in Lake Maggiore and built a castle-like villa on it, which he surrounded with extensive gardens.

Based on the historical sources accessible so far, it can be assumed that Max Emden was severely hit by the Great Depression that began in October 1929. He had sold most of his shares in department stores in Germany three years earlier and had ever since been living off his invested assets, which were exposed to the massive decline in value triggered by the crisis.

From 1933 onwards, the measures taken by the Nazi state against Max Emden, who was considered a "Jew" according to Nazi ideology, withdrew his grip on three smaller department stores in eastern Germany that had remained in his possession. However, Max Emden, who had become a Swiss citizen in 1934, did not lose his fortune primarily due to Nazi persecution. After the financial losses resulting from the crisis of 1929, Max Emden's economic situation became worse in the 1930s due to multi-million investments by which he tried to make a department store in Budapest, then outside of Nazi reach, profitable. In addition, Max Emden's luxurious lifestyle continued to consume considerable sums of money.

In 1940, the son Hans Erich Emden inherited a fortune in cash, securities, real estate and works of art totalling 1.8 million Swiss francs at the time. This was still a handsome amount, but it would not enable Hans Erich Emden to continue his father's lavish lifestyle for long. Before he moved to Chile in 1941, where he was entitled to citizenship due to his mother's descent, Hans Erich Emden made his

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first decisions regarding the dissolution of this father's estate. In addition, he transferred the liquid parts of the inheritance to his bank accounts in New York and made arrangements for the parts which he left behind in Switzerland, i.e. the island, the villa, art works and furniture, for the time of his absence.

A picture sale in the middle of the Second World War

Hans Erich Emden was Max Emden's only son and, following his parents' divorce in 1926, the sole heir to his assets. He was residing in Switzerland at the time of his father's death, and he began settling the estate that had been left to him in a well-considered manner. To advise him on disposing of the works of art he had inherited, Hans Erich Emden consulted the experienced art dealer Dr Walter Feilchenfeldt, who had been working internationally until 1939. Feilchenfeldt – who was also the son-in-law of the architect who had decorated the house on the Brissago Islands – had been close to Max Emden until his death. Since the beginning of the war, Dr Feilchenfeldt had been living as a Jewish refugee in Switzerland with his family.

Thanks to the fact that Dr Walter Feilchenfeldt's personal agenda has been preserved in the Paul Cassirer/Walter Feilchenfeldt Archive in Zurich, it is still possible today to reconstruct how the sale was conducted. The agenda shows that Hans Erich Emden and Dr Feilchenfeldt met on 5 October 1940 at the Hotel Baur au Lac in Zurich. A week later, on 13 October 1940, a viewing of the pictures took place on the Brissago Islands in the house of the late Max Emden.

The viewing had been arranged for the collector Oskar Reinhart from Winterthur, who showed no interest in the paintings. Besides Dr Feilchenfeldt, Dr Fritz Nathan, an art dealer who had emigrated from Munich to St Gallen in 1936, was also present. As in other transactions, Fritz Nathan was called in because the exiled Dr Feilchenfeldt had a residence permit in Switzerland but no work permit and was therefore not officially allowed to trade in art. Fritz Nathan, on the other hand, did have such a work permit.

An entry in a notebook by Walter Feilchenfeldt, which has also been preserved, lists a total of 14 paintings in the house on the island of Brissago that were for sale. The entry lists the sale prices set by Hans Erich Emden and was supplemented by Dr Feilchenfeldt with details of the whereabouts of some of the paintings. To the entry of Monet's "Champ de coquelicots", Feilchenfeldt added the sum of 30,000 Swiss francs as the sale price determined by Hans Erich Emden and later supplemented the entry with the name "Bührle".

An inventory card in the archives of the Stiftung Sammlung E.G. Bührle, drawn up shortly after the purchase by Emil Bührle, identifies Dr Fritz Nathan as the seller, gives the year 1941 as the date of purchase and the sum of 35,000 Swiss francs as the purchase price. This information has been published on the website of the Stiftung Sammlung E.G. Bührle (www.buehrle.ch) since 2010, with proof of the sources used.

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Dr Fritz Nathan had been in contact with Emil Bührle since autumn 1939. Since his most important client up to then, Oskar Reinhart, was not interested in the paintings, it was logical that he hoped to win over his second major client for purchases from the Emden estate. In the end, however, only the one Monet was purchased from the Emden collection. Offers for further paintings, which Nathan later submitted in Bührle's name to Hans Erich Emden,¹ remained without consequence, as Emden was adamant in adhering to the sales prices he had set.

Hans Erich Emden targeted by the US Embassy in Santiago de Chile

At the outbreak of the Second World War, Hans Erich Emden still possessed German citizenship, but faced the prospect of losing it due to his ancestry, which was considered "half-Jewish" according to Nazi ideology. He therefore acquired Haitian citizenship from the Consulate General of the Republic of Haiti in Geneva on 5 April 1940, which allowed him to regulate his residence status in Switzerland when his German citizenship was indeed revoked on 1 June 1940.

Three weeks later, with the capitulation of France, Switzerland was surrounded by the Axis powers, and a German invasion of the country moved into the realm of possibility. At the beginning of 1941, Hans Erich Emden left Switzerland and reached Brazil by sea at the end of March. From there he continued his journey to Chile, where he received citizenship on 25 August 1941.

However, with the entry of the USA into the war in December 1941, neither Haitian nor Chilean citizenship protected Hans Erich Emden from being classified as an "enemy alien" by the US authorities because of his German origin. On 2 August 1942 and 12 July 1943, Hans Erich Emden's applications for a visa to enter the USA were rejected. To ensure that Hans Erich Emden did not have any economic relations with the enemy Germany, his monetary transactions were monitored at the same time.

The reports produced as part of this surveillance have been preserved at the National Archives and Records Administration (NARA), Washington D.C., and allow a far-reaching reconstruction of the financial transactions Hans Erich Emden made between Switzerland, the USA, Sweden, and Chile in the period from 1940 to 1944. A list of the reports used for this account can be found in the appendix; the numbers in brackets refer to this list. The information on the details of Hans Erich Emden's trip to South America and on the visas denied is based on the "Memorandum for the Files", which summarised the interviews conducted up to that point by the US Embassy in Santiago de Chile on 17 November 1944 (8).

Surveillance of an "Enemy Alien"

The trigger for intensified surveillance by the US authorities were transfers totalling USD 40,000 made by Hans Erich Emden between February and September 1942 from his account at Chase National Bank in New York to nine financial service providers in Latin America (2). These, as well as a

¹ Lukas Gloor, "Emil Bührle: A Twentieth-Century Modern Art Collection", in *The Emil Bührle Collection, History, Full Catalogue, and 70 Masterpieces*, Swiss Institute for Art Research, Zurich (ed.), Munich (Hirmer Verlag) 2021, p. 87.

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letter intercepted in 1943 showing that Hans Erich Emden was in contact with his mother in Germany, prompted the Foreign Funds Control Department in the US Treasury to commission Treasury Investigative Request, Chile No. 36 concerning Hans Erich Emden from the US Embassy in Santiago de Chile on 6 March 1944 (4).

Hans Erich Emden was no stranger to the US Embassy in Santiago, since he had had to provide detailed information about the origin of the money when exchanging 10,000 Swiss francs in mid-1943 (6). In September 1944, Hans Erich Emden complied with a request and disclosed his financial circumstances to the US Embassy. Their carefully reviewed, detailed compilation was sent to the US Treasury Department on 23 October 1944 (7).

The compilation shows that Hans Erich Emden had come into possession of assets through the death of his father Max Emden, which essentially comprised two parts: firstly, the assets located in Switzerland amounting to USD 255,735 (including the island of Brissago valued at USD 150,000 and the art objects valued at USD 75,000) and secondly, the part of the assets already located in New York consisting of cash and securities amounting to USD 132,539 (7).

The cash assets in Switzerland of 24,000 Swiss francs (i.e. approx. USD 6,000), which Hans Erich Emden had transferred to his account in New York, increased to USD 35,000 by the end of 1940. This amount undoubtedly included the proceeds from the sale of Monet's *poppy field near Vétheuil*, which probably took place at the turn of the year 1940/41.

By the end of 1940, Hans Erich Emden had transferred a total of almost USD 60,000 in cash and securities from Switzerland to New York. Further income from the sale of art objects in Switzerland followed in 1941 in the amount of USD 5,000 (7). Since Hans Erich Emden was also able to have USD 41,000 transferred to him in 1941 from the sale of shares in a department store in Stockholm, he had assets of over USD 420,000 (= CHF 1,800,000, the exchange rate of USD 1 = CHF 4 mentioned in document [7] was somewhat lower than the rate mostly applied during the war years of USD 1 = approx. CHF 4.30).

As a Haitian or Chilean citizen, Hans Erich Emden had unrestricted access to his accounts in the USA (3). Hans Erich Emden used his liquid assets to build up an economic existence in Chile. To do so, he relied on business experience he had gained as his father's representative in the administration of the Budapest department store. Emden used USD 133,000 as a capital base for the company Pre-Unic (= "Prix Unique", department stores with a uniform price, aka as "five and ten cent stores") founded in Chile, of which he was the sole owner. Hans Erich Emden used a further USD 135,000 for operational investments, for the purchase of real estate in Chile and Brazil, and to cover living expenses (7).

Pictures taken along and left behind

In addition to cash in the amount of USD 2'000, which Hans Erich Emden took with him when he left Switzerland for Chile, he also carried three paintings with an estimated value of USD 24'000 (7), which were an equestrian painting by Edgar Degas and two flower still lifes by Auguste Renoir.

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While the painting by Degas was small enough to be sent by airmail from South America to the dealer Paul Graupe in New York in 1943 for the purpose of selling it for USD 4,000 (2) (7) (10), the two flower still lifes were standard-sized paintings for whose transport appropriate packaging was mandatory. The fact that Hans Erich Emden was able to take both paintings with him when he left Switzerland in 1941, first by land and then by sea, is a clear indication that his travel to Chile was neither rushed nor carried out under precarious conditions.

Dr Walter Feilchenfeldt knew that Hans Erich Emden had taken the two flower still lifes with him and added the note "USA" to the corresponding entries in his list. He apparently assumed that the paintings would be sold there. In fact, however, Hans Erich Emden found buyers for the two Renoir paintings in South America in 1943, selling one to Gesinus Visser in La Paz for USD 9,500 and the second to Henry Martin in Buenos Aires for USD 10,000 (7) (10).

What remained in Switzerland was the estate, the yet unsold paintings, decorative art works and furniture that remained in the house. By increasing the mortgage on the property and through the sale of art objects, Hans Erich Emden covered the necessary expenses for taxes and the maintenance of the house and island (9). A remark in the declaration of assets, made to the US Embassy in Santiago, according to which the art objects sold "slowly" (7), is an additional indication that Hans Erich Emden was never in a situation to sell these under - price-reducing - time pressure.

A failed attempt to take advantage of an exile's absence

Documents preserved in the Paul Cassirer/Walter Feilchenfeldt Archive and in the archive of the Foundation E.G. Bührle Collection show that Olga Ammann, who lived in Porto Ronco near Brissago, acted as "general agent for Mr Hans Erich Emden". She took care of the maintenance of the property and handled the sale of paintings.

Of particular interest in this context is a letter sent by Olga Ammann from Porto Ronco to Hans Erich Emden in Santiago de Chile on 23 January 1942, which was intercepted by the British Secret Service and documented in a summary translation (1). In the letter, Olga Ammann describes her efforts to increase the mortgage on the property on the island of Brissago, which she was refused by the Credit Suisse, but was finally able to obtain from the Union Bank of Switzerland.

After Olga Ammann had deposited a painting by van Gogh and a painting by Monet from Hans Erich Emden's estate as collateral for the loan from the Credit Suisse, representatives of the bank made an offer to buy the two paintings for 105,000 Swiss francs. Olga Ammann rejected the offer, considering it too low. In her view, the bank had apparently made the offer on the assumption that the owner was under financial pressure and would therefore accept any offer. This was by no means the case here. A reference in the same letter (1) to Dr Walter Feilchenfeldt, who held out the prospect of a higher price for the paintings, shows how well-considered Olga Ammann safeguarded the interests of her client Hans Erich Emden when selling paintings.

The document (1) came about due to the special circumstances of the war years. It shows that there were indeed attempts in Switzerland during that time to take advantage of the situation of emigrants. However, it is precisely for this reason that the document provides particularly clear

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evidence that Hans Erich Emden did not at any time during the war years find himself in a financial predicament that forced him to sell the paintings he inherited from his father in Switzerland at unfavourable prices. This also applies to the painting *Poppy Field at Vétheuil* by Claude Monet, which was the first to be sold, fetching the price set by Hans Erich Emden.

After the sale of Claude Monet's Poppy Field near Vétheuil

The painting *Poppy Field near Vétheuil* by Claude Monet, which was sold to Emil Bührle in 1941 via Dr Fritz Nathan, was the first valuable painting that Hans Erich Emden was able to sell and thus secure from the ever-present threat of complete loss because of a German invasion of Switzerland. Further sales followed later, which Olga Ammann handled according to instructions.

The painting by Monet was repeatedly visible to the public after its purchase by Emil Bührle, being shown at exhibitions in Basel, Amsterdam, and Zurich in 1943, 1949, 1951 and 1952. A German lawyer, acting for the estate of a previous owner, therefore had not difficulty to contact Emil Bührle in 1953 and obtain information from him about an earlier step in the provenance of the painting *Poppy Field near Vétheuil* by Claude Monet.

After the war, Hans Erich Emden continued his business relationship with Walter Feilchenfeldt and consulted him when it came to finally vacating the house on the island of Brissago. On behalf of Hans Erich Emden Feilchenfeldt, together with the Basel art dealer Dr. Christoph Bernoulli, organised a sales exhibition in Biel at the end of 1946 for the furniture and the decorative parts that had remained in the house. The proceeds of this and later sales yielded 110,000 Swiss francs by 1948 for the benefit of Hans Erich Emden, as can be seen from letters in the Paul Cassirer/Walter Feilchenfeldt Archive.

Finally, Emden also succeeded in selling the islands of Brissago to the canton of Ticino for 600,000 Swiss francs - the equivalent of the USD 150,000, the amount that had been listed for the property when Hans Erich Emden's laid open his assets to the US authorities (7). In this case, too, Emden's tenacious adherence to the sales prices he had set paid off (10).

The circumstances described show that Hans Erich Emden was at no time in a financial predicament during the years of the Second World War. The sale of Claude Monet's *Field of Poppies near Vétheuil* was not a result of Nazi persecution that would have taken away Hans Erich Emden's control over his assets and forced him to give away the painting against his will. Rather, Hans Erich Emden managed to settle his inheritance in an orderly manner despite the difficult circumstances of the time. By parting with the parts of his inheritance for which, due to his father's changed assets, he no longer had use for, Hans Erich Emden was able to use the remaining parts to build a new life across the Atlantic.

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List of documents from 1942 to 1945 used for the above account of the financial circumstances of Hans Erich Emden 1940 to 1944 (all in the National Archives and Records Administration [NARA], Washington, D.C.)

(1)

NARA, Record Group 239, Records of the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas [=The Roberts Commission], Foreign Funds Control Reports, M1944, reel 7; Letter no. 369, Mrs. O. Ammann, Porto Ronco, Switzerland, to Hans Erich Emden, Hotel Carrera, Santiago, Chile, January 23, 1942, submitted by: British Censorship.

(2)

NARA, Record Group 131, Entry 247, Foreign Funds Control Subject Files, Box 112: Office of Alien Property, Foreign Funds Control Investigative Reports; U.S. Department of the Treasury, Foreign Property Control Department, Compliance Division, Memorandum, April 9, 1943, Subject: Hans Erich Emden, Santiago, Chile; Paul Graupe, New York.

(3)

NARA, Record Group 131, Entry 247, Foreign Funds Control Subject Files, Box 112: Office of Alien Property, Foreign Funds Control Investigative Reports; U.S. Department of the Treasury, Foreign Funds Control Department, Compliance Division, Memorandum, September 20, 1943, Subject: Hans Erich Emden, Santiago, Chile.

(4)

NARA, Record Group 131, Entry 247, Foreign Funds Control Subject Files, Box 112: Office of Alien Property, Foreign Funds Control Investigative Reports; U.S. Department of the Treasury, Foreign Funds Control Department, Orvis A. Schmidt, to: U.S. Department of State, World Trade Intelligence Division, Mr. James W. Swihart, March 6, 1944, Treasury Investigative Request Chile No. 36, Subject: Hans Erich Emden, Casilla 9751, Santiago, Chile.

(5)

NARA, Record Group 131, Entry 247, Foreign Funds Control Subject Files, Box 112: Office of Alien Property, Foreign Funds Control Investigative Reports; U.S. Department of the Treasury, Foreign Property Control Department, Samuel S. Gilbert, to: U.S. Department of State, World Trade Intelligence Division, Mr. Francis E. Russell, Chief, September 7, 1944, Subject: Hans Erich Emden, Casilla 9751, Santiago, Chile.

(6)

NARA, Record Group 131, Entry 247, Foreign Funds Control Subject Files, Box 112: Office of Alien Property, Foreign Funds Control Investigative Reports; U.S. Embassy Santiago, Chile, Airgram A-751, to: U.S. Department of State, October 23, 1944, Reference Department's instruction No. 3929 of March 15, 1944, transmitting Treasury Investigative Request Chile No. 36.

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(7)

NARA, Record Group 131, Entry 247, Foreign Funds Control Subject Files, Box 112: Office of Alien Property, Foreign Funds Control Investigative Reports; U.S. Embassy Santiago, Chile, Despatch No. 10.947, to: U.S. Department of State, October 23, 1944, Subject: Foreign Funds Control, Transmittal of Information in Answer to Treasury Investigative Request Chile No. 36, concerning Hans Erich Emden, also known as Juan Enrique Emden; Enclosure No. 1, Despatch No. 10.947, American Embassy, Santiago, Chile, October 23, 1944.

(8)

NARA, Record Group 131, Entry 247, Foreign Funds Control Subject Files, Box 112: Office of Alien Property, Foreign Funds Control Investigative Reports; Foreign Investigations Unit, Memorandum for the Files, signed L. S. Swallen, November 17, 1944, Subject: Hans Erich Emden, Casilla 9751, Santiago, Chile.

(9)

NARA, Record Group 131, Entry 247, Foreign Funds Control Subject Files, Box 112: Office of Alien Property, Foreign Funds Control Investigative Reports; U.S. Embassy Santiago, Chile, Despatch No. 11.264, to: U.S. Department of State, January 6, 1945, Subject: Foreign Funds Control, Transmittal of Information in Answer to Treasury Investigative Request Chile No. 36, concerning Hans Erich Emden, also known as Juan Enrique Emden.

(10)

NARA, Record Group 239, Records of the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas [=The Roberts Commission], Western Hemisphere, FBI Reports, M1944, Report made at New York, N.Y., Date 8/19/44, Period made 5/9, 12, 19, 22/44, Dr. Hans Wendland; Paul Viktor Graupe etc.; pp. 5, 6, 7, 9, concerning business transactions between Paul Viktor Graupe & Hans Erich Emden.