

Comments on **Rembrandts plan** (Machiel Bosman) by United States Federal Bankruptcy Judge Scott C. Clarkson, United States Bankruptcy Court for the Central District of California.

Rembrandt's Plan (in Dutch "Rembrandts plan") by the Dutch writer/historian/legal researcher *par excellence* Machiel Bosman, has provided the academic art and legal world with perhaps the most comprehensive analysis of the studied difficult and disastrous financial surroundings of the 17th Century artist Rembrandt van Rijn (1606-1669) in existence today.

Bosman's literary and historical effort explores in fine detail the uneasy life events, troubled personal and family relationships, and continuous legal and financial difficulties experienced by one of the greatest artists of all times. This book, however, is not simply a survey derived from prior academic works on Rembrandt's financial world. Combined with his natural and easy writing style, Bosman has presented extensive first-hand examination of both previously and newly identified archival materials available over the last several years. His new, and in this writer's mind, refreshing viewpoint of Rembrandt's financial world will strike a chord with those wanting a fuller appreciation of the artist's life and thinking.

Too many previous studies on the causes and outcomes of Rembrandt's insolvency have targeted rough treatment toward the painter of *The Night Watch*. Beginning in the mid-to late 19th Century, biographers began the slow march of character assault toward Rembrandt, with vague non-academic and non-existent legal knowledge to support their initial claims of fraud, abuse of the legal process, or other corrupt motivations that they attribute to Rembrandt. Throughout the 20th Century, more and more academic research has been published, culminating in the excellent 2006 survey with then available materials by art historian Professor Paul Crenshaw, M.A./Ph.D. of Providence College. Indeed, Professor Crenshaw's groundbreaking work provided a foundation upon which new and exciting views arise. Bosman's work has now realized that goal.

As a United States Federal Judge who took an interest in the Rembrandt story years ago, and is now a lecturer on the subject, I was originally taken aback by many unsupported suppositions and inferences asserted by biographers and scholars. Even at first blush, I saw opinions of Rembrandt's motives based on unfamiliar requirements of real evidence and a lack of appreciation of the rule of law (and fairness in general). Mere guesses by highly qualified art historians, yet uninitiated with the law or how to address factual disputes, reminded me – perhaps educated me – of how so many faux "Vermeers" have been passed on successfully to private collectors and museums for over two centuries.

Much of the basic materials surrounding the Rembrandt insolvency proceedings and underpinnings have been available for years. Yet, only in the past decade have reported Dutch court decisions emerged, coupled with Bosman's more nuanced understanding of the insolvency and legal principles in the 17th Century. With *Rembrandts plan*, he provides a much clearer understanding of Rembrandt's circumstances and efforts to satisfy his family obligations and those of his creditors.

Providing one example of a previous absence of appreciation of debtor-creditor Dutch courts, Bosman presents the reader with a clear interpretation, most likely correct, that Rembrandt's action to remove his Amsterdam house from his legal estate (by transfer of the house to his then fourteen years old son Titus) was not only justified through proper accounting, but also acknowledged as legally correct by the Supreme Court of Holland and Zeeland (which has been translated to English from Dutch here):

"Report 304

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Resolution taken in the case between Isaack van Hertsbeecq, merchant from Amsterdam, impetrant relief d'appel, plaintiff. vs. Louijs Craeijs, if he litigates, defendant. Lord d'Hase reports:

In this case it is to be considered whether the mother of Titus van Rijn has left as much good as has been reported and assigned to the son by the father. And although the state and inventory of the estate has not been drawn up as it should have been, it appears nevertheless that the assets of the estate have been more than 22,000 guilders, and that the child is entitled to half of his mother's goods, and that pro sententie [as a verdict]."

(Quote from decision of 1665, The Hague, National Archives, Supreme Court of Holland and Zeeland, archive number 3.023.02, inventory number 653: Report 304/1-22-1665.)

This decision clearly demonstrates that the Supreme Court of Holland was quite sophisticated in its legal analysis, and that the 1656 house transfer to Rembrandt's son Titus was based on principled accounting and legitimate legal analysis. Indeed, the application of appropriate accounting principles by the Court was the key to the arguments by Councilor Craeijs (Louis Crayers, Esq.) resulting in his (and Titus' and Rembrandt's) affirmation by the Supreme Court of Holland.

This transfer, however, has been hanging over Rembrandt's reputational head for several centuries. Bosman, through his research and analysis, has made tremendous strides to lift the prejudicial veil and provide meritorious historical and legal justification for both Rembrandt's actions and the High Court's approval.

Throughout Bosman's carefully structured writing and presentation, he has opened the door for new and reflective approaches to Rembrandt's financial circumstances and behavior. Without saying so, Bosman makes the point that it is time to take one's foot off of Rembrandt's reputational neck with a more fulsome examination of the facts and law surrounding this artist's financial dealings and resolutions.

The Honorable Scott C. Clarkson, B.A./J.D., is a current United States Bankruptcy Judge presiding in the United States Bankruptcy Court for the Central District of California. He is considered an expert on complicated bankruptcy and insolvency matters in the United States. He lectures extensively on most aspects of insolvency law throughout the United States, and has presented, nation-wide, his lecture on Rembrandt's Bankruptcy over the past several years. His work on the subject of the Rembrandt insolvency history and proceedings are more described at www.rvrbk.com. At this writing, he is one of the first to read an English translation (by A.I. generated translation) of Rembrandts plan.