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In accordance with Section 3 of the Federal Act on the Restitution of Art Objects and Other Movable Cultural Property from Austrian Federal Museums and Collections and from Other Federal Property (Art Restitution Act-KRG) as amended by Federal Law Gazette (BGBl.) I No. 158/2023, at its meeting on 12 May 2026, the Advisory Board unanimously adopted the following

## **DECISION**

The Federal Minister of Women, Science and Research is recommended to transfer the printed work listed in the dossier of the University Library of Vienna / Commission for Provenance Research 13/2025, “Canisianum – International Theological Collegium, Innsbruck”,

Francisco, de Javier, “Indian Flower Bouquet, Or Spiritual Lessons: compiled from the golden letters of the Holy Indian Apostle Francis Xavier, and distributed daily throughout the entire year”, Munich 1689  
Call number A-868071

from the University Library of Vienna to the Canisianum Collegium in Innsbruck.

## **GROUND**

The Advisory Board has received the above-mentioned dossier. This provides the following facts relevant to the decision:

The Jesuit Collegium Canisianum was founded by Petrus Canisius (1521–1597) in Innsbruck in 1562. From the very beginning, the library was a key element in shaping the identity of the Jesuit college, which had already received funds for book purchases from the Tyrolean provincial authorities as early as 1561: “Better a college without a church than a college without its own library!”, writes Emmerich Bener in his essay “On the History of the Innsbruck Jesuit Library” (1991).

When the Jesuit Order was suppressed by Pope Clement XIV in 1773, the entire book collection had to be handed over to the University Library of Innsbruck. Following the re-establishment in 1814, the Nikolaihaus in what is now Sillgasse in Innsbruck was acquired with the support of Archduke Maximilian d’Este (1782–1863). When the Order was re-established in 1852, four years after a renewed ban, its activities were initially limited to pastoral care. In 1858, with the approval of Franz Joseph I for the establishment of a theological faculty, the seminary for theology students was founded. Innsbruck subsequently developed into one of the leading theological faculties, which is why the high influx of students, including international

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ones, necessitated an additional new building on what is now Tschurtschenthalerstraße; the Jesuit College, together with the Jesuit Library, remained in the Nikolaihaus on Sillgasse.

In the academic year 1937/38, the Collegium Canisianum had 192 members of the Order from various nations – including 38 Americans, ten Englishmen, ten Swiss and nine Hungarians – of whom 126 were studying at the Faculty of Theology at the University of Innsbruck, whilst 52 were priests and 14 were brothers. Just one day after Austria's annexation to the Nazi German Reich, the Rector of the University of Innsbruck, Karl Brunner (1887–1965), was removed from office and replaced by the historian Harold Steinacker (1875–1965). A third of all university lecturers lost their posts, including all 24 professors and lecturers at the Faculty of Theology. Students of the Canisianum were also expelled from the university, and some were even forced to leave Innsbruck.

Following the complete closure of the Faculty of Theology at the University of Innsbruck on 22 July 1938, professors from other institutes were given access to the holdings of the Catholic Faculty Library. In response to the closure of the Faculty of Theology, Pope Pius XI (1857–1939) established the 'Pontificia Facultas Theologica', also known as the 'Facultas Canisiana', at the Collegium Canisianum. This faculty was granted full authority by Rome to confer academic degrees in theology in accordance with ecclesiastical regulations. The aim was to continue to safeguard priestly formation and avert the impending closure of the Collegium Canisianum. This was not to succeed: according to the Act on the Accommodation of Public Offices of 27 July 1938, GBlÖ No. 278/1938, Part 84, a decree ordered the transfer of the buildings of the Collegium Canisianum to the Higher Finance Office in Innsbruck, which had been founded in June 1938. Despite a written appeal by Vice-Rector Friedrich Schwendimann (1867–1947), the Collegium Canisianum was closed on 21 November 1938. Wilhelm Stuckart (1902–1953), State Secretary in the Reich Ministry of the Interior, justified this by stating that it was "an international educational institution in the hands of the Jesuit Order, directed against National Socialism".

An entry in the Diarium documents the eviction:

"In the early morning of 24 November, the German residents of the mezzanine floors of the north and central wings moved to the Collegium S. J. [Societas Jesu]. A whole host of our brave compatriots were also forced into exile."

However, following persistent negotiations with the authorities in Vienna and Berlin, the Order succeeded in securing at least a phased eviction rather than an immediate one. This allowed the Rector of the Canisianum and Titular Bishop Paulus Rusch (1903–1986) to continue using the residential and chancellery premises until he fled to Switzerland in March 1939. To this end, helpers had previously organised the necessary passports for the priests and ensured that at least part of the reference library and the furnishings – including the library – could be transferred to Sion in Switzerland. The Diarium notes under 12 December 1938:

[unofficial translation]

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“In Sion. There was a great deal of work in the first few days: around 15 railway carriages had brought the personal belongings of individuals, room furnishings [,] books etc. – ‘organising’ this took a great deal of work, but it was undertaken with great zeal and self-sacrifice by the gentlemen, especially by the American association.”

Although ‘Jesuit activities’ were prohibited under Article 51 of the Swiss Federal Constitution, the local authorities granted residence permits to the members of the Collegium Canisianum who had fled: Having been formally dismissed from the Order and simultaneously secularised, the priests were no longer regarded as members of the Jesuit Order but as diocesan priests, and were thus able to continue their work in Switzerland both legally and in terms of church policy.

The Collegium – together with its remaining possessions – was able to return to the Canisianum in Innsbruck in 1945. When the Faculty of Theology resumed teaching in the autumn of 1945, the Collegium Canisianum, including its library, followed suit for the 1946/47 academic year. In the early 1950s, the faculty had more than 500 students from all over the world. Since the Canisianum Priests’ College moved to Sillgasse 6 in 2013, the Canisianum building on Tschurtschenthalerstraße has been used exclusively as a student residence.

This printed work was added to the University of Vienna library collection on a trust basis in the 1960s. The flyleaf bears the stamp ‘Exerzitien-Bibliothek Canisianum Innsbruck’ and the handwritten note ‘Konvent gehörig’; on the upper edge of the inside of the front cover, this is specified as ‘Konvent-Kasten No 15’. The Canisianum stamp is also affixed to the title page, alongside the handwritten note ‘In usum P. Vitalis Wallich’; on the reverse of the title page is the inventory number of the Vienna University Library, “A-868.071”, with the stamp “Sammlung Tanzenberg 1951” below it. This refers to the former Olivetan monastery at Tanzenberg Castle in the municipality of St. Veit an der Glan in Carinthia. As stated in the Advisory Board’s recommendation of 29 November 2022 regarding the Wesselski Collection, the “Central Library of the NSDAP’s Higher School”, which had been relocated from Berlin due to the course of the war, was stored there from September 1944 to May 1945. Parts of the book collections found there after the end of the war – which had been collected, expropriated or confiscated across Europe for the “Hohe Schule” – were returned by the British occupying forces by 1947. Subsequently, the so-called “Book Sorting Office” in Vienna took over the restitution work for the remaining holdings from Tanzenberg – as well as the holdings of the Gestapo, the Dorotheum and the National Library of Vienna. A considerable portion of the works that were ultimately not returned was handed over in trust to the University of Vienna Library following the closure of the Book Sorting Office in 1951 – by the 1960s, the remaining collection amounted to some 80,000 volumes.

The Advisory Board considered the following:

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According to Section 1(1).2 of the Art Restitution Act, objects owned by the Federal Government which were the subject of a legal transaction or legal act under Section 1 of the Nullity Act 1946 may be transferred to the original owners or their legal successors *causa mortis*. Section 1(1).2a of the Art Restitution Act extends this provision to objects that, although they passed lawfully into the ownership of the Federal Government, were the subject of a legal transaction or legal act under to Section 1 of the Nullity Act 1946 (or are comparable to such) in a territory of the German Reich outside the territory of the present-day Republic of Austria between 30 January 1933 and 8 May 1945.

As the Advisory Board noted in its decisions of 23 January 2009 concerning the Cistercian Abbey of Heiligenkreuz and, most recently, of 25 September 2020 concerning Göttweig Abbey, according to the case law of the Restitution Commissions, the Catholic Church and its religious orders were not subject to general persecution by the Nazi regime (see also: Rauscher, The Case Law of the Supreme Restitution Commission, IV, 11j on Section 2). It was therefore necessary to examine specifically, in the case of the Collegium Canisianum of the Jesuit Order, whether the expropriation of the publication in question was carried out in the course of the political or economic penetration of Austria by the German Reich.

The Advisory Board considers this to be the case: Following the annexation of Austria to the Nazi German Reich, the Rector of the University of Innsbruck, as well as all 24 professors and lecturers of the Faculty of Theology, were removed from office. Following the closure of the faculty on 22 July 1938, professors from other university institutes were given the opportunity to make use of the holdings of the Catholic Faculty Library. The college's buildings were allocated to the Regional Finance Office in Innsbruck in accordance with the Law on the Accommodation of Public Offices of 27 July 1938, GBIÖ No. 278/1938, Part 84. The Collegium Canisianum itself was closed on 21 November 1938, a move justified by Wilhelm Stuckart, State Secretary in the Reich Ministry of the Interior, on the grounds that it was "an international educational institution in the hands of the Jesuit Order, directed against National Socialism".

Although it is not possible to trace the history of this particular printed work in its entirety, the stamp 'Tanzenberg Collection 1951' indicates that the work could not have been taken into exile in Switzerland. The printed work, dating from 1689, therefore almost certainly came from Innsbruck to the 'Central Library of the Higher School of the NSDAP' and was subsequently transferred from Berlin to Tanzenberg Castle during the book relocations towards the end of the war, thus it came into the custodial care of the University of Vienna Library via the 'Book Sorting Office' in the 1960s and was assigned the call number A-868071.

The Advisory Board therefore concludes that the expropriation of the work in question is to be regarded as a void legal act within the meaning of the Nullity Act. This fulfils the criteria of

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Section 1.2 and .2a of the Art Restitution Act, and it is recommended that the Federal Minister for Women, Science and Research transfer ownership to the Collegium Canisianum.

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Vienna, 12 May 2026

Univ.-Prof. Dr. Clemens JABLONER (Chairman)

Members:

Brigadier

Stefan KIRCHEBNER, MA

Associate Professor

Dr. Birgit KIRCHMAYR

Associate Professor

Dr. Sabine PLAKOLM-FORSTHUBER

Senior Public Prosecutor

Mag. Eva REICHEL

Counsellor of the Administrative Court

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