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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 November 2022, the Art Restitution Advisory Board unanimously adopted the following

### DECISION

It is recommended to the Federal Minister of Art, Culture, Civil Service and Sport that the eight works listed in the Commission for Provenance Research dossier 13/2022, "Raoul Hausmann"

- Abstract picture idea, 1918, watercolour, inv. no. G 1/0
- Abstract picture idea, 1919, watercolour, inv. no. G 2/0
- Abstract picture idea, 1919, watercolour, inv. no. G 3/0
- Abstract picture idea, 1922, ink, inv. no. G 4/0
- Abstract picture idea, 1921, ink, inv. no. G 5/0
- Abstract picture idea, 1922, pencil on paper, inv. no. G 6/0
- Abstract picture idea, 1922, pencil on paper, inv. no. G 7/0
- Abstract picture idea, 1925, ink, inv. no. G 8/0

from the mumok – Museum moderner Kunst Stiftung Ludwig Wien should **not** be returned to the legal successors *causa mortis* of Raoul Hausmann.

### FOUNDATIONS

The Art Restitution Advisory Board has considered the above-mentioned dossier from the Commission for Provenance Research and established the following facts of relevance to the decision:

Raoul Josef Hausmann was born in Vienna on 12 July 1886, the second child of Irene Gabriele Hausmann, née Petke, and the portrait painter Viktor Hausmann. In 1900, when he was 14 years old, the family moved to Berlin, where Raoul Hausmann lived until 1933. He initially received his training as an artist from his father, with whom he worked at times as a decorative painter, and subsequently, from 1908–1911, at the Study Studios for Painting and Sculpture in Berlin, where he studied anatomy and nude drawing. From 1918, as a representative of Dadaism, he became involved in various artistic disciplines, including as a writer and photographer, but was unable to live from his earnings and was dependent on the support of his life partners or their families. In 1908 he married the violinist Elfriede Schaeffer; the couple had a daughter, Vera (1907–1992). In 1915 Hausmann met the artist Hannah Höch (1889–1978) and had an extramarital relationship with her until 1922. In the same year, he met the painter Hedwig (Heta) Mankiewitz (1893–1974) and married her a few weeks after his divorce from Elfriede in February 1923. In 1928 Vera Broido (1907–2004) moved into the couple's apartment. On 9 March 1933, Raoul Hausmann left Berlin together with both his wife and his other partner and moved to Ibiza via Paris and Barcelona. While Vera Broido, in her memoirs published in 2004, described the

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stay in Ibiza as a vacation – *"We simply wanted to spend a long summer vacation there, and did not dream that we would never return"* – Raoul Hausmann, in an undated typescript published by his biographer Adelheid Koch in 1994, gave other reasons for leaving the country. *"Since I was living in Berlin at the time of Reich President Hindenburg with a Jewish wife and a Jewish girlfriend, I decided, after the arson of the Reichstag by Goering, van der Lubbe, to leave Berlin."* Elsewhere in the typescript, he again wrote that he had been *"regarded by the Germans as a full Jew"* because of his *"Jewish wife and a probably Jewish grandmother"*, whereas his statutory declaration before the Entschädigungsamt (Compensation Authorities) Berlin of 15 May 1954, his father was considered half-Jewish *"in the sense of Hitler's legislation"*, his mother full-Jewish, while he himself was a dissident.

In a letter addressed to his daughter Vera Hausmann in 1956, which is now in the Berlinische Galerie, he further wrote:

*"I was very well known as a former Dadaist and member of the 'Novembergruppe' (left-wing artists) as well as a contributor to the 'Aktion' and other left-wing magazines. Later I was blacklisted as a 'degenerate artist' in a book of the same name. My photo dealer in Windscheidtstrasse wanted to have me arrested for 'slandorous speeches against the National Socialist government'. Immediately after our departure on 9 March 1933, policemen appeared at Kaiser-Friedrichstr. 52 to arrest me for 'currency shifting', as one wrote to me to Ibiza."*

It was undoubtedly clear to artists representing these art movements, at the latest after the Nazi takeover, that a professional existence in Germany would no longer be conceivable. At the beginning of September 1933, the *Völkischer Beobachter* reported that Hitler had *"indicated to all Cubist, Expressionist and Dadaist charlatans [...] that they were out of the game in the artistic life of Germany"*. In any case, Hausmann's assumption that he would have to leave Germany as a "left-wing" artist proved to be correct. In 1937, his oeuvre was defamed at the *"Degenerate Art"* exhibition in Munich, and his watercolour "Evening" is also listed in the "Degenerate Art" confiscation inventory. In 1938, his publication "Hurray! Hurray! Hurray!" was placed on the *"List of Harmful and Undesirable Literature"*.

However, it cannot be concluded from the sources that Raoul Hausmann or his family had a Jewish religious affiliation. He was baptized in the parish of St. Josef in Margareten on 25 July 1886, and his parents and grandparents were also Catholic. Only in the baptismal entry of his mother was his maternal grandmother, Aloisia, née Polzer, entered as "alleged", and Irene was legitimized *per favorem principis* (with a declaration of favour from the Emperor) in 1875.

After Vera Broido moved to London as a result of the separation from Hausmann, and Raoul and Hedwig spent a few months in Paris, the two returned to the Balearic island, where they remained until the beginning of the Spanish Civil War. They fled when Ibiza was bombed by Franco's Italian allies on 13 September 1936 and made their way to Zurich via Naples and Rome. According to Hausmann's statements in the aforementioned typescript, they were expelled from there in January 1937 because

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he had refused to tell the local police how he made his living and had been accused of being a "communist agent". Before the Entschädigungsbehörde (Compensation Authorities) Berlin, he reported that he had been expelled only because he did not have a work permit and lack of means of subsistence. He was unable to accept the invitation of his friend László Moholy Nagy (1895-1946) to teach at the New Bauhaus in Chicago due to a missing affidavit for immigration to the USA. After a stay in Prague, the Hausmann couple moved to France in June 1938; first to Paris, and finally, in October 1939, to Peyrat-le-Château in the Département Haute-Vienne, where Raoul Hausmann met Marthe Prévot (1923–?), who, along with his wife Hedwig, was from then on, his partner. On 23 or 24 August 1942, Raoul and Hedwig Hausmann were taken to the Camp de Nexon (Centre de séjour surveillé de Nexon). On 26 August 1942, they were released from there: After Raoul was able to prove that he was "Aryan". Hedwig's release was based on the Vichy regime's exemption that Jewish women married to non-Jews did not have to be deported. In November 1944, Raoul and Hedwig Hausmann moved with Marthe Prévot to Limoges, where they lived together until Raoul Hausmann's death on 1 February 1971.

The period of exile, like the period after the war, was marked by financial worries. As late as the 1950s, Hausmann reported in countless letters to his first wife and his daughter about his insufficient financial means, which he tried to improve by selling his works. Beginning in 1950, Raoul and Hedwig Hausmann filed claims for restitution at the Wiedergutmachungsämter (Restitution Offices) Berlin concerning a bank account and a securities account at the Deutsche Bank as well as gold, silver and jewellery items. The claims were withdrawn in 1956 in the case of the precious metals and in 1962 in the case of the bank account and the securities account; according to Raoul Hausmann, part of Hedwig Hausmann's securities had previously been restituted. From the Entschädigungsamt (Compensation Authorities) Berlin, Raoul Hausmann was granted compensation in a settlement for damage to property and assets (forced sale of Berlin apartment furnishings). He received a pension due to the damage to his professional advancement, since, as stated in the decision, among other things, "[f]or racial reasons" he had to give up his job "*due to National Socialist violent measures*" in 1933. Hedwig was awarded a pension for damage to body or health, but Raoul was not. Hedwig and Raoul Hausmann were considered persecutees in accordance with the German Federal Law on Compensation for Victims of National Socialist Persecution.

The eight representational "Abstract Picture Ideas"<sup>1</sup> created by Raoul Hausmann were purchased for \$120 from Sibyl Moholy-Nagy, the widow of László Moholy-Nagy, who died in 1946, by the Museum of the 20th Century, now mumok, in 1961 . The purchase was preceded by a visit by the founding

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<sup>1</sup> The name of the artist Thoma Grote is also on the back of the work with the inv. no. G 8/0 . Therefore, the authorship is not certain.

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director Werner Hofmann to Hausmann in Limoges in October 1960 and an exchange of letters between Raoul Hausmann, Werner Hofmann and Sibyl Moholy-Nagy that has been preserved in the mumok archive. Hofmann first contacted Hausmann on 29 June 1960, and expressed his interest in purchasing works from the Dada period. Recognizably flattered, Hausmann finally referred to Sibyl Moholy-Nagy in a letter dated 31 July 1960 - "*Individual works are privately owned, [...] 8 smaller works from 1918 to 1922 at the home of Mrs. Sibyl Moholy-Nagy in New York*" – so that Hofmann wrote to her in November 1960:

*"He [i.e. Hausmann] told me that a number of drawings (which Motherwell used as illustrations in his 'DADA') were with you, in ... safekeeping. There was also a story about a camera, all very obscure. Well, I'm not interested in the ownership, all the more so, since Hausmann seems to be a non-committal fabulist in such matters, I'm interested only in the drawings."*

Sibyl Moholy-Nagy replied on 9 December 1960:

*"Unfortunately, I got around to looking for the Hausmanns in my portfolios only yesterday. I didn't even know that our revered 'friend' was still alive. I found 8 drawings and watercolours that Hausmann gave to Moholy right after the war – as a return gift for abundant aid packages when he wrote to us very desperately from France. 'Safekeeping', nothing of the sort - - his own letter to Moholy was still in the folder when I found it. After Moholy's death he kept writing me letters saying that Moholy had promised him a camera, a promise I knew nothing about and which Moholy would certainly have mentioned. I would like only ask a nominal value for the Hausmanns - \$15 per sheet which is probably a modest price."*

Hofmann quickly accepted the offer and also informed Hausmann of it but remained extremely vague. He did not mention the type of acquisition, i.e., the purchase or the asking price of the seller. Hofmann explained his strategy to Mrs. Moholy-Nagy, who obviously did not conceal an earlier quarrel with Hausmann, and in a letter dated 14 December 1960, he suggested a shared approach in their dealings with Hausmann:

*"I am very grateful to you for letting me have Hausmann's early works. Hausmann is just 'a character' and your allusions show very clearly how the matter really took place. I did not suspect otherwise. I wrote to him today and told him that you would be willing to 'let' me have the drawings. This for the following reason: he does not know whether it is a sale or a permanent loan or a gift. I am afraid that he would make claims if he heard that you are selling the sheets to me (which I personally take for granted). If he asks you or me any questions about the nature of the transaction, it is probably better that we spare ourselves unpleasant correspondence and agree on 'loan'."*

After Hausmann, who had corresponded with Hofmann about a possible loan of his works for a planned Dada exhibition in Paris and Zurich in 1966, became aware that the drawings had been purchased by Sibyl Moholy-Nagy without Hausmann being informed, he reminded Hofmann of his claims in a letter dated 8 August 1966:

*"As you surely know, a large Dada retrospective is planned at the Zurich Kunsthaus, which will then go on to the Musée d'Art Moderne in Paris. For this purpose, Dr. Baumann is collecting all*

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*of my Dada works which he can find. [...] I therefore ask you most urgently to send these 8 works, 7 of which are my property, as Moholy bought only one ink drawing from 1922, to Dr. Baumann at the Kunsthaus Zürich. Mrs. Moholy writes that you have received these 8 works as a "don", i.e., a gift. I have the letter from Moholy from 1946, in which he writes to me that he bought the drawing from 1922 for 50 dollars, the others he kept in safekeeping. So, Mrs. Moholy could NOT dispose of my property as she wished. [...] In any case, I never received any of the messages mentioned by Mrs. Moholy, and you yourself, dear Dr. Hofmann, only informed me in 1960 that you had written to Mrs. Moholy and that she had agreed to send you the works. I must therefore point out that these 7 works were and must remain my property. I hope you will comply with my request, if only to complete the small number of my works as far as possible."*

The drawing, to which Hausmann no longer laid claim, is probably inventory number G 4/0, an ink drawing made in 1922.<sup>2</sup> Uncertain, Hofmann then turned to Sibyl Moholy-Nagy. She replied noticeably annoyed:

*"for crying out loud' as they so nicely say in this country! Hausmann gave Moholy-Nagy the sheets which were sold to you in return for CARE packages we sent to him. I would swear to this before the Last Judgment. I no longer have the correspondence [...]. I keep [...] letter[s] for only about 10 years, and correspondence with such a paranoid creep as Hausmann I don't keep at all. He told me exactly the same nonsense after Moholy's death, speaking of an alleged "Pippin's donation" of a camera which Moholy had once offered him for sale before the war.*

*In his own time Hausmann was, so to speak, world famous for his financial irrationalities. It would hardly have been worth it to me for the price you could pay me to commit grand larceny. The sheets belong to your museum. You acquired them legally from me, and I was by will the legal owner of all my husband's property. Hausmann should spread this on a piece of dry bread and digest it well."*

After Raoul Hausmann was informed of Mrs. Moholy-Nagy's point of view, he turned to the responsible Federal Ministry of Education with a complaint dated 26 July 1967:

*"On the advice of my friend Mr. Ernst Jandl, I take the liberty of addressing you in a somewhat delicate matter. For me, it is a matter of dispute about my ownership rights to 4 coloured and 4 black-and-white drawings which Dr. Werner Hofmann of the Museum of the 20th Century has held for several years. Of these 8 drawings, [László] Moholy-Nagy bought an ink drawing for 50 dollars, so I can consider only 7 as my property. For a year now, I have repeatedly presented Mr. Hofmann my claims, but he has so far always rejected them. I may remark on this for you, that as one of the so-called 'degenerate artists' I was persecuted by the National-Socialist government for 12 years, and a number of my works were destroyed by them. Another part was destroyed on the occasion of a bombing in the house of my first wife in Berlin, and other works were misappropriated by so-called friends and are now in several collections, having been sold without my knowledge. [...] I take the liberty of enclosing a photocopy of a letter from Moholy-Nagy dated 7.V.1946, from which it is clear that he only had the drawings, which are now with Mr. Hofmann, in safekeeping."*

In the file there is only the note: "After consultation by phone with the director of the Museum of the 20th century, Dr. Werner Hofmann, a written statement on the problem mentioned in the exhibit

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<sup>2</sup> This is subject to the assumption that the inventory number G 8/0, as noted on the back, was created in 1925 and not, as noted on the (detached) label, in 1922.

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would have to be obtained from the management of the aforementioned museum." Whether such a document was actually written, however, can no longer be proven today; the photocopy mentioned has not survived. However, Hausmann had previously written the following lines to the friend mentioned in Hausmann's complaint, writer Ernst Jandl (1925–2000), on 14 November 1966:

*"Large parts of my works have been misappropriated, and on top of that they are sold today by third parties at very high prices (for example, a collage of mine from the Dada period costs between 1000 and 2000 dollars). But today I would like to ask you for something personal: and your advice in a very delicate matter. In 1946 I gave my friend Moholy-Nagy 4 watercolours and 4 drawings from the years 1918–1922, with the request to sell them for me. Since no one wanted these things, Moholy himself bought one of the drawings from 1922 for \$50. I possess the entire correspondence with Moholy from those years, which shows that Moholy wanted to keep the remaining 7 works until a new arrangement could be made. After Moholy's death, I corresponded for a while with Mrs. Sibyll Moholy-Nagy, to whom I offered manuscripts of mine or avant-garde photographs in exchange for a CARE package, an old clothes package and a camera which had belonged to Moholy. However, there was never any talk of handing over my drawings and watercolours. I have the correspondence with her in my possession."*

With the recent discovery of this letter by provenance research in Ernst Jandl's estate in the Austrian Literaturarchiv, the question of how long the sheets were in Hausmann's possession can be answered to the effect that this was in any case the case until 1946.

The Advisory Board considered the following:

In accordance with the Art Restitution Act, the Art Restitution Advisory Board deals exclusively with the question of whether the conditions of § 1 of the Art Restitution Act are met with regard to objects from Austrian federal museums and collections. In the case of the eight sheets in question from the mumok, it was to be investigated whether they had been the subject of a legal transaction or a legal act in accordance with Section 1. (1). 2a of the Art Restitution Act between 30 January 1933 and 8 May 1945 in the territory of the German Reich in accordance with Section 1 of the Nullity Act 1946 (or whether they are comparable to such transactions or acts). Based on the facts at hand and the above-quoted letter from Raoul Hausmann to Ernst Jandl of 14 November 1966, the Advisory Board takes it as given that Hausmann sent the "4 watercolours and 4 drawings from the years 1918–1922" to László Moholy-Nagy in 1946. This account appears to be credible insofar as it is essentially consistent with the statements made by Moholy-Nagy's widow six years earlier, although the relationship between the two at that time was severely fractured. Sibyl Moholy-Nagy wrote to Werner Hofmann in 1960 that her husband had received "8 drawings and watercolours" from Hausmann. It seems irrelevant that both contradict each other with regard to the nature or purpose of this transfer: While Sibyl Moholy-Nagy stated to Hofmann in 1960 that it was a gift from Hausmann "in return for the CARE packages we sent", Hausmann insisted to Jandl in 1966 that although he had received a CARE package and other items, "there was never any question of giving him my drawings and watercolours"; he had merely

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asked László Moholy-Nagy to sell the sheets for him. Only with regard to the ink drawing with the inventory number G 4, Hausmann confirmed that he had sold it to Moholy-Nagy.

This seems to clarify the essential question of whether there was a Nazi persecution-related seizure. Since the transfer took place after 8 May 1945, it can be established that the sheets in question had been at the disposal or in the possession of Raoul Hausmann during the Nazi period. Since he did not hand them over until 1946, there are no legal transactions or legal acts that took place between 30 January 1933 and 8 May 1945 in an area under the control of the German Reich, and therefore the question as to whether this had been a donation or a transfer for safekeeping or for sale, did not have to be dealt with here.

Therefore, in the present case, it remains an open question as to whether Sibyl Moholy-Nagy was actually the owner of all eight objects when she sold the sheets to today's mumok in 1961, or whether she was merely entrusted with the safekeeping or sale of seven of them, and thus could have abused the ownership relationship in this regard. In summary, the sale of the eight objects by Sibyl Moholy-Nagy does not fall within the period provided by the Art Restitution Act and therefore does not constitute a null and void legal transaction in accordance with Section 1 of the Nullity Act 1946. Therefore, in accordance with the Art Restitution Act, the Federal Minister is not to be advised to transfer the ownership to the legal successors *causa mortis* of Raoul Hausmann.

Vienna, 29 November 2022

Prof. Dr. Clemens JABLONER (chairman)

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