

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

It is recommended to the Federal Minister for Art, Culture, the Civil Service and Sport that the 846 geological objects with inventory numbers 1–270 and 272–633 listed in the supplementary Commission for Provenance Research dossier 09/2020 “Georg Rosenberg geological collection” be transferred from the Natural History Museum Vienna to the legal successors *causa mortis* of Georg Rosenberg.

GROUNDS

At its meeting on 8 November 2006, the Art Restitution Advisory Board already considered the collection items in question and on the basis of the dossier available at the time recommended that they should not be restituted to the legal successors of Georg Rosenberg. The resumption of the research was prompted by the sources discovered by the Commission for Provenance Research in 2019 and 2020 during its investigation of the collection given by Georg Rosenberg to the Geology and Palaeontology Department of the Natural History Museum Vienna (NHM) in 1938 and the establishment by the Commission for Provenance Research of this supplementary dossier. New information about the flight, exile and return of Georg Rosenberg and about the confirmation of this donation by him in April 1946 was obtained through an evaluation of hitherto unconsidered correspondence in the archive of the Geology Palaeontology Department, the archive of the Geological Survey of Austria (GBA) and the Austrian State Archives (ÖStA).

On the basis of the present document, the Board establishes the following facts of relevance to the decision:

Georg Rosenberg (8 June 1897–16 July 1969) was born in Vienna as the eldest of three children of Helene née Löwy and Samuel Sandor Rosenberg. After obtaining his school leaving certificate [Matura] at a Vienna secondary school [Realschule] in 1914, he started studying at the k.k. Exportakademie, later the Hochschule für Welthandel. In May 1915 he broke off his studies and volunteered for one year with the Tiroler Kaiserjäger, where he was demobilized in 1919 as a reserve lieutenant. During this time he acquired a knowledge of the regional topography, which he was able to use later for geological excursions.

After the war, he worked as a bookkeeper and from 1924 in a stone-working company, which brought him into contact with geology. In his free time he attended lectures as an external student given by Julius Pia und Friedrich Trauth at the Natural History Museum and took part in Alpine geological excursions. He accumulated an extensive geological collection over the years and published scientific articles in *Verhandlungen der Geologischen Bundesanstalt* and other publications. In that time, between 1935 and 1937, there were eleven donations of fossils to the NHM, including those cited as examples in his articles to back up his research findings. In an article in 1935, for example, he wrote: “The original on which this description is based is now in the possession of the Geology and Palaeontology Department of the Natural History Museum in Vienna.”

After the annexation [of Austria to Nazi Germany], Rosenberg, who left the Jewish Community in 1918, and his wife Anna née Fuchs (b. 20 February 1900 in Vienna), whose parents had converted before her birth from Judaism to Protestantism, were persecuted by the Nazis as Jews. After Georg Rosenberg lost his job in April 1938 following the “Aryanization” of the company Josef Frank und Oskar Wlach, Anna Rosenberg, who worked in the family guesthouse “Bettina” run by her brother-in-law Leo Rosenberg, also became unemployed in July 1938. They were without income until their flight in February 1939.

In the same month Georg Rosenberg was dismissed, he donated his entire collection of 846 geological and palaeontological objects, mainly from the eastern Austrian Alps, to the NHM. According to the entry in the inventory book, the donation was made on 18 April 1938. Until his flight from Vienna, Rosenberg remained in contact with Friedrich Trauth (NHM) and Heinrich Beck, from 1938 provisional director of the GBA, renamed the Vienna branch of the Reich Geology Office. In a letter of 14 September 1938 in the GBA archive, he described his situation to Beck:

I would still prefer not to visit the Landesanstalt in person, because after all the terrible things I have gone through in the past few months, I don't think I could stand to revisit this beloved place, where I had the honour to study for twenty years. Apart from loftier things, I have lost my entire modest existence and am sitting with my bags packed ready to leave, although even this departure is difficult for a person who has to beg.

On 27 February 1939 the Rosenbergs finally managed to flee to Switzerland, from where they emigrated to Palestine. The years in exile were a time of poverty and great difficulty. From March 1939 to October 1940 they lived in a homeless shelter in Haifa. Thereafter, Georg Rosenberg made a living until 1942 as a peddler, before being employed, probably as a clerk, in a British military depot near Haifa. Anna Rosenberg worked as a waitress.

No doubt on account of his poor financial situation in Palestine, Georg Rosenberg made efforts soon after the war to return to Austria. This proved almost impossible at first. Although an initial repatriation effort for Austrians was launched in autumn 1945, the process was held up because of the political situation in the British Palestine mandate and the policy of the Allies in Austria. Added to this was the absence of an official Austrian diplomatic representation in the Middle East. The Allied Commission for Austria did not at first issue any immigration visas, even after the jurisdiction of the United Nations Relief and Rehabilitation Administration (UNRRA) had been extended, and Zionist groups also had great reservations about the return to Europe of émigrés who had fled from the Nazis. UNRRA and the Austrian Ministry of the Interior ultimately agreed to the establishment of an Austrian representative in Palestine to check the citizenship of those wishing to return on the basis of the Citizenship Transition Act of July 1945. According to this law, all persons who had possessed Austrian citizenship on 13 March 1938 could retain this citizenship. As persecutees, the Rosenbergs, who had been stripped of their citizenship under the Eleventh Regulation on the Reich Citizenship Law of 25 November 1941, were regained their Austrian citizenship on 27 April 1945.

The first repatriation campaign by UNRRA from Palestine to Austria ultimately took place on 27 April 1947. Prior to this, those who wished to emigrate or return had to organize their travel themselves, which is what the Rosenbergs appear to have managed. On 28 February 1947 the political representation of Austria in Rome issued an ID card to Georg Rosenberg. He and Anna crossed the Austrian border on 17 March 1947, one and a half months before the first UNRRA return transport.

The correspondence indicates that after the war Georg Rosenberg reactivated his contacts with the GBA and NHM and requested letters of recommendation in German and English that, as he claimed, would help with his return to Austria. On 12 February 1946, the GBA sent the “requested letter of recommendation for Herr Rosenberg”:

It is hereby confirmed that Georg Rosenberg, who lived in Vienna before 1938, was forced to leave Vienna for religious reasons after Hitler came to power, losing all of his possessions in the process.

The head of the Geological Survey of Austria is interested in re-employing Mr Rosenberg as soon as possible and therefore fully supports his return to Vienna. All P.T. authorities and factors are courteously requested to assist Mr Rosenberg to return to Vienna.

Georg Rosenberg thanked the GBA director Gustav Götzinger in March 1946 from Haifa most sincerely “for his valuable support of our cause”. He hoped to continue “very soon” with the revision

of his scientific work which had been “so bitterly interrupted” for the benefit of “the beauty of my most dearly beloved homeland”.

Rosenberg had also written to Friedrich Trauth at the same time, expressing his hope that the NHM and GBA would help him to return:

I have never forgotten your honourable attitude at the most difficult time, and a card from you was the last greeting I received before the war from another world in the homeless shelter where I was living. I have no greater wish than to demonstrate my true friendship and respect and would like nothing more than to be of service to you, esteemed director.

I urgently desire to return home as soon as possible and hope that the Natural History Museum or Geological Survey of Austria can help me (naturally only for the purpose of enabling me to travel) by offering some kind of employment, although I would like to state explicitly that, as in the past, I would never be a burden but that the entire proceedings are merely intended to enable me to return to Austria.

Friedrich Trauth, a former applicant for membership of the NSDAP, was to use this request during his denazification to demonstrate his support for scientists who had been persecuted as Jews.

As can be seen from the correspondence in the archive of the NHM Geology and Palaeontology Department, the requested letter of recommendation was sent on 27 March 1946. It confirmed that Rosenberg had been “a worthy and highly esteemed supporter of the Geology and Palaeontology Department of this museum for a number of years” and had made “scientifically interesting donations to the museum”. They would welcome it if, through Rosenberg’s return to Vienna, “he could resume his support activities for the Geology and Palaeontology Department”. With “most sincere” thanks for the letter, on 28 April 1946 Rosenberg confirmed the donation to the NHM in 1938:

I confirm once again that the collection given to Director Trauth in April 1938 [...] belongs to the Natural History Museum Geology Department. I hope that I will soon have the opportunity to present further items.”

The museum nevertheless reported the Rosenberg collection on 14 November 1946 as expropriated assets in accordance with the Asset Expropriation Registration Regulation, because the donation was made “in order to secure it for scientific purposes because Rosenberg had been forced to leave Austria”. Restitution proceedings were not carried out, however, and the Geology and Palaeontology

Department valued the collection for its inventory on 8 April 1948 at 3,000 schillings. It had previously described Rosenberg's collection as one of the most valuable acquisitions since 1918.

As described, the Rosenbergs returned to Austria in 1947. Georg Rosenberg was able to make contact again with his former scientific colleagues, who helped him find a job in the stone-working industry and also provided a research and publication platform, notably as a guest researcher in the NHM and external employee of the GBA. In 1956 and 1960, he donated some objects from his new collection to the NHM.

The Advisory Board considered the following:

According to Section 1.(1).2 of the Art Restitution Act, objects that had legally become 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 (or similar) may be returned to their original owners or legal successors *causa mortis*.

Georg and Anna Rosenberg were persecuted as Jews by the Nazi regime. The donation to the NHM on 18 April 1938 coincided with Georg Rosenberg's dismissal and preparation for leaving Vienna in February 1939. As established in the Board recommendation of 8 November 2006, the donation was thus an invalid legal transaction in the meaning of Section 1.(1).2 of the Art Restitution Act.

In the first years after the war, the return to Austria for those who had fled from the Nazi regime involved numerous obstacles. As the new sources reveal, Georg Rosenberg's confirmation of the donation to the NHM in April 1946 was connected with his intensive efforts to leave Palestine and return to Austria. As the letters of recommendation by the NHM and GBA were in English, it would clearly suggest that they were intended for the local authorities and border officers and that the Rosenbergs organized their return themselves and not with the assistance of UNRRA, whose repatriation programme did not commence until six weeks after the Rosenbergs had entered Austria.

Although on 14 November 1946 the NHM reported the 1938 donation as expropriated assets in accordance with the Asset Expropriation Registration Regulation, no restitution proceedings were initiated. Georg Rosenberg did not claim restitution. From his perspective, a return of the donation could damage his prospects for returning in 1946 and for working and continuing his research, which would have prolonged the coercive situation and resultant financial straits. The failure to claim restitution cannot therefore be explained as an effort to finally settle the matter.

The Board therefore concludes that, in spite of Georg Rosenberg's confirmation in 1946, when he was planning the difficult return from exile in Palestine to Austria and was reliant on the goodwill of the NHM, which had benefited from the donation, the transfer of the objects in 1938 was an invalid transaction in the meaning of the 1946 Annulment Act. The conditions of Section 1.(1).2 of the Art Restitution Act are met and it therefore recommends to the Federal Minister for Art and Culture, the Civil Service and Sport that the objects be transferred to the legal successors of Georg Rosenberg.

Vienna, 29 June 2021

Univ. Prof. Dr. Clemens Jabloner (chairperson)

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