

In accordance with Section 3 of the Federal Law on the Restitution of Art Objects from Austrian Federal Museums and Collections (Art Restitution Act), Federal Law Gazette (BGBl. I) No. 181/1998 as amended by BGBl. I No. 117/2009, at its meeting on 11 January 2019, the Art Restitution Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister for EU, Arts, Culture and Media and the Federal Minister of Education, Science, and Research that the following works listed in the Commission for Provenance Research's collection dossier "Moriz Grünebaum" (10/2015) from the aforementioned museums

I Graphic Collection of the Albertina:

- N.N., Portrait of a bearded man with an order chain and jewel-adorned feathered cap, inv. no. 32643

II Academy of Fine Arts Vienna:

- Johann Christoph Erhard, In the Höllenthal, 1818, inv. no. 57652.
- Adrian Ludwig Richter, In Ramsau near Salzburg, 1830, inv. no. 56086.
- Frans Floris, Geometria, 1565, inv. no. 56893

should be transferred to the legal successors of Moriz Grünebaum.

GROUNDNS

The Art Restitution Advisory Board has reviewed the aforementioned dossier from the Commission for Provenance Research and based on this, the following facts are relevant to the decision:

Moriz Grünebaum (1873–1942), a librarian and art collector, was persecuted by the National Socialists as a Jew. In 1942, he was deported to Theresienstadt, where he died on 21 December 1942. Moriz Grünebaum collected graphic art, bookplates (ExLibris), books, and so-called Trentsensky-Mandelbögen (cut-out sheets for paper theatre). He published writings on his collection areas and expanded his collections through exchanges, as he indicated in two advertisements from the years 1912 and 1926 in the publications of the Mitteilungen des Vereins für Exlibriskunst und Gebrauchsgraphik e.V. zu Berlin (Society for ExLibris Art and Applied Graphics e.V. in Berlin) and the Österreichischen Jahrbuch für Exlibris und Gebrauchsgraphik (Austrian Yearbook for ExLibris and Applied Graphics).

In July 1938, following the "Anschluss" of Austria, Moriz Grünebaum reported in his asset declaration:

"A collection of reproductions, primarily Trentsensky sheets, valued at 735 RM & pictures worth 200 RM. A special inventory of the collection is available and can be inspected at any time."

[unofficial translation]

Unlike the handwritten list of Mandelbögen (cutout sheets) authored by Moriz Grünebaum, which is preserved in the archives of the Federal Monuments Authority, the "pictures worth 200 RM" have not been further identified to date.

A letter from the Central Monument Protection Office shows, that Moriz Grünebaum had to store his collection with Spedition Dworak due to a lack of space. The further whereabouts of the collection during the Nazi era is unknown, but the provenance research conducted by the Vienna Museum was able to locate numerous series of Mandelbögen as well as prints, all bearing Moriz Grünebaum's collector's stamp, within its holdings.

Furthermore, there is a summary concerning the acquisition of objects from the collection of Dr. Moriz (Ritter von) Grünebaum by the Municipal Collections, dated 1 December 2015. In essence, it is noted that the Mandelbögen were the subject of various acquisition intentions documented in the records of the Reich Governor's Office. However, the record ends in 1941, and the Mandelbögen, now subject to restitution by the City of Vienna, were acquired in two auctions in 1950 at S. Kende, among other sources.

In 1957, the art dealer Leopoldine Zelenka, who had served as the long-time authorised signatory of the Gilhofer & Ranschburg antiquarian bookshop and was their representative in Lucerne from 1924 to 1941, sold the sheet "Portrait of a bearded man with an order chain and jewel-adorned feathered cap" to the Albertina. There is no evidence of contact between her [Zelenka] and Moriz Grünebaum, but the collector's stamp on the back of the sheet clearly indicates that it had once been in Grünebaum's possession. Leopoldine Zelenka, a former member of the NSDAP, also worked as an appraiser for the "Sonderauftrag Linz" (Special Commission Linz). Gilhofer & Ranschburg had been "aryanized" in 1938, and the Lucerne branch was used to obtain foreign currency for the purchase of art objects. The branch was closed in 1941, and Zelenka worked as an independent art dealer thereafter.

The additional sheets in question, also identified as former property of Moriz Grünebaum by the collector's stamp on the back, came to the Academy of Fine Arts as part of a donation of several thousand sheets from a Viennese art collector in the years 1986/1987. According to the records of the recipient, all three sheets were acquired at the 190th auction of the S. Kende auction house on 1 July 1953. A total of 177 sheets from the donation were purchased at S. Kende, all through auctions between 1952 and 1953.

The S. Kende auction house, one of Vienna's largest before the "Anschluss", was "Aryanized" in 1938 by the Munich art dealer Adolf Weinmüller, along with 337 items of print collections. There is no information about the consignor of the sheets in question for the auction on 1 July 1953. Over 150 prints were offered for auction, although they were listed in the catalogue only as part of bundles. Considering the low purchase prices (according to the information of the recipient, these were öS 15; 4; and 2), it is likely that the three prints were part of such a bundle.

The Advisory Board considered the following:

According to Section 1. (1). 2 of the Art Restitution Act, objects that (legally became the property of the State but had previously) been the object of a legal transaction or legal act under Section 1 of the Nullity Act 1946, may be transferred.

The Advisory Board acknowledges that Moriz Grünebaum, as a Jew, was persecuted and deported by the National Socialists. Furthermore, it is highly likely that his art collection, stored at Spedition Dworak, consisting of the Mandelbögen and an unspecified group of sheets, was seized and subsequently entered the art market.

[unofficial translation]

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The Board recognizes that Moriz Grünebaum expanded his collection through exchanges and placed advertisements before 1938. However, due to the lack of specific evidence, it is not possible to definitively prove that the particular sheets in question were part of the collection which Moriz Grünebaum listed in his asset declaration. However, it is important to note that the three sheets which were acquired by the Academy of Fine Arts were purchased together at the S. Kende auction house in 1953, and the fourth sheet acquired by the Albertina was obtained at almost the same time by a dealer who was also involved in the NS art market. Three years before this acquisition, in 1950, the Vienna Municipal Collections purchased Mandelbögen bearing Moriz Grünebaum's collector's stamp. The collector's stamp on the sheets can also be seen as an indication that Moriz Grünebaum considered these sheets not as items for exchange but as integral parts of his collection.

Given the circumstances and the highly improbable coincidence that sheets from Moriz Grünebaum's pre-1938 collection appeared together in the art market starting in 1950, it is much more plausible that they originate from a collection that was more or less seized as part of the persecution. Although the specific act of seizure cannot be determined, it is evident that Moriz Grünebaum belonged to the group of persecuted individuals according to the jurisprudence of the restitution commissions.

Considering these circumstances, it is unnecessary to pinpoint the exact invalid legal act or invalid transaction through which Moriz Grünebaum lost ownership. In any case, it is clear that the property was seized due to persecution, through a sale, confiscation, or other appropriation which constituted an invalid legal act or invalid transaction as per Section 1 of the Nullity Act 1946.

Since the conditions of Section 1.(1). 2 of the Art Restitution Act are met, it is recommended to the Federal Minister of EU, Arts, Culture and Media, as well as the Federal Minister of Education, Science and Research, to transfer the sheets in question.

Vienna, 11 January 2019

Univ. Prof. Dr. Clemens JABLONER (Chairman)

Members:

Ministerialrätin i.R.
Dr. Ilsebill BARTA

Rektorin
Mag. Eva BLIMLINGER

Univ.-Prof. Dr. Artur ROSENAUER

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Alternates:

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[unofficial translation]