

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 2019, the Art Restitution Advisory Board adopted the following

DECISION

It is recommended to the Federal Minister for Art, Culture, the Civil Service and Sport that the sixty-one works listed in the annex to this decision from the Commission for Provenance Research dossier 03/2021 “Ernst Kris” be transferred from the Kunsthistorisches Museum to the legal successors *causa mortis* of Ernst Kris.

GROUNDINGS

The Board considered the above-mentioned dossier from the Commission for Provenance Research and established the following relevant facts:

Ernst Kris, born on 26 April 1900 in Vienna, studied art history, history, archaeology and psychology at the University of Vienna, where he obtained a doctorate in 1922 under Julius Schlosser with a thesis on the use of natural casts by Wenzel Jamnitzer and Bernhard Palissy. He worked subsequently as an assistant to Leo Planiscig in the Collection of Sculpture and Arts and Crafts at the Kunsthistorisches Museum and in 1929 published a two-volume work *Meister und Meisterwerke der Steinschneiderkunst in der italienischen Renaissance* about intaglios, cameos, crystal engraving and related arts. He also made a further important contribution with Planiscig to the reorganization of the Collection of Sculpture and Arts and Crafts in 1934. In 1937 he was a member of the Austrian organizing committee for the exhibition *Exposition d'art autrichien* at the Galerie nationale du Jeu de Paume in Paris.

In 1927, Ernst Kris married his fiancée Marianne Rie (1900–80), like him from a Jewish family. She had diverse professional and private relations with the Freud family and after her doctorate in 1925 worked herself as a specialist in psychiatry. The couple were registered at Schwarzspanierstraße 11 in the 9th district of Vienna, where Marianne Kris also had her practice. Ernst Kris advised Sigmund Freud on his collection of antique and ancient Near Eastern art and became increasingly interested in psychoanalysis. In 1928, Marianne and Ernst Kris became extraordinary members of the Vienna Psychoanalytic Society, and in 1931 Ernst Kris began to study medicine. He broke off his studies after one semester to edit the psychoanalytical magazine *Imago* at Freud's request with his colleague

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Robert Waelder. In 1934, Ernst Kris and Otto Kurz published the book *Die Legende vom Künstler*, a central work on artist biography.

Kris observed the political situation in Austria with increasing concern. Although he had converted from Judaism to Catholicism in the last years of the Habsburg monarchy, as a reader of the *Völkischer Beobachter* he had no illusions about the fate that threatened him. On 2 March 1938 he applied for a study trip to London. The application was granted shortly afterwards but because of the annexation of Austria to the German Reich that had taken place in the meantime he was no longer able to leave. To escape persecution by the Nazis, he asked to be retired and sought to leave for England. In a letter to Fritz Dworschak, provisional director of the Kunsthistorisches Museum, he left his library and collection of photographs to the museum:

As a non-Aryan I request to be retired from the former Federal Ministry of Education. [...] I should also like to state the following: I am endeavouring to give the assistant Dr Klapsia the following materials from my private collection for the Collection of Statues and Arts and Crafts and for the museum library:

1) Several hundred photographs that I have collected for eighteen years or had made at considerable sacrifice. Most of them are external objects for comparison with the collection items.

2) A collection of reprints referring to objects in the collection.

3) Certain parts of my library, namely works that are not in the Collection library.

4) Many sets with notes on the collection items, numerous academic articles, some merely started and others at a more advanced stage, relating to the objects in the collection.

I am therefore giving from my private collection those items connected in some way with academic questions relating to the Collection of Sculptures and Arts and Crafts so as to facilitate further academic research into the collections. I should like to express my great appreciation of my place of work and its theoretical significance for the culture of this country.

In the letter, Kris also requested support for his departure from Austria:

[unofficial translation]

External reasons [...] will no doubt force me to seek to earn a living abroad. They cannot force me to break off my emotional relationship to my homeland. I feel firmly attached to the country and its inhabitants through my over fifteen years of work, through family tradition and shared ideals in my place of work. Wherever I am, I would be pleased to assist my colleagues in all questions. [...] I am forced to seek an existence outside my homeland since my family and I lived hitherto from my salary, teaching revenue and my wife's medical practice. The only one of these sources of income available to me in future will be the anticipated pension, as both the teaching and my wife's practice have now stopped completely.

By all accounts, emigration for non-Aryans is not possible without difficulty, and I therefore respectfully request a suitable recommendation to the Party or police department responsible for issuing an emigration visa for myself, my wife (Marianne Kris, doctor), my 6½-year-old daughter Anna and my 3½-year-old son Anton.

I would also add that it would be very difficult for me to remain a long time in Vienna because of my limited resources, and that above all my situation in future looks extremely precarious because of the absence at present of employment possibilities in England.

I realize that if I am forced later to become permanently resident abroad, my claim to a pension will cease to exist. I should nevertheless like to claim it, because first I have not yet made a final decision and second I should like to maintain at least this contact with the museum in which as a boy I chose my profession. I should like once again to emphasize to you as provision director that my emotional attachment is indestructible.

Through this donation, part of Ernst Kris's library was thus to be acquired by the Kunsthistorisches Museum.

Dworschak replied on 16 March 1938 giving him leave "until the request for dismissal is processed" and thanked Kris "on behalf of the museum for your excellent service and friendly attitude shown at all times to your colleagues". Dworschak subsequently contacted various offices, in particular the Ministry of Education and the police headquarters in Vienna, in support of Kris's desire to emigrate to England, pointing out Kris's loyalty "to the State and his place of work". In a letter of 25 April 1938 he emphasized:

[unofficial translation]

Dr Kris has demonstrated his attitude through the transfer of a number of valuable books, magazines and photographs to the relevant collection in our institute.

The efforts to leave the country bore fruit. In May 1938, Kris, his wife and their two children left for London. In a letter of thanks to Dworschak he asked that museum guides fetch the collection from his apartment to supplement his “endowment”, referring to the donation. Although he left his library in Vienna, the family was allowed to take a few art objects with them to Britain.

At the end of May 1938, shortly after his arrival in England, Kris was “permanently retired” pursuant to Section 80.(2) of the Law on the Employment of Public and Civil Servants. After Otto Wächter, State Commissar at the office of the Reichsstatthalter in Vienna, requested a report from the Kunsthistorisches Museum administration “on salaries or pensions paid [...] to Jews or 1st and 2nd degree Jewish ‘Mischlings’”, Dworschak stated on 31 October 1938 that he would “arrange for Ernst Kris to waive his pension”, after which no further payments were made.

Kris no longer worked as an art historian in exile. He taught at the London Institute of Psychoanalysis and was hired in 1939 by the BBC, where he also worked to combat Nazi Germany. In late 1940, the Kris family arrived in New York, where both Ernst and Marianne Kris taught psychoanalysis, later becoming members of New York Psychoanalytic Society & Institute (NYPSI). Two years after the end of the war, Ernst Kris attempted to claim his pension and asked First Director August Loehr for assistance. Although Loehr assured him of this, the application was rejected, since Ernst Kris was now a US citizen. It was not until March 1957 that the Federal Minister of Education granted him an “extraordinary subsidy”. Kris had died a few days earlier on 27 February 1957. There is no information about any attempts to recover the assets left in Austria as a result of flight, including the library donated to the KHM.

Some of these assets were identified there. According to the latest research findings, sixty-one books formerly belonging to Ernst Kris have been discovered. Most are exhibition and museum catalogues from various institutions in Austria, Germany and Italy, artists’ biographies and reprints. The inventory books of the KHM library do not list the former owners, and an accession book with the heading “origin, bookseller” was only kept after 1 April 1943. The entries there do not necessarily correspond, however, to the results of the book autopsy. Sometimes there is a dedication by the author to Ernst Kris and occasionally he wrote his name in a book, but this was not a consistent practice. Since he did not identify his ownership of the books with a bookplate or stamp, it is not possible to completely identify which of his works are today in the KHM. As a further complication, books belonging to Kris have also been found not only in the general KHM library but also in the Portrait

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Gallery and Kunstammer libraries. The list of books here is not therefore complete, and it is possible that in the course of further provenance research at the KHM, further objects formerly owned by Ernst Kris might well be identified, including his collection of photographs and his manuscripts and notes.

The Advisory Board considered the following:

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*.

Ernst Kris, who already converted to Catholicism during the Habsburg monarchy, was persecuted as a Jew during the Nazi period, as were his wife Marianne and their two children. The family managed to escape from Austria in 1938, going first to London and then emigrating to New York. Prior to this, Kris had donated some of his collection of books, documents and photographs accumulated over the years to the Kunsthistorisches Museum. No doubt partly on account of this donation, Fritz Dworschak, the provisional director at the time, supported Kris in his efforts to leave Austria, emphasizing his loyalty “to the State and his place of work” in a letter of 25 April 1938, explicitly noting “the transfer of a number of valuable books, magazines and photographs for the relevant collection in our institute”.

These donations are therefore directly linked to Ernst Kris’s persecution and his efforts to flee and are therefore invalid transactions in the meaning of Section 1 of the 1946 Annulment Act. The conditions of Section 1.(1).2 of the Art Restitution Act are met and the Board therefore recommends the transfer to the legal successors *causa mortis* of Ernst Kris.

Vienna, 29 June 1921

Univ. Prof. Dr. Clemens Jabloner (chairperson)

Members

Ministerialrätin Dr. Ilsebill Barta

Ltd. Staatsanwältin Hon.-Prof. Dr. Sonja Bydlinski

Assoz. Univ.-Prof. Dr. Birgit Kirchmayr

Univ.-Prof. Dr. Artur Rosenauer

Hofrat d VwGH Dr. Franz Philipp Sutter

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[unofficial translation]

Alternate
Hofrat Dr. Christoph Hatschek

[unofficial translation]

Annex

| Inventory number | Object |
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| KM 24891 | <i>Christliche Kunstblätter</i> , Linz Diözesanverein, vol. 30, no. 5 |
| KM 29378 | Paul J. Angoulvent, <i>La chalcographie du Louvre</i> , Paris 1933 |
| KM 30885 | Württembergische <i>Vergangenheit: Festschrift des Württ. Geschichts- u. Altertumsvereines zur Stuttgarter Tagung des Gesamtvereines der deutschen Geschichts- und Altertumsvereine</i> , September 1932, Stuttgart 1932 |
| KM 32309 | Arpad Weixlgärtner, <i>Hans Makart: Biographie</i> , reprint 1929 |
| KM 32313 | Johannes Wilde, <i>Über einige venezianische Frauenbildnisse der Renaissance</i> , Budapest 1934, reprint from Alexis Petrovic's Festschrift |
| KM 32368 | <i>Staatliche Kunsthalle zur Karlsruhe</i> , painting gallery catalogue, 8th edition, Karlsruhe 1920 |
| KM 32745 | <i>Katalog der Ausstellung von Kunstwerken aus Karlsruher Privatbesitz</i> , Badische Kunsthalle, Karlsruhe 1922 |
| KM 32794 | Percy Gardner (et al.), <i>Ashmolean Museum, Summary Guide</i> , 3rd ed., Oxford 1920 |
| KM 32816 | Giovanni Bordiga, <i>Pinacoteca Querini-Stampalia, Catalogo</i> , Venice 1925 |
| KM 32820 | W.W. Watts, <i>Catalogue of Chalices and Communion Vessels in the Victoria and Albert Museum</i> , London 1922 |
| KM 32824 | <i>Führer durch das bayerische Nationalmuseum München</i> , Munich 1922 |
| KM 32829 | Giuseppe Fiocco, <i>Catalogo della prima mostra d'arte antica in Palazzo reale</i> , Venice 1920 |
| KM 32890 | <i>Ausstellung kirchlicher Kunst Schwabens</i> , Stuttgart 1922 |
| KM 32920 | <i>Kgl. Württembergisches Landes-Gewerbemuseum, Führer durch die Uhrensammlung</i> , Stuttgart 1913 |
| KM 32947 | Hans Tietze, <i>The psychology and aesthetics of forgery in art</i> , separ. reprinted from <i>Metropolitan Museum Studien</i> , vol. V/1., June 1934 |
| KM 32964 | Gustav Glück, <i>The Early Work of Van Dyck</i> , Vienna n.d. |
| KM 32965 | Roberto Longhi, <i>Battistello</i> , reprint from <i>L'Arte</i> XVIII/8 |
| KM 32966 | Rudolf Hallo, <i>Von alten Uhren im hessischen Landesmuseum und von Uhrmacherkunst in Kassel</i> , Halle a. d. S. 1930 |
| KM 32967 | <i>Germanisches Museum, Wegweiser</i> , Nuremberg 1921 |
| KM 32968 | Emil Schaeffer, <i>Anthonis van Dyck</i> , Breslau [Wrocław] 1930 |
| KM 32969 | <i>Katalog Moritz von Schwind: Zeichnungen und Aquarelle – Ausstellung in der Staatlichen Kunsthalle Karlsruhe</i> , Karlsruhe 1937 |
| KM 32970 | Georges Nacoir, <i>Armorcoirs d'arquebusier à clef de Rouet</i> , Brussels 1912 |
| KM 32971 | Ludwig Justi, <i>Verzeichnis der Schack Galerie</i> , Munich 1926 |
| KM 32972 | Adrien Blanchet, <i>Présents de médailles et anciennes décorations</i> , Paris 1908 |
| KM 32973 | <i>Rede auf die Genesung Ihrer Kaiserl. Königl. Apostol. Majestät Marien Theresiens</i> , Vienna 1767 |
| KM 32974 | Friedrich Paulsen, <i>Immanuel Kant: Sein Leben und seine Lehre</i> , Stuttgart 1898 |
| KM 32975 | <i>Schmuck und Illustrationen von Musikwerken in ihrer Entwicklung vom Mittelalter bis in die neueste Zeit</i> , exh. cat., Kunstgewerbemuseum Frankfurt a. Main, Frankfurt a. Main 1908 |
| KM 32976 | Gustav Glück, <i>Die Darstellungen des Karnevals und der Fasten von Bosch und Bruegel</i> , Antwerp 1932 |
| KM 32977 | Robert Stiasny, <i>Hans Baldung Griens Wappenzeichnungen in Coburg</i> , Vienna 1896 |

- KM 32996 *Katalog Städtische Galerie zu Frankfurt a. Main, Skulpturen Sammlung: Kurzes Verzeichnis der Bildwerke*, 3rd ed., Frankfurt a. Main 1915
- KM 33007 *Katalog Fugger Museum Augsburg*, Munich 1909
- KM 33008 *Eduard Sykora, Katalog der städtischen "Heinrich Gomperz" Gemäldesammlung im Ständesaale des alten Landhauses in Brünn*, Brünn [Brno] 1896
- KM 33009 *Wolfgang Pauker, Der neue Leopoldschrein des Stiftes Klosterneuburg*, Klosterneuburg 1936
- KM 33010 *Adolf von Oechelhaeuser, Das Heidelberger Schloss*, Heidelberg 1921
- KM 33011 *Karl Lohmeyer, Städtische Sammlungen Heidelberg*, Heidelberg 1914
- KM 33013 *Ausstellung alter Goldschmiedearbeiten aus Frankfurter Privatbesitz und Kirchenschätzen*, Kunstgewerbemuseum Frankfurt a. M., Frankfurt 1914
- KM 33033 *Otto Falke, Die Stephanskronen*, reprint from *Archaeologiai Ertesito*, Budapest 1929
- KM 33040 *Betty Kurth, Ein Erzeugnis mittelrheinischer Bildwirkerkunst*, reprint from *Mainzer Zeitschrift*, 1910
- KM 33054 *Giuseppe Ficco, Risarcimento storico di Giambattista Crosato*, Venice 1935
- KM 33057 *F. Saxl, The Origin and Survival of a Pictorial Type*, London 1935
- KM 33067 *W. L. Hildburgh, An Alabaster Table of the Annunciation with Crucifix: a Study in English Iconography*, Oxford 1925
- KM 33132 *K. Lohmeyer, Kurzer Führer durch das kurpfälzische Museum der Stadt Heidelberg*, Heidelberg 1921
- KM 33142 *M.S. Dimand, Coptic Tunics in the Metropolitan Museum of Art*, n.d.
- KM 33143 *James Rorimer, "A double virginal dated 1581 by Hans Ruckers"*, in *Metropolitan Museum Studies* II/2, 1930
- KM 33144 *James Rorimer, "A monumental Catalan wood statue"*, in *Metropolitan Museum Studies* III/1, 1930
- KM 33145 *James Rorimer, "A monumental German wood statue of the 13th century"*, in *Metropolitan Museum Studies* I/2, 1929
- KM 33146 *Verzeichnis der Gemäldegalerie 1921*, Museum der Bildenden Künste zu Stuttgart, Stuttgart 1921
- KM 33147 *Führer durch das Focke Museum in Bremen*, Bremen n.d.
- KM 33148 *Führer durch die historischen und Kunstsammlungen kgl. Museum Friedericianum zu Kassel*, Marburg 1913
- KM 33149 *Ausstellungskatalog Bremen*, Bremen 1926
- KM 33154 *Catalogue no. 2 de la librairie ancienne Giovanni Imhof: Livres rares et curieux, cartes à jouer*, Turin n.d.
- KM 33155 *Catalogue of the principal paintings and other works of art*, Academy Gallery, Florence 1928
- KM 33156 *Führer durch die Altertümersammlung II. 2. Teil 16. – 19. Jahrhundert*, Kunstsammlung des Schlossmuseum, Stuttgart 1930
- KM 33157 *Illustrationen zum Führer durch das fränkische Luitpold Museum in Würzburg*, n.d.
- KM 33158 *Silvio de Kunert, "Aggimenta alla nota sul pittore Antonio Rosso di Cadore"*, in *Venezia* VI/1, 1927
- KM 33191 *Julius Baum, Fortleben oder Wiedergeburt der Antike*, reprint from *Baukunst und dekorative Plastik der Frührenaissance in Italien*, Stuttgart 1926
- KM 33195 *Kurt Rathe, Aus der Umwelt Jörg Kölderers*, separatim from *Kirchenkunst* 1922
- KM 33209 *Bulletin of the Bachstitz Gallery*, 2 vols., The Hague, n.d.
- KM 33265 *Karl Erik Steneberg, Hoefnagels Gustav-Adolfporträt*, reprint, Lund 1932
- KM 33266 *Julius Schlosser, "Über einige Voraussetzungen der mittelalterlichen Kunstsprache"*, Graz 1933, in *Festschrift Hermann Egger zum 60. Geburtstage am 7.12.1933*

[unofficial translation]

KM 33269 | Hans Tietze, *Dürerliteratur und Dürerprobleme im Jubiläumsjahr*, reprint from *Wiener Jahrbuch für Kunstgeschichte*, vol. 7

[unofficial translation]