

Year of birth	1882
Place of birth	probably Breslau, Germany (Wrocław, Poland)
Year of death	1949
Place of death	The Hague, Netherlands
Country	Austria Germany the Netherlands United States of America
City	Vienna Munich Berlin Den Haag New York
Address(es)	N. V., Surinamestraat 11, Den Haag, the Netherlands, 1920–51 (Kunsthandel K. W. Bachstitz)
Previous address(es)	Plaats 24, Den Haag, the Netherlands, 1920 Bachstitz Galerie, Berlin, Germany: Bellevuestr. 6a, Berlin, Germany, 1928–32 Tiergartenstr. 8, Berlin, Germany, 1922–28 (inactive 1923–28) Pariser Pl. 6a, Berlin, Germany, 1922 Bachstitz, Inc., New York, NY, USA Savoy Plaza Hotel, New York, NY, USA, 1936–37 Sherry Netherland Hotel, New York, NY, USA, 1931–32 Ritz-Carlton Hotel, New York, NY, USA, 1922–31 Wien, Austria, after 1920–38 München, Germany (Galerie K. W. Bachstitz GmbH) Karolinenpl. 2, München, Germany, 1921–?
Specialization(s)	old master painting

	Dutch art
	Flemish art
	Italian art
	German art
	French art
	English art
	Spanish art
	Impressionism
	antiquities
	jewelry

Biography

Bachstitz was born as the child of the Jewish couple Liber Jacob Bachstitz and Mathilde Markowitz, probably in Breslau (Wrocław). He studied architecture in Paris, London, and Vienna. At the outbreak of WWI, he was called up for Austrian-Hungarian military service during which he was severely wounded. He married Elfriede Pesé, who was also Jewish. She died in 1913. They had two children. In 1918, Bachstitz married his second wife Elisa ("Lili") Emma Hofer (1890–1952), who was Protestant. Bachstitz became Protestant as well. In 1932, he moved to The Hague. In 1937, Bachstitz waived his Austrian citizenship and became stateless as he wanted to avoid becoming a German citizen in the course of the expected German annexation of Austria. By 1938, his wife and his children had moved to The Hague as well. In 1944, Bachstitz managed to obtain an exit visa and emigrated to Switzerland with the help of his brother-in-law [Walter Andreas Hofer](#) (1893–1971?), director of Herman Göring's art collection. As a bribe for the exit visa the art dealer had to hand over valuable objects to Hermann Göring, namely a painting depicting Samson and Delilah (1668) by Jan Steen as well as two antique necklaces. His Swiss immigration visa had been supported by the Basel art historian Hans Schneider (1888–1953). After WWII, Bachstitz returned to The Hague and died there in 1949, shortly before becoming a Netherlands citizen.

Economic situation

In 1919, Bachstitz lived and traded in Munich. His first big acquisition was the purchase of the collection of the Frankfurt industrialist Friedrich Ludwig ("Fritz") von Gans, which Gans' heirs sold in 1920. It consisted of many antiquities and old master paintings. Bachstitz then also hired Gans' artistic advisor Mavrogordato. Also in 1920, he established an art dealership in The Hague named Kunsthandel K. W. Bachstitz (Bachstitz Gallery N. V.), initially at Plaats 24 (later Surinamestraat 11). Kurt Walter Bachstitz was the company's supervisory director until 1941. Snouck Hurgronje (1857–1936) was managing director and Pierre Mavrogordato (1870–1948) was appointed creative manager. A year later, Mavrogordato succeeded Hurgronje as managing director. The gallery branched out to Berlin. In 1922, Walter Andreas Hofer became creative manager. Also Bachstitz, Inc., was opened in New York City. Many of the antiquities from the Gans collection were sold to US

industrialists who donated them to museums, e.g., the Walters Art Museum in Baltimore, MD. Hofer left the gallery in 1926 due to a dispute with Bachstitz. Then the gallery was subject to many staff changes until 1932, when Eduard Rinck-Wagner was appointed managing director. He stayed in that position until his death in 1938. At the latest by then Bachstitz was the de facto manager of the company. Bachstitz traveled extensively between Vienna, Berlin, The Hague, and New York.

In Dec. 1931, Bachstitz acquired the art collection of the Viennese banker Stefan von Auspitz. Bachstitz had to pay the purchase price of 475,000 USD to Auspitz' US- and UK-based creditors. However, he did not manage to get export permits for a number of art works making it difficult to sell them for US currency. Eventually the creditors demanded a last instalment of 70,000 USD and withheld a part of the collection. Bachstitz refused to pay while raising counterclaims. The ensuing lawsuit lasted from 1935 to 1944.

In 1937, Bachstitz, Inc. in New York was closed amid financial difficulties. Presumably around that time the Berlin and Viennese galleries ceased to exist as well. In 1938, Bachstitz sold a Cranach from The Hague to Herman Göring. In that year Bachstitz also sent works to a sales exhibition by [Knoedler House](#), London.

Between the beginning of the German occupation of the Netherlands in 1940 and 1941, Bachstitz sold a number of paintings and antiquities to the German government via Hitler's special representative Hans Posse (1879–1942), who acquired art for the *Sonderauftrag Linz*. Their correspondence documents that Posse demanded price reductions and set the prices at several occasions. In contrast, the correspondence between Posse and the non-Jewish Dutch art dealer Dirk Albert Hoogendijk (1895–1975) shows that Posse always accepted Hoogendijk's asking prices. In Feb. 1941, Bachstitz officially resigned as supervisory director of the Bachstitz Gallery and his wife took over this position. However, her husband continued to play a clandestine management role in the company. In this way, the couple avoided having the gallery placed under forced administration for the duration of the war. Both provided undercover protection for Jews trying to escape from the German authorities. After Posse's death in 1942, Bachstitz continued selling to the German government via Erhard Göpel (1906–66). In the same period, Bachstitz also sold art works to museums directed by Kurt Martin (1899–1975), the head of the Museums of the Upper Rhine (Alsace and Baden) and the Kunstmuseum Düsseldorf, run by Hans Wilhelm Hupp.

In 1942, Bachstitz was summoned by the occupation authority (Wirtschaftsamt) as he had failed to register his gallery as "non-Aryan property." Proceedings were commenced against him. He was arrested by the *Sicherheitsdienst* (SD) in July 1943 and imprisoned. Due to an intervention of Göring, initiated by Hofer, he was released. He was then also exempted from wearing the yellow badge, but never left his house for the next year because of fear of arbitrary arrests. Moreover, the Bachstitzes had their marriage dissolved in Sep. 1943 to prevent the confiscation of the gallery by the occupying authority. At a meeting with the head of the German administration of the Netherlands Arthur Seyss-Inquart and members of the German SD, Erhard Göpel managed to obtain a postponement of Bachstitz' imminent deportation arguing that his stay in the Netherlands was in the German interest of acquiring valuable art works.

In the meantime, Bachstitz' position in the litigation with the Auspitz creditors in Vienna had worsened because of the annexation of Austria and the beginning of the war. German law now forbade payments in foreign currency. This made the demanded dollar payment impossible. Only in May 1943 the Vienna county court allowed Bachstitz to pay 70,000 USD plus interest converted into

German currency to the creditors in exchange for the art works they withheld. This judgment was, however, revoked by the Vienna court of appeals in Mar. 1944. It argued that Bachstitz' interest in paying his debt was outweighed by Germany's interest in a payment in foreign currency to the creditors (who would have had to deliver the money to the German government). The German Imperial Court of Justice (Reichsgerichtshof) sustained this judgment.

After WWII, the Western allies transported most of the art the gallery had sold to various German authorities, back to the Netherlands. The Dutch state restituted the painting by Jan Steen to Bachstitz but rejected an application for restitution of the other works sold during the war. They became part of the Dutch State Collection (Stichting Nederlands Kunstbezit–SNK). Kurt Walter Bachstitz and Lili Bachstitz were again registered as officially married. Furthermore, the creditors of Stefan von Auspitz continued to demand the 70,000 USD plus interest that had been awarded to them by the German courts during the war. Negotiations failed. The art works withheld by the banks had survived the war in Vienna and were sold by M. Glückselig & Co., Vienna & New York. In 1951, Lili Bachstitz liquidated the Bachstitz Gallery N. V. Most of the gallery stock was auctioned at Galerie Charpentier in Paris. The gallery's art library was also sold off. The liquidation ended with a high deficit.

In 2009, the Dutch government restituted the painting *Roman Capriccio* by Pietro Capelli from the stock of the SNK to Kurt Walter Bachstitz' grandchildren. The Restitution Committee of the Netherlands (Restitutiecommissie) denied the restitution of a number of other works, among them many sold to the *Sonderauftrag Linz*. As regards to the majority of the art objects the Restitutiecommissie argued that these sales had not been made under duress, because Bachstitz had been left "undisturbed" in 1940 and 1941, and hence the sales weren't concluded under duress. The same panel sustained this decision in 2015, again with the exception of one work. It argued that the information about the negotiations between Posse and Bachstitz, including the price reductions that Posse demanded, did "not contain any indications that the sales concerned took place under duress" (Revised recommendation regarding Bachstitz, 1 Dec. 2015). Applying other legal standards, the Prussian Heritage Foundation restituted two objects, which the Berlin Schlossmuseum had acquired in 1943, to the heirs of Bachstitz in 2013.

Artists

Sofonisba Anguissola

Bol

Bernadino Campi

Lucas Cranach

Edgar Degas

Andrea da Firenze

Jan van Goyen

Lucas Moser

Selected exhibitions

15th, 16th, 17th century art, 1920 (The Hague)

Sammlung Friedrich Ludwig von Gans, 1921 (Frankfurt)

Menno van Meeteren Brouwer: Indische schilderijen en teekeningen, 1922 (The Hague)

Exhibition of Primitive Masters, 1922 (The Hague)

Henry Major, 1923 (The Hague)

General Exhibition, 1935 (The Hague)

Great Masters of the 14th–18th Century from the Collection of N. V. Bachstiz Gallery, 1938 (London)

Selected clients

[Duveen Brothers](#)

Erhard Göpel

Walter Andreas Hofer

W. H. Hupp

Knoedler Gallery

Hans W. Lange

Thomas Mann

Kurt Martin

Fritz Müller

Hans Posse

Carl Schellenberg

Henry Walters

Mrs. Weinmüller

Willem Dirk van Wijngaarden

References

Primary sources

Death Certificate of Elfriede Pesé, P-Rep. 804-Berlin III SU 1073/1913, Landesarchiv Berlin (Standesamt III), Berlin, Germany.

Zahn, Robert. *Antike, byzantinische, islamische Arbeiten der Kleinkunst und des Kunstgewerbes; Antike Skulpturen*. Den Haag & Berlin: Galerie Bachstiz, 1921.

Secondary sources

Adviescommissie Restitutieverzoeken Cultuurogoederen en Tweede Wereldoorlog, The Hague, the Netherlands. Recommendation Nos. RC 1.78, RC 1.88, RC 1.143, RC 4.138.

Adviescommissie Restitutieverzoeken Cultuurogoederen en Tweede Wereldoorlog, The Hague, the Netherlands. Recommendation regarding the art dealership Katz (English translation) S. 12, www.restitutiecommissie.nl/en/recommendation/art-dealership-katz-b/.

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Donath, Adolph, ed. *Der Kunstwanderer: Zeitschrift für alte und neuen Kunst, für Kunstmarkt und Sammlerwesen* 3–14, 1921–32.

Göpel, Erhard. "Protokoll Besprechung vom 18.10.1943 u.a. mit Reichskommissar Arthur Seyss-Inquart, Befehlshaber der Sicherheitspolizei Erich Naumann u.a.," inv. no. 2392; also in NIOD, access code 077, inv. no. 1308, National Archive, Dutch National Security Bureau, The Hague, the Netherlands.

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Lillie, Sophie. *Was einmal war. Die enteigneten Kunstsammlungen Wiens*. Vienna: Czernin, 2003.

Löhr, Hanns Christian. *Das braune Haus der Kunst. Hitler und der Sonderauftrag Linz*. Berlin: Akademie Verlag, 2005.

"Press release. 9 July 2013." *Stiftung Preussischer Kulturbesitz*. www.preussischer-kulturbesitz.de/pressemitteilung/artikel/2013/07/09/berliner-kunstgewerbemuseum-restituiert-zwei-werke-an-die-erben-des-kunsthändlers-bachstitz.html.

"Revised recommendation regarding Bachstitz." *Restitutiecommissie*, 1 Dec. 2015. https://www.restitutiecommissie.nl/en/recommendations/recommendation_rc_4138.html.

Rosenbrock, Tessa Friederike. *Kurt Martin und das Musée des Beaux-Arts de Strasbourg. Museums- und Ausstellungspolitik im "Dritten Reich" und in der unmittelbaren Nachkriegszeit*. Berlin: Akademie Verlag, 2012.

Venema, Adriaan. *Kunsthandel in Nederland 1940–1945*. Amsterdam: Arbeiderspers, 1986.

Archival situation

An important archival source is the Bachstitz archive at the RKD (The Hague, the Netherlands), which provides fragmentary information about Bachstitz' gallery in The Hague. The whereabouts of the company's own records for the other branches are unknown. However, in many cases, Bachstitz' correspondence with his clients and authorities has been preserved in several archives. Also post-war restitution files provide a lot of information.

Central Bureau for Genealogy, Calmeyer Archive, The Hague, the Netherlands.

Dutch National Museum of Antiquities, Leiden, the Netherlands.

Delpher Digital Library, the Netherlands.

Federal Archives, Koblenz, Germany.

German Historical Museum (DHM), Database on the Sonderauftrag Linz (Special Commission: Linz), Germany.

Landesarchiv Baden-Württemberg, Karlsruhe, Germany.

National Archive, The Hague, the Netherlands (Central Special Criminal Jurisdiction Archive, Douwes Report Dutch National Security Bureau; Ministry of Finance, Administration Department, Legal Affairs and Administration Department).

Ministry of Justice, London, UK.

Register of Companies of the Chamber of Commerce and Industry of The Hague, the Netherlands.

Reichskommissariat in den besetzten niederländischen Gebieten – Feindvermögensverwaltung, National Archives, The Hague, the Netherlands.

National Archives and Records Administration, Washington, DC, USA (Linz Museum Collection; Records Concerning the Central Collecting Points (“Ardelia Hall Collection”)).

NIOD Institute for War, Holocaust and Genocide Studies, Amsterdam, the Netherlands.

Origins Unknown Agency (Bureau Herkomst Gezocht), The Hague, the Netherlands.

OSS (US Office of Strategic Services) Art Looting Intelligence Unit (ALIU) Reports 1945–1946, USA.

The Metropolitan Museum of Art Archives, Bachstitz, Inc. records, 1923–1937, New York, NY, USA.