

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 29 June 2021, the Art Restitution Advisory Board adopted the following

DECISION

On the basis of the facts presented by the Commission for Provenance Research 08/2020 on twenty-eight volumes of Judaica from the 2003 provenance research report by the Austrian National Library, point V of the Board recommendation of 5 October 2016 regarding print items from the Austrian National Library is amended such that the Board recommends

- I. the transfer of the print item 779389-B, AB 46, Fuchs, Rudolph, *Karawane* to the legal successors *causa mortis* of Gina Kaus;
- II. the transfer of the print item 810824-B, AB 46, Jaffe, Leib, *Werk und Aufgabe des Keren Hajessod*, to the legal successors of the Keren Hayesod Foundation Fund, Belgrade;
- III. the transfer of the print item 220262-C, G. A.B. 1946, *Die Gegenwart*, Berlin 1867, (with illegible title) to the legal successors of the Higher Institute for Jewish Studies, Berlin;
- IV. the transfer of the following twelve items to the respective legal successors insofar as the previous owners are established with certainty, whereby research indicates that items 11 and 12 are no longer to be considered Judaica:
 1. 219989-A, G. A.B. 1946, Fürst, Julius, *Hebräisches und Chaldäisches Schul-Wörterbuch über das Alte Testament*, Leipzig 1905, provenance marking: “Schneverdingen 1919–20”, Hebrew “Yishai Hofstätter” (ink);
 2. 221198-B, G. A.B. 1946, Steinschneider, Moritz, *Die Geschichtsliteratur der Juden in Druckwerken und Handschriften*, Frankfurt am Main 1905, provenance marking: “Dr. Theodor Goldberg” (pencil);

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3. 209406-B, A.B. 1946, Winer, Georg Benedict, *Chaldäisches Lesebuch aus den Targumim des Alten Testaments*, Leipzig 1864, provenance marking: “Siegfried Schlegl 1915” (pencil), other notes;
4. 209601-B, G. A.B. 1946, Buber, Martin, *Drei Reden über das Judentum*, Frankfurt am Main 1919, provenance marking: “Josib Herskovic” (ink);
5. 209497-B, G. A.B. 1946, Weinberg, Max, *Ewige Weisheit*, Halle a. S., n.d., provenance marking: dedication “from your parents on your twenty-third birthday, 23 October 1917, Meran Hotel Westend“ (ink);
6. 248893-B, AB 46, Kohen, Yoseph ben Yhosu’a, *Emek habacha*, Leipzig 1858, provenance marking: “Property of the Jewish Secondary School in Pressburg [Bratislava]” (ink);
7. 208663-B, G. A.B. 1946, Zoller, Israel, *Un’iscrizione votiva antico-sinaitica*, Rome 1926, provenance marking: Hebrew inscription (ink) “Malin Zohar”;
8. 208697-B, G. A.B. 1946, Zoller, Israel, *Tre millenni di storia*, Florence 1924, provenance marking: Hebrew inscription (ink) “Malin Zohar”;
9. 773486-A, AB 46, *Gebete auf den Gräbern der Hingeschiedenen*, provenance marking: “Hebrew memorial book for Josef Silberberg, group 19, row 10, grave 71, buried 2 June 1893; grandmother: Netti Weiss, group 5, row 20, grave 36; uncle Moritz: group 6, Duschinsky crypt” (handwritten comments);
10. 782203-B, AB 46, Hoche, Marius, *La juive errante*, provenance marking: “Eisner Misentof” [?] (pencil);
11. 207938-B, G. A.B. 1946, Gessmann, Gustav W., *Aus übersinnlicher Späre*, Vienna 1890, provenance marking: Hexagramm stamp;
12. 782897-B, AB 46, Miles, Eustace Hamilton, *How to prepare essays, lectures, articles, books, speeches and letters*, provenance marking: Hexagramm stamp;

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V. the transfer for sale pursuant to Section 2.(1).2 of the Art Restitution Act of the following thirteen print items to the National Fund of the Republic of Austria for Victims of National Socialism:

1. 207442-B, G. A.B. 1946, Bäck, Leo, *Das Wesen des Judentums*, Berlin 1905;
2. 209360-B, G. A.B. 1946, Hemann, Carl Friedrich, *Geschichte des jüdischen Volkes seit der Zerstörung Jerusalems*, 1908;
3. 781003-B, AB 46, Auerbach, Elias, *Die Prophetie*;
4. 781015-B, AB 46, Naumann, Max, *Vom nationaldeutschen Juden*;
5. 780372-B, AB 46, Grünwald, Alfred, *Renatos Gesang*;
6. 779768-A, AB 46, Zacharias Abraham Dauber, *Es werde Licht!*;
7. 772899-B, AB 46, Buber, Martin, *Das verborgene Licht*;
8. 780180-B, AB 46, Kohler, Kaufmann, *Der Segen Jacob's mit besonderer Berücksichtigung der alten Versionen und des Midrasch kritisch-historisch untersucht und erklärt*;
9. 217159-A, A.B. 1946, Grunwald, Max, *Berua*, Vienna 1907;
10. 209534-B, G. A.B. 1946, Chajes Hirsch Perez, *La lingua ebraica nel cristianesimo primitivo*, Florence 1905;
11. 231588-B, A.B. 1946, Horowitz, Mordkhay ha-Lewi, *Die Inschriften des alten Friedhofs der israelitischen Gemeinde zu Frankfurt am Main*, Frankfurt 1901;

12. 781042-B, AB 46, Antscherl, Moritz, *Chanuka-Blätter für Schule und Haus*, provenance marking: anonymous dedication 1931 (ink);
13. 227388-A, A.B. 1946, *Antisemiten-Spiegel*, Danzig [Gdansk] 1892, provenance marking: stamp made illegible.

GROUNDS

In point 4 of its decision of 15 May 2014, the Art Restitution Advisory Board recommended to the Federal Minister for Art and Culture, the Civil Service and Constitution that 859 print items from the Judaica collection of the Austrian National Library be transferred to the Bundesverband der Israelitischen Kultusgemeinden Österreich (Federal Association of the Jewish Communities of Austria). This recommendation was amended in point V of the decision of 5 October 2016 such that twenty-eight print items from the Judaica group should be subject to further review by the Commission for Provenance Research regarding marginal or at that time non-deciphered indications of previous owners.

As the Board determined in 2014 and 2016, the insignia “A.B. 1946 and “AB 46” stamped on the back flyleaf indicated that these books had been transferred by the Gestapo to the National Library after 1938 and were thus highly likely to have been owned by persons persecuted during the Nazi period. From 1946 to the early 1950s, all print items not returned to their rightful owners were stamped in this way, as were books identified as being connected with Nazi persecution whose previous owners could not be identified in the “book sorting” from 1949, and books transferred to the National Library by the Federal Ministry for Securing Property (from 1949 the Office for Securing Property in the Federal Ministry of Finance).

The print items under consideration were, however, allocated to another group inventoried as “old stock 1946”. The Board established in 2014:

Furthermore, books relating to Judaica and Hebraica were inventoried as “old stock 1946”. These books have no purchasing indications, so acquisition before 1938 can be excluded. A memo from the National Library of 16 August 1938 shows that it was ordered by the Gestapo to inspect “three large baskets [...] with old Hebrew books” with a view to transfer. Moreover, Paul Heigl informed the (Vienna) Ministry of Internal and Cultural Affairs on 1 March 1940 that the National Library had “taken a large number of Hebraica salvaged (!)

from synagogues”. He referred to the request to the Ministry by the Reich Institute for the History of New Germany [Reichsinstitut für Geschichte des neuen Deutschlands] in Munich for transfer of books seized in the Jewish communities of Lackenbach, Kittsee and Frauenkirchen and stored in the Landesmuseum [regional museum] in Eisenstadt. Although the origins of the books cannot be exactly reconstructed here either, it is highly likely that they were expropriated from Jewish communities or institutes within them.

According to Section 1.(1).2 of the Art Restitution Act, objects that became the property of the State but that had previously been the object of a legal transaction or legal act under Section 1 of the 1946 Annulment Act, BGBl. No. 106/1946 (or equivalent) may be returned to their original owners or legal successors *causa mortis*. Following the recent review of the twenty-eight print items, indications of previous owners could be found and the previous owners of three books were clearly identified with the aid of provenance markings.

The review found specifically:

The print item I) included in 1949 as “old stock 1946” has a handwritten dedication by the author Rudolf Fuchs “Frau Gina Kranz with respect”. It actually refers to the Austrian author Gina Kaus, whose life and work, among other things as the adoptive daughter of the industrialist Josef Kranz (1862–1934), are well enough known from the literature. She was targeted as a Jew by the Nazis in 1933 while living in Berlin. The librarian and Nazi Wolfgang Hermann placed her on his “black list”, which was to be used as a basis for selecting and publicly burning many works. Gina Kaus fled with her sons in early 1933 back to Vienna, where she met her future partner, the lawyer Eduard Frischauer (1895–1964), and lived with him in his apartment at Augustinerstraße 8/9 in the 1st district. After the annexation of Austria to the German Reich, she fled to Switzerland, leaving all of her assets behind. She described the loss in her autobiography as follows:

When I fled from Vienna on 14 March 1938 after Hitler entered Austria, I was only able to take a small suitcase with me and had to leave the rest of my possessions behind. I am very sorry today to have lost my library, half a dozen pictures by Faistauer and a couple of very elegant pieces of furniture.

Gina Kaus fled with her sons initially to Paris, from where she emigrated to the USA in 1939 after war broke out. In 1948 she returned to Austria. As her attempts to re-establish herself in Vienna and

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later in Berlin were unsuccessful, however, she decided in 1951 to return to the USA. She died in Los Angeles on 23 December 1985.

In its decision of 27 April 2004, the Board already recommended the transfer of five print items from the Austrian National Library to the legal successors *causa mortis* of Gina Kaus. As in the case under consideration, her ownership of the books recommended for return could be established only on the basis of the dedications in them. In the same way, the print item under consideration here is to be returned pursuant to Section 1.(1). 2 of the Art Restitution Act to her legal successors *causa mortis*.

The print item II) included in 1952 as “old stock 1946” has the ownership indication and stamp “The Erez Israel (Palestine) Foundation Fund Keren Hayesod. Ltd. Centralna Uprava za Jugoslaviju Beograd, Kralja Petra 71” and is thus to be transferred to the Keren Hayesod Foundation Fund or its legal successors. The stamp of the Yugoslav branch of this organization was found on the title page of the provisionally bound German brochure. The Keren Hayesod is a fund to support the founding of the State of Israel resulting from the 1917 Balfour Declaration. The Yugoslav branch was established in 1920 and had its offices until 1925 in Zagreb and thereafter in Belgrade. The Balkan campaign by the German Wehrmacht beginning on 6 April 1941 marked the start of the systematic expropriation, expulsion and murder of the Jewish population of Yugoslavia. The Yugoslav section of Keren Hayesod also ceased to exist and was not reconstituted after the Second World War. It may be assumed that during the persecution and expropriation of the Jews of Belgrade, this print item was also removed from the organization’s office. The Board therefore recommends that it be transferred pursuant to Section 1.(1).1 and 2 and 2a of the Art Restitution Act.

The print item III) included in 1952 as “old stock 1946” was identified by comparison of the scraped label with a dedication in a volume at the Potsdam University Library as having belonged to the private library of the Berlin rabbi Abraham Geiger (1810–1874). After his death, the book was purchased by the Jewish community of Berlin for the Higher Institute for Jewish Studies in Berlin. The Institute, which was established on 6 May 1872 with Geiger’s involvement, obtained its own premises in 1907 at Artilleriestraße 14, Berlin-Mitte – renamed Tucholskystraße in 1951 – which also contained the Institute library with around 46,000 volumes. When the Nazis came to power in 1933, the Institute was subject to repressive measures, including the persecution and murder of its teachers and students. Under the Decree of the Reich Minister of the Interior of 20 June 1942 ordering the closure of all Jewish schools, the Institute was closed on 19 July 1942 and its assets seized. The Security Service of the Reichsführer-SS seized the library and stored it in a depot in the Reich Security Main Office. From there the books were distributed in a manner that cannot be reconstructed

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today to an unknown number of institutions, including the National Library in Vienna. The print item is therefore to be returned pursuant to Section 1.(1). 2 and 2a of the Art Restitution Act to the legal successors of the Higher Institute for Jewish Studies, Berlin.

The twelve print items under IV) contain evident indications of previous owners, who cannot be specifically identified today in spite of intensive research. It is not impossible, however, that they will be identified in the future, and these print items are therefore to be transferred to the respective legal successors should the previous owners be clearly identified. Items 11 and 12 are to be removed from the Judaica group because of their occult subject matter.

As the thirteen print items under V) do not contain any decipherable indications of their previous owners and cannot therefore be allocated to specific persons, they are to be transferred pursuant to Section 2.(1).2 of the Art Restitution Act to the National Fund of the Republic of Austria for Victims of National Socialism.

Vienna, 29 June 2021

Univ. Prof. Dr. Clemens Jabloner (chairperson)

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