

[unofficial translation]

The Advisory Board, pursuant to § 3 of the Federal Law on the Restitution of Works of Art from Austrian Federal Museums and Collections, Federal Law Gazette I, No. 181/1998, as amended by Federal Law Gazette I, No. 117/2009 (Art Restitution Law) has, in its meeting on 20 April 2012, unanimously adopted the following

#### RESOLUTION

The Federal Ministry for Education, the Arts and Culture is recommended to transfer the objects listed in the supplemental dossier to the collection of Dr. Siegfried Fuchs:

- Mandola (SAM\_379)
- Mandolin (SAM\_380)

in lieu of the collection of the Kunsthistorisches Museum (Collection of Ancient Musical Instruments) to the heirs of Dr. Siegfried Fuchs.

#### RATIONALE

In its decisions of 29 June 2005 and 28 June 2006, the Advisory Board has already recommended the transfer of ownership of objects from the holdings of Dr. Siegfried Fuchs; in these recommendations the Advisory Board considered objects from the collections of the Austrian National Library as well as the MAK – Museum of Applied Arts / Contemporary Art.

The Vienna-born lawyer Siegfried Fuchs (1883-1946) was persecuted by the National Socialists as a Jew. In his declaration of property of 15 July 1938 he stipulated that he had over “40 years of collecting activities” assembled a collection of various “books, paintings, engravings, watercolors, tins, staves, porcelain, etc.”, which he valued at a total of RM 10,500.

As the Advisory Board has already established in the aforementioned recommendations, Siegfried Fuchs was deleted from the registry of lawyers on the basis of the 5th Ordinance of the Reich Citizenship Law and was dependant on the sale of his collection to finance discriminatory taxes and his escape. Siegfried Fuchs had to flee in 1940 and died in 1946 in Palestine.

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The inventory book of the Collection of Sculpture and Decorative Arts, from which the objects came to the Collection of Ancient Musical Instruments in 1939, noted the acquisition:

*“From the holdings of Dr. Fuchs, Vienna II, Praterstr. 50 [...] purchased for RM 200 [...] 30 October 1938”.*

The Advisory Board has considered:

As the Advisory Board has already held in the recommendations of 29 June 2005 and 28 June 2006, the sales of the group of persecuted persons, including Siegfried Fuchs, are to be regarded as null and void transactions according to § 1 of the Annulment Act of 1946; this is also independent of the questions of whether the resulting purchase price was reasonable or whether Siegfried Fuchs initiated the sale himself.

Because the objects are currently in the possession of the state, the elements of § 1, Paragraph 1, Line 2 of the Art Restitution Act are fulfilled; therefore it is recommended that the Federal Ministry for Education, the Arts and Culture carry out the transfer of ownership on this basis.

Vienna, on 20 April 2012

University Professor Dr. Dr.h.c. Clemens Jabloner  
(Chairman)

Members:

Undersecretary  
Dr. Ilsebill BARTA

University Lecturer  
Dr. Bertrand PERZ

Councilor to the Administrative Court  
Dr. Franz Philipp SUTTER

Advocate-General (ret.)  
Dr. Peter ZETTER

Alternate Members:

Dr. Christoph HATSCHEK

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University Professor  
Dr. Renate PROCHNO

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