

Gustav Rau's "final" will, naming Unicef as the heir to his massive art collection, is being contested, which may prevent the works from reaching the market. Opposite: The doctor's favorite piece, Jean-Honoré Fragonard's *Portrait of François-Henri, Duke of Harcourt*, circa 1769. Below: Rau, seated, in his Swiss storage facility, with art restorer Pierre Boissonnas in the mid-1980s.

A MAN IN FULL

A German industrialist turned selfless Third World doctor, Gustav Rau built one of Europe's greatest art collections. But a few months after his death, the fate of his masterpieces is in question. By Marc Spiegler

THE ART WORLD IS FULL OF SARTORIAL FLOURISHES—the Savile Row suit, the Hermès scarf, the hand-stitched Italian shoes. But none are more memorable than the hiking boots of German collector Gustav Rau. Ankle-high, they had thick soles and rugged metal hooks to anchor the laces. Rau owned very few pairs of pants, so to avoid snagging his khakis on the steel, he rolled them up to his calf.

Thus, his pant cuffs floating well off the ground and his boots clomping on fine marble and parquet floors, Rau strode into the auction rooms of Europe, and for almost two decades bought and sold hundreds of millions of dollars in paintings and sculptures. "He was an eccentric and brilliant collector, one of the most intriguing men I ever met," says Guy Jennings, chairman of Sotheby's Switzerland, who first encountered Rau in the early 1980s, when Jennings was just starting out at Christie's London. "He was

quite a notable figure of the London auction rooms. I later visited the collection in his Swiss warehouse—though by no means all of it, because it was massive. The man had amazing taste, across a wide range of art history."

More than mere affectation, those boots embodied Rau's weltanschauung. Born wealthy, he had an almost sanctimonious disdain for personal luxury, and at age 40 he decided to trade his life as a Stuttgart industrialist to become a doctor. In his 50s he founded a medical clinic in Zaire, returning to Europe only for the major London auctions. An intensely austere man, Rau saw no reason to change from bush-doctor boots into a millionaire's thin leather loafers for his First World sojourns.

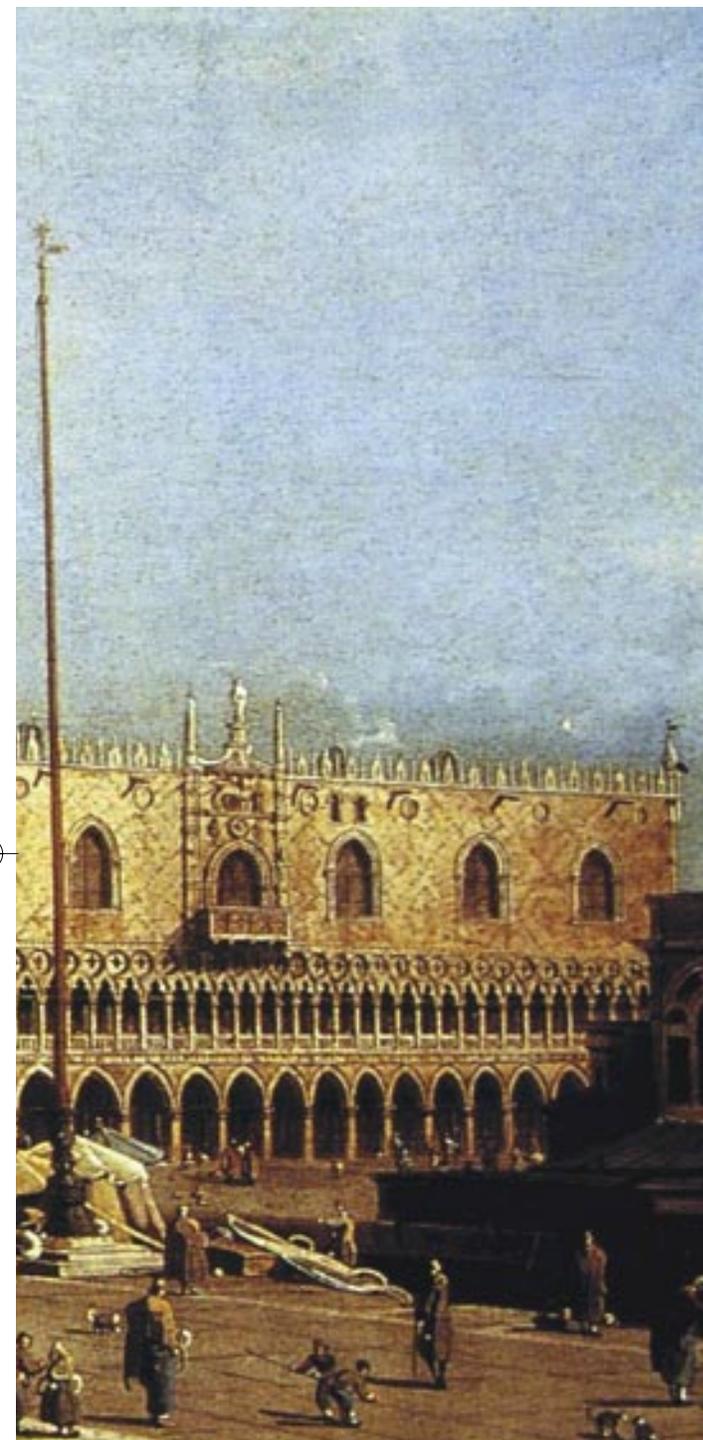
A Zurich dealer once invited Rau to dinner at his home to celebrate an all-but-finalized purchase. The evening was a lavish affair, with a cornucopia of foods Rau would never







Famous for his self-reliance, Rau shunned professional art consultants. After being burned in his early purchases, he also tended to avoid galleries, preferring to buy at auction. He made one of his most important acquisitions, Canaletto's *St. Mark's Square*, circa 1740-50, at Christie's London in 1994 for £400,000 (\$613,000).



find in Africa. When the meal wound down, Rau led the dealer onto the balcony to speak privately. The dealer said, “Wasn’t it a wonderful night?” Rau responded, “Yes. But I can’t agree with such a lifestyle. I shall not be buying any works from you.”

PERHAPS THE IDEA OF A MAN MAKING SUCH pronouncements while purchasing Cézannes and Canalettos seems bizarre. But Rau, who never married, had long intended his collection to serve charitable purposes. In September 2001, the doctor donated all of his art holdings to the German branch of Unicef, to be sold in support of its educational programs for children. Its value estimated at SF500 million to SF1 billion (\$290–580 million) by his own Dr. Rau Art Foundation, the collection covers European painting from the 15th century to late Expressionism and sculpture from the Middle Ages (a particular strength) through the 19th century. When Rau died in Stuttgart on January 3, just before his 80th birthday, the charity was named his “universal heir,” inheriting the rest of his estate.

That gift marked a magnanimous end to a life in three acts. Born in 1922 to a Stuttgart auto parts industrialist, Rau had a comfortable childhood that included summers in Provence. Drafted into the Wehrmacht at the outset of World War II, Rau, a devout Christian, escaped to London, where he was held captive as a German national. Following the Allied victory, he returned to Stuttgart, joined the family business and earned a doctorate in economics. At 36, he started collecting art, first buying minor Old Master paintings.

Then, soon after he turned 40, he began medical school, specializing in tropical diseases. “He never loved the family business,” explains Robert Clémentz, his personal secretary for two decades. “He only studied economics to please his parents, but it was never his true calling.” At 48, a year after his father died, he sold the family business for DM400 million (\$110 million). By that time, he had earned his medical degree.

Over a series of visits, Rau gradually decamped to Africa, eventually settling in French-speaking Zaire (now the Republic of Congo). In Ciriri, a small village near the eastern Congo town of Bukavu, he built a clinic of 17 small stone buildings, where, in typical fashion, he slept in a spartan hospital bedroom. Its resources stripped bare by the dictatorship of Mobutu Sese Seko, Zaire was not an easy place to do much of anything. “Every time he spoke about Africa, he had tears in his eyes,” remembers Michel Laclotte, the former director of the Musée du Louvre in Paris, who knew Rau well. “The corruption and poverty saddened him horribly.”

Art was the palliative for this drain on the doctor’s soul. Every few months throughout his two decades in Africa, Rau left the compound, flying first on a bush plane to Kigali, the capital of neighboring Rwanda, then on to Europe. Still, his real home was in Ciriri, and he never showed any desire for a more conventional life.

Unexpectedly, Rau’s time in Africa came to an end. In 1992, complications from double knee surgery caused a cerebral hemorrhage, and soon afterward, civil war erupted between the Hutu and Tutsi tribes in Rwanda, just over the border from Bukavu. Still ailing, the 70-year-old Rau could no longer risk staying in the region. He returned to Europe, eventually settling in Monaco, where he crafted a pharmacological program for himself that proved disastrous: He was reportedly discovered on different occasions roaming the streets, lost and disoriented.

"He was extremely opinionated about particular paintings. You could never convince him to like anything," says Guy Jennings, chairman of Sotheby's Switzerland. Right: Guido Reni's David Beheading Goliath, circa 1606-07.

These episodes triggered doubts about the collector's mental competence—and a flurry of lawsuits. In March 1998, the Monaco courts appointed an administrator to oversee Rau's financial affairs. Later that year, Alexander de Beer, a Zurich lawyer and board member of one of Rau's charitable foundations, successfully asked the Swiss government to freeze his Zurich bank account and artworks. De Beer says he feared that Rau's "entourage"—his French personal secretary, Robert Clémentz, and confidante Sigrid Thost, a German graphologist—would take advantage of his weakened state and drain the estate. Clémentz and Thost contend that it was a naked power play. In any case, the government's actions ignited legal battles in Switzerland, Monaco, Germany and Liechtenstein.

Eventually Rau regained control of his artworks, and held a press conference this past September to announce the donation of his entire collection to Unicef. But after his death the power struggles continue. Before Unicef can auction off the artworks, it will have to clear a major legal hurdle, hinging on which of Rau's "final" wills is actually valid; if the court rules that Rau was not mentally competent in September, the Unicef donation becomes null and void.

THROUGHOUT THE FRENZY AND REVER-
sals of Rau's life, art remained a central motif. His first purchase, from a Stuttgart gallery in 1958, was *The Cook*, a circa 1660-65 painting by Rembrandt acolyte Gerrit Dou depicting a wizened house servant. Although Rau collected in many genres, he was especially partial to portraiture. Among the works he owned, his favorite was Jean-Honoré Fragonard's *Portrait of François-Henri, Duke of Harcourt*, circa 1769, in which the aristocrat's ruddy face and sparkling eyes seem almost disembodied from his flamboyant court dress. Bought at Sotheby's London in 1971 for £340,000 (\$831,000), it could be worth nearly 10 times that today, experts say. Other masterpieces included El Greco's striking painting of Saint Dominic praying, circa 1600-10, bought the same year for an undisclosed price from Galerie Julius Bohler in Munich, and a signature Pierre-Auguste Renoir from 1875, *La femme à la rose*, bought at Christie's in 1982 for £73,500 (\$180,000).

Rau also owned the last self-portrait by Edgar Degas. Executed in 1900-05, the pastel was the first work in a 1972 afternoon sale at Christie's London. Rather than go to lunch before the sale and risk an unexpected delay, the doctor ate an apple outside the auction house and quickly returned to his seat. When the hammer sounded, he had pipped a slew of French dealers still *à table* by snagging the work for a mere £16,275 (\$41,000). Today, according to insiders, it would fetch roughly £210,000 (\$300,000).

Major purchases made during Rau's African epoch included Mary Cassatt's 1899 oil *Louise Feeding her Child*, bought in 1986 for £900,000 (\$1.3 million) at Sotheby's London; Claude Monet's 1865 landscape *Sous-Bois*, bought at Christie's London in 1982 for £115,000 (\$201,000); and Lucas Cranach's tableau *Judith*, from 1525, bought at Christie's London in 1978 for £65,000 (\$125,000). Among his later discoveries were two important lots acquired at Christie's: a Canaletto painting of Saint Mark's Square, circa 1740-50, bought in London in 1994 for £400,000 (\$613,000), and Carlo Dolci's *Saint John the Evangelist*, from 1640, purchased in New York for \$360,000 in 1995.

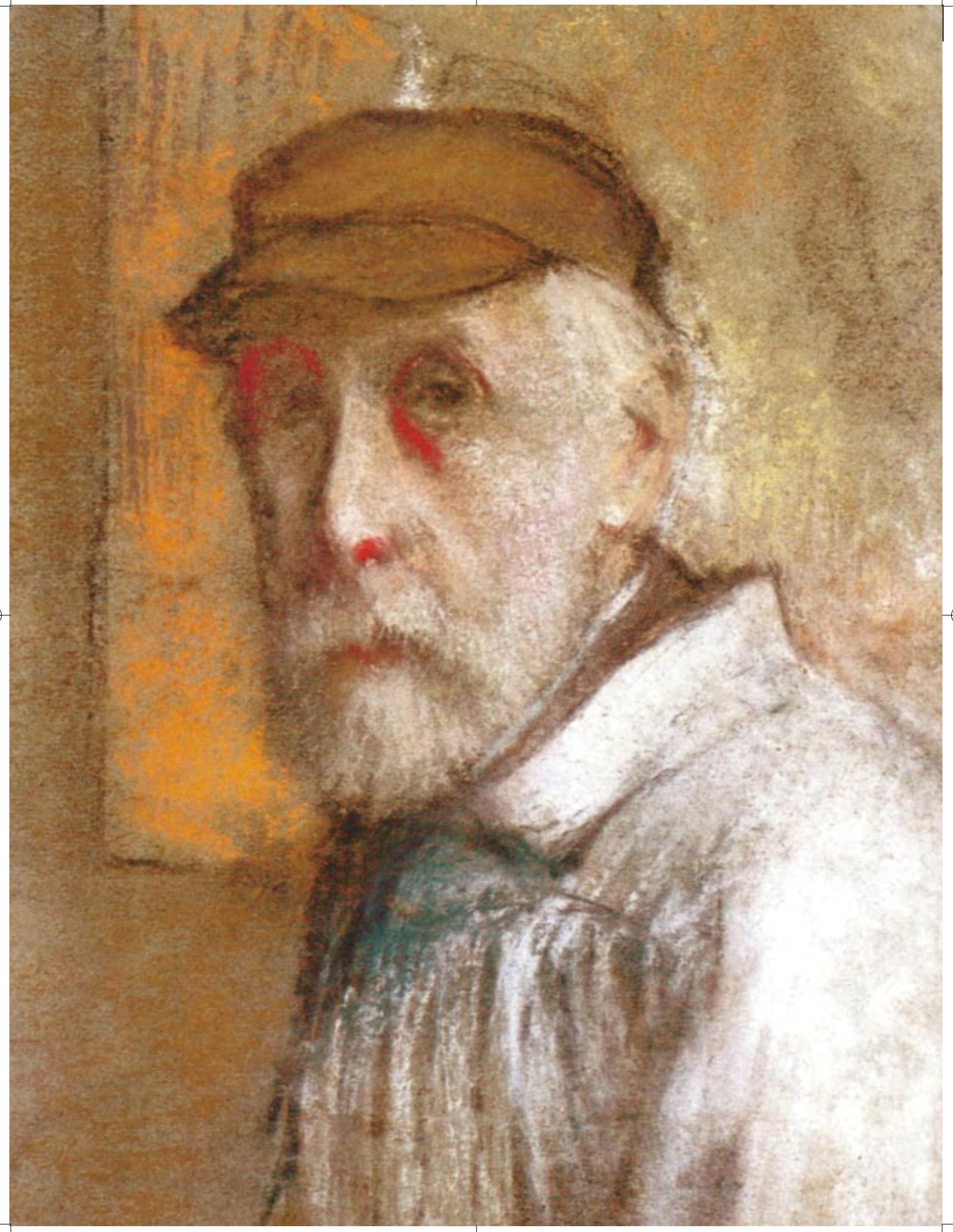
To art experts who know the collection, what really stands out is its historical breadth. "You have a fabulous range of works that are truly of museum quality," explains Laclotte, the former Louvre director. "From a splendid Fra Angelico to Bonnard. The Monets are quite a complete set, and very beautiful. So are the Cassatt and the Corot and the Pissarro. They are all true chefs d'oeuvre. When Dr. Rau first showed me photos of his collection, I was stupefied. I knew all the works, but had no idea a single person owned them."

During the 1980s, when Rau was planning to build a new museum in Marseilles (the plans were later scrapped), Laclotte directed the initial cataloguing of the collection. He made frequent trips to Embraport, a duty-free zone in Embrach, Switzerland (near Zurich), where until the late 1990s the entire collection was stored. Rau had never kept pieces at his African home or his pied-à-terre in Marseilles. When asked how he could stand seeing his works so rarely, he replied, "I have the works in my mind's eye."

Despite his admiration for Rau, Laclotte questions the common assertion that the collection ranks second only in Europe to that of Baron Hans Heinrich Thyssen-Bornemisza, based in Madrid. "The Renoir is beautiful, but there are others like it," he says. "And Rau refused to run after big names at any price, so there are major painters missing, such as Poussin, Rembrandt and Raphael." (There's no van Gogh, either, for that matter.) "He was extremely opinionated about particular paintings," recalls Jennings of Sotheby's. "You could never convince him to like anything. And he was disciplined in his buying. If he decided to pay X amount for a painting, he just might go to X+1, but never to X+2."

Rau's impact on the market went beyond buying masterpieces. He also collected lesser paintings (and lesser painters) by the cartload. Zurich art restorer Pierre Boissonnas recalls the almost hallucinatory experience of visiting Rau's warehouse for the first time in the early 1980s. "In the paintings racks there were over a thousand pieces," Boissonnas says. "We looked at each one, sometimes for less than a minute. Still, it took many weeks. We eliminated the pieces that were overpainted, had questionable attributions or just did not meet a certain standard. And afterward Rau





Rau was especially partial to portraiture. He purchased Edgar Degas's last self-portrait, shown left, a pastel executed circa 1900-05, at Christie's London in 1972 for £16,275 (\$41,000). Right: Lucas Cranach's painting *Judith*, from 1525, bought at Christie's London in 1978 for £65,000 (\$125,000).

sent all those back to auction houses to be sold."

Some had been purchased at auction sight unseen, then returned after a brief examination. Many others were inferior pieces that he had bought from galleries early on. "He had often been tricked, and in the end he trusted perhaps a handful of dealers," says Clémentz. "After the mid-1980s, he almost never bought from dealers at all."

He also shunned professional art consultants. Sometimes this independence cost him dearly. "Once, he bought a painting for SF100,000 that was supposed to be from the [Italian painter Filippo] De Pisis," recalls Boissonnas. "I told him I thought it was a fake. After cleaning it, I found another signature: It was by [the French painter Marthe] Levassesseur. I told Rau to return it. He had bought paintings worth about SF400,000 in one day from the dealer, so it should have been no problem. But he preferred to just sell the painting at auction. I've seen it come up a few times, but it never sold."

This self-reliance and stoicism marked Rau as an archetypal product of Swabia—the German region of which Stuttgart is the central city. Among Central Europeans, Swabians are stereotyped as pragmatists of few words and fanatically frugal. "He was rumored to own only two pairs of pants, and I certainly can't disprove that," says Dietrich Stettler, Rau's Zurich lawyer. "He proudly told me that when he came to Zurich to sell his family business, he walked all the way from the train station to the Grand Hotel, just to save the tram fare."

But it would be facile to class Rau as merely a stingy millionaire. Austerity was his aesthetic, not just a way to save pfennigs. In his approach to framing, for example, the collector demanded a rigid sobriety. "He was repulsed by ornate frames," explains Boissonnas. "He felt the only role of the frame was to isolate the painting from the wall around it. So he would always choose a very simple gray frame. Sometimes, for an exhibition, he would have us reframe it ornately, but only out of respect for the artist."

CLEARLY, THE SOCIAL STATUS OF COLLECTING masterpieces held little interest for Rau; he saw building his art collection as a legacy to benefit charity. To this end, he established a series of foundations: in 1971, the Dr. Rau Art Foundation, to which he immediately donated 32 works, and the Dr. Rau Medical Foundation, both in

Switzerland; in 1986, the Rau Foundation for the Third World, in Switzerland; and in 1987, the Creлона Family Foundation in Liechtenstein (a principality noted for its extreme laxity when it comes to rich people's money).

At that time Rau's plan was to donate his entire fortune to the Creлона Foundation, which would then pay his living expenses; everything remaining at his death would go to the



Rau Foundation for the Third World. Yet it wasn't until 1997 that he initiated the transfer, with de Beer handling the legalities for the foundation. And before the artwork and bank accounts could pass into Creлона's control, the disputes over his mental competency began, pitting de Beer against Clémentz and Thost.

According to Clémentz, Rau was never mentally incapacitated and the court's appointment of a financial administrator was purely precautionary. He claims that de Beer tried to take control of Rau's fortune in a venal bid to guarantee himself fat management fees. According to de Beer, the doctor was permanently debilitated and his fortune was falling victim to the predations of Clémentz and Thost.

In 1998, de Beer successfully moved to freeze Rau's art collection and Swiss bank account. "It was a very difficult time for Dr. Rau," recalls Stettler, whom Rau hired to help regain his autonomy. "Here was a wealthy man who had been a sort of sahib in Africa, used to having total control over his life. Yet he was legally hamstrung."

Rau left Monaco and moved several times, eventually winding up in Baden-Baden, the German spa town whose mineral waters have soothed the pains of everyone from Mark Twain to Marlene Dietrich. In September 2000, a judge there and a court-appointed physician visited Rau and declared that he did not need a guardian. At this point, Rau's case became a political football. The German diplomatic corps started leaning on the Swiss government to unfreeze his assets, says de Beer: "The Germans said very bluntly that unless Rau's collection was released, there would be serious repercussions on political negotiations between Switzerland and the European Union."

Three months later, the Swiss government caved in. Although the legal battles were far from over, Rau regained access to his art collection and plans to donate his collection of more than 700 works to Unicef were put in motion. In September, the wheelchair-bound Rau came to Stuttgart to announce the bequest, saying, "I hope this gift shall fall upon fertile ground ... and reduce the injustices of the world."

BY THE TERMS OF THE DONATION, however, Unicef will have to wait more than two decades to sell Rau's most valuable pieces. Rau sent his core collection—some 50 sculptures and 125 paintings, including virtually all the masterpieces—to the government-run Musée du Luxembourg in Paris on a 25-year loan. Among the oldest museums in France, the institution once housed most of the major 19th-century paintings now in the Musée d'Orsay but had long since lost its prominence. It was shuttered by the French Senate from 1939 to 1979 and never quite regained its cultural clout, making the guardianship of the Rau core collection a major coup.

Behind that victory was Marc Restellini, a former art history lecturer at the Sorbonne turned freelance curator. Restellini met Rau in the early 1990s and encouraged him to show his works. But the collector, who often lent works anonymously, was not interested at the time.

In 1998, with the legal battles over his competency raging, Rau changed his mind. "He was being portrayed as a vegetable by de Beer, and that put him on the defensive," Stettler explains. "He wanted to show himself and his mind to the world." The collector tapped Restellini to organize an exhibition of his masterpieces, originally intended to tour only five Japanese museums. The Swiss government permitted the works—which were an integral part of the existing legal controversy—to leave the country on the condition that they return directly from Japan to the Embrach free port. But after the Japanese tour ended, Rau directed the collection instead to the Musée du Luxembourg, igniting a short-lived diplomatic battle that pitted the French government against the Swiss.

Providing a sideshow to this legal circus, a battle arose over the presence of Paul Cézanne's *La mer à l'Estaque*, 1876, in the show. Paris dealer Michel Dauberville filed suit in Paris against the Rau Art Foundation charging that the piece—whose provenance included New York collector Sam Salz and Wildenstein & Company—had been looted by Nazis from the gallery of his grandfather, Josse Bernheim-Jeune. The case is still pending, and the painting remains in the core collection.

Despite these controversies, or perhaps because of them, Rau's exhibition was a hit. Restellini was doubly rewarded:

He was named director of the museum by the French Senate in July 2000, and when the Unicef donation was announced last September, he secured the loan of those core 175 pieces (many of them in the exhibition). Under Restellini's auspices, the show has continued on to the Kunsthal Rotterdam, the Josef-Haubrich Kunsthalle in Cologne, the Haus der Kunst in Munich and the Accademia Carrara in Bergamo, Italy, where it is on view through May 1. More exhibitions for North and South America are being planned.

What will happen in 2026, when the 25-year period of the loan elapses, remains unclear. "I have a hard time believing that someone won't try to stop the dispersal of these works from the Musée du Luxembourg," says Restellini—implying a potential bid to buy the works from Unicef, either by the French Senate or museum supporters. "If I'm still around then, I intend to keep it intact. But at the moment, I'm focused on assuring we're ready to exhibit the collection properly when it returns."

As for the hundreds of more minor works in Rau's collection, Unicef could in theory put them up for sale immediately. Given the agency's need for fiscal transparency, they would surely wind up at auction, so there's potentially a small fortune in commissions at stake. "Right now, all the auction houses are still at the starting block," says Restellini. "The race has not really begun. But I have to say Sotheby's and Christie's are well positioned."

According to Restellini, Sotheby's has already offered to forgo its cut of the seller's commission, which would maximize Unicef's gain. Jennings of Sotheby's declines comment on specifics, but says, "We're certainly hoping to win this business, but it will be much sought after by the other houses too. Certainly, the work won't all come to market at the same time."

To advise Unicef on the liquidation, Rau established a committee that includes Clémentz, Restellini, Boissonnas, Paris exhibitions coordinator Sylvestre Verger, Unicef's Germany director Dietrich Garlich, auctioneer Henrik Hanstein of Kunsthaus Lempertz in Cologne and Rainer Budde of the Wallraf Richartz Museum in Cologne. Officially the committee only offers advice, but there's little doubt it will play a critical role in deciding when particular works come to auction. "We are experts in children and their development, not in art market dealings," explains Michael Klaus, Unicef Germany's communications director. "So we will rely on the committee to analyze the collection and find the best way to sell it."

"When Dr. Rau first showed me photos of his collection, I was stupefied. I knew all the works, but had no idea a single person owned them," says Michel Laclotte, the former director of the Louvre. Right: El Greco's *Saint Dominic in Prayer*, circa 1600-10, acquired in 1971 from Galerie Julius Bohler in Munich.





Paul Cézanne's *La mer à l'Estaque*, from 1876, is one of some 125 paintings in Rau's core collection, sent to the Musée du Luxembourg on a 25-year loan. While there, it ignited a legal controversy: Paris dealer Michel Dauberville sued the Rau Art Foundation, claiming the work was looted by the Nazis from his grandfather's gallery. The case is still pending.



BUT THE COMMITTEE WILL NOT EVEN MEET to discuss possible sales until a major legal issue is resolved: Was Rau's donation legitimate? The German court charged with estate issues in Konstanz, the collector's last legal residence, has appointed a guardian for his estate while determining which of his final testaments truly counts. Chronologically, of course, the will designating Unicef the "universal heir" came last, but there was a 1997 will that had named the Creлона Family Foundation as the heir and Alexander de Beer as its executor. Should the court rule Rau was no longer mentally competent, both the Unicef gift and the Musée du Luxembourg loan would evaporate. Considering possible appeals, de Beer says, it could take years.

Further complicating matters, another attorney is battling Rau's associates. Art law specialist Teresa Giovannini of Lalive and Partners in Geneva was originally hired in February 2001 by the government-appointed guardian of two of Rau's Swiss foundations to fight the Swiss government's decision to unfreeze his art collection. Charging that the decision should have gone before a judge, Giovannini sued the government and lost in Swiss federal court, but has since appealed to the European Court on Human Rights.

Giovannini is also the target of two libel suits filed last year in Stuttgart by Rau and by Clémentz and Thost together, who say that she implicated them in the alleged disappearance of several dozen paintings and sculptures in the months before the collection was frozen. Some of these works resurfaced at Christie's London—such as a Madonna and Child painting by Filippo Lippi, which was offered in July 1998. Estimated at £350,000 to £500,000 (\$570–810,000) but not sold, it never returned to Embraport, according to Giovannini. She says that Christie's has refused to divulge any information about the consignors. "I think that there's been a hijacking of at least 68 works that were intended to benefit the Third World," she contends. "And I'd like a clarification of what happened to them."

Christie's spokesperson Joel Gunderson says the house had no reason to think the works were illegally obtained: "We were never aware of any circumstances suggesting the consignor did not have good title and right to sell." Rau's camp, meanwhile, dismisses Giovannini as a sore loser.

At this point there are at least two competing versions of Rau's final days, and it's hard to say which will prevail. Regardless, it is clear that the doctor's good intentions have unleashed some ugly power struggles. Instead of helping the world's poor, vast amounts of his money have been cascading into the bank accounts of prestigious European law firms. And sometimes, with legal claims pitting Rau or his associates against one of his own foundations, his money has fueled both sides of the battle. It's the kind of public controversy that can trail great wealth, and which Rau spent his life trying to avoid.

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