

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 Legal Gazette (BGBl. I) No. 181/1998 as amended by BGBl. I No. 117/2009, at its meeting of 3 July 2014, the Art Restitution Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister for Art and Culture, Constitution and Public Service that the work in the Commission for Provenance Research dossier “Dr. Julius Mannaberg” (3/2014), namely

Adolf Friedrich Erdmann Menzel

Flag or Lantern Carrier and Woman with Child in Her Arms

Drawing

25.2 × 15.8 cm

Inventory no. 34802

should be restituted from the Albertina to the legal successors of the late Leopoldine Mannaberg.

FOUNDATIONS

The Art Restitution Advisory Board has studied the above-mentioned dossier from the Commission for Provenance Research, on the basis of which it establishes the following facts.

Univ.-Prof. Dr. Julius Mannaberg (1860–1941), a prominent doctor, was born in Budapest, studied at the University of Vienna and habilitated there in 1895. In 1902 he was awarded the title of extraordinary professor and from 1917 to 1930 he was director of the Wiener Poliklinik, where he had worked since 1898 as an internist and in whose founding the banking and art-collecting Gutmann family, with whom he was related, had been involved. In 1936, he married Leopoldine Mannaberg, who in the Nazi terminology was deemed to be “Aryan” and with whom he had already had a daughter in 1933. Although of the Old Catholic faith, following the annexation of Austria he was persecuted as a Jew by the Nazi authorities. In his declaration of assets he listed “pictures, bronzes, bibelots, decorative objects and bibelots” worth under RM 50,000. In a change notification of 12 November 1938, he stated that in

order to meet his care responsibilities he had already had to sell most of his securities and that the value of his art collection had also been reduced as a result of sales from RM 5,700 to RM 3,167.

In a decision of 6 February 1939, he was ordered to pay a Jewish Asset Levy (Judenvermögensabgabe) of RM 22,000, referring in principle to a capitalized lifetime annuity from his aunt Ida Gutmann in return for his services as family doctor.

Julius Mannaberg died in Vienna on 17 August 1941. As he still owed RM 14,000 from the Jewish Asset Levy, his post office giro account was seized.

In 1944, Leopoldine Mannaberg attempted through the art dealer Christian Nebehay to sell the estate of the artist Cecil van Haanen belonging to her husband to the “special representative” Hermann Voss. Nebehay stated that Leopoldine Mannaberg “lived in dire straits and was more or less reliant on the sale of her affairs”. The sale in question did not come about, and Leopoldine Mannaberg sold the sheet under consideration through Nebehay and Antiquariat V. A. Heck to Voss’s art consultant Gottfried Reimer. It was offered for RM 13,000 and following a counter-offer of RM 8,000 was finally sold for RM 10,000. Because of the war it was stored initially in Altaussee and then transferred in 1963 via depots of the Federal Monuments Office to the Albertina, where it was inventoried in 1965.

The Advisory Board took into consideration

According to Section 1.1.2 of the Art Restitution Act, objects owned by the State that had been previously the object of a legal transaction or legal act according to § 1 of the 1946 Annulment Act (BGBl. No. 106/1946), may be returned to their original owners or legal successors.

As the Advisory Board has already determined on several occasions with reference to the relevant decisions of the Restitution Commission, the objects of a legal transaction by persons regarded as persecutees are basically to be considered null and void in the meaning of § 1 of the 1946 Annulment Act. Persons regarded as persecutees include those persecuted as Jews, their “Aryan” spouses still married to them (Rauscher, decision of the Supreme Restitution Commission, IV, Vienna 1954, note 4b to § 2.1) and so-called “1st degree Mischlinge” (Rauscher, decision of the Supreme Restitution

Commission, III, Vienna 1950, note 7d to § 2.1). There can therefore be no doubt that Julius Mannaberg, his wife Leopoldine Mannaberg and their daughter may be regarded as persecutees.

The Advisory Board is aware that Leopoldine Mannaberg did not sell the sheet until 1944, after her husband's death. Although at the time of the sale she was widowed and thus no longer married, the Board nevertheless considers the transaction to be null and void in the meaning of § 1 of the Annulment Act. There can be no doubt in this case that the financial situation of Leopoldine Mannaberg even after her husband's death resulted from his persecution, since part of the Jewish Asset Levy was still outstanding. In addition she had custody of the minor daughter, who may be regarded as a persecutee. The Board therefore did not consider it decisive that the initiative to sell the sheet was taken by her or whether she obtained a reasonable price for it (see, e.g., the Board recommendation in the case of Valerie Eisler of 26 June 2000).

In the absence of claims for restitution, the sheet is owned today by the state. As the conditions of Section 1.1.2 of the Art Restitution Act are therefore met, it is recommended that the object be transferred to the legal successors of the late Leopoldine Mannaberg

Vienna, 3 July 2014

Univ.-Prof. Dr. Dr. h.c. Clemens Jabloner
(Chairman)

Members

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