

[unofficial translation]

In accordance with Section 3 of the Federal Law on the Restitution of Art Objects from Austrian Federal Museums and Collections, Federal Law Gazette (BGBl. I) No. 181/1998 as amended by BGBl. I No. 117/2009 (Art Restitution Act), at its meeting of 18 October 2019, the Art Restitution Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister for the European Union, Art, Culture and Media that the printed works listed in the Commission for Provenance Research dossier “D^{oris} J. Klang”

- Main Zoological Library
Ludwig Büchner
Aus Natur und Wissenschaft: Studien, Kritiken und Abhandlungen, 1869
Shelf no.: 49I/312B
- Library of the Department of Anthropology
Johann Kaspar Orelli (ed.)
Johann Kaspar Lavanter’s Physiognomik im Auszuge, 1860
Shelf no.: 06234

be transferred from the Naturhistorisches Museum Wien [Natural History Museum Vienna] to the legal successors *causa mortis* of Heinrich Klang.

FOUNDATIONS

The Board has studied the above-mentioned dossier from the Commission for Provenance Research and established the following facts.

The superscript letters “oris” indicate a possessive genitive, showing that a book with this bookplate belonged to a “Doctor J. Klang”. In the Vienna directory for the period between 1860, year of publication of the first book, and 1942, the year in which the Natural History Museum Vienna purchased the second book, are the names Jacob Klang in 1871 and James Klang from 1872. James Klang, director general of the k. k. priv. Versicherungsgesellschaften Österreichischer Phoenix, was born Jacob Moses Klang on 14 November 1847 in Lemberg, Galicia. He changed his first name to “James” in 1901 with the authorization of the k. k. niederösterreichische Statthalterei [Lower Austrian governor’s office] and was already listed in the Vienna directory with this name in 1872. He had three children with his wife Caroline, née Rooz (1853–1917): Heinrich Adalbert Klang (1875–1954), Marcell Klang (1876–1942) and Fritz Dyonis Klang (1885–1941). After his death on 13 November 1914, his library was bequeathed to his oldest son Heinrich, born on 15 April 1875 in Vienna. Heinrich Klang studied law and political science at the University of Vienna from 1892 to 1897 (habilitation 1923) and served during the First World War as an officer at the front and then in the military courts. From 1918 he was a judge at the Landesgericht für Zivilrechtssachen [provincial court for civil law matters], transferring in 1925 to the Oberlandesgericht [higher provincial court] in Vienna. That year he was also made an extraordinary professor. He was active in the Bürgerlich-Demokratische Partei [conservative democratic party]. Apart from numerous legal publications and editing of *Juristische Blätter* (1928–38), he is also named as editor of *Kommentar zum Allgemeinen bürgerlichen Gesetzbuch* (1926–35).

In 1938 he was prohibited from teaching at the University of Vienna because of his Jewish origins, and in early June he was put into permanent retirement. All attempts to escape failed. According to the historical Viennese registration documents, Klang was deregistered on 24 September 1942 from

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a collective apartment at Neutorgasse 8/7 in Vienna's 1st district. On that day he was deported to the Nazi ghetto in Theresienstadt, where he became a guardianship judge in the ghetto court. In autumn 1944 he became presiding judge of that court and a member of the Council of Elders. He survived the ghetto and arrived back in Vienna on 7 July 1945.

After the end of the Nazi rule, Klang was appointed Senatspräsident [presiding judge] of the Oberster Gerichtshof [Supreme Court of Justice]. In early 1947 he collaborated in the drafting of the Third Restitution Act and from 1947 to 1949 was also chairman of the Supreme Restitution Commission. In 1945 he had already started teaching again at the University of Vienna and editing *Juristische Blätter* and became the first president of the Wiener Juristische Gesellschaft. Klang was awarded 14,229 schillings and 60 groschen as compensation for detention and also had an official certificate (W, no. 2379) in accordance with Section 4 of the Opferfürsorgegesetz [Victim Welfare Act] of 4 July 1947, BGBl. No. 183. He finally retired as a judge at the end of 1949 but continued teaching at the University of Vienna until 1951. In 1952 he married Helene Klang, née Artner, the widow of his deceased brother Fritz. Heinrich Klang died on 22 January 1954 in Vienna.

He described the loss of his books after the annexation himself:

“So as not to suddenly find myself in an impossible position, I began slowly to liquidate my possessions. The most difficult was to part with my library, which my father had already started compiling [...]. Over a period of nine months I ultimately sold the furniture inherited from my parents and a considerable share of my books through advertisements.”

The subjects of the two scientific books in the Natural History Museum Vienna were not among those described by Klang but nevertheless belonged to him. On 24 September 1940 the Anthropology Department of the Natural History Museum purchased *Kaspar Lavanter's Physiognomik im Auszuge* for its library from Antiquariats- und Exportbuchhandlung Alfred Wolf. On 8 May 1942 the purchase of a publication by Ludwig Büchner *Aus Natur und Wissenschaft: Studien, Kritiken und Abhandlungen*, also from Antiquariat Alfred Wolf, was entered in the accession book.

In its decision of 15 June 2018 on Hans Peter Kraus, the Board already considered purchases by the Natural History Museum Vienna from Antiquariats- und Exportbuchhandlung Alfred Wolf, which was involved in Nazi book expropriations. Alfred Wolf, born 28 November 1906 in Leipzig, worked in Vienna from 1934 for Hans Peter Kraus at Praterstraße 17. Wolf denounced his employer to the Nazi authorities after the annexation, leading to Kraus's deportation to Dachau and Buchenwald concentration camps, Wolf took possession of the stock of the antiquarian bookshop. Together with his business partner Richard Riedmann from Frankfurt am Main (temporary administrator of Versandbuchhandlung Leo Weiser), he founded his own antiquarian bookshop on 1 January 1939. Anna Kijacsek, who worked for Leo Weiser and was active in this bookshop until the end of March 1939, stated when questioned in 1948 in the Leo Weiser restitution case:

“He [Wolf] bought the books from departing Jews through newspaper advertisements.”

The book *Aus Natur und Wissenschaft: Studien, Kritiken und Abhandlungen* acquired in 1942 by the Natural History Museum Vienna has two provenance markings from Antiquariat Wolf. The remarks handwritten in pencil and the numbers – “purchased Alf. Wolf” and “39/25” were used by Antiquariat Wolf to show the year of acquisition (here [19]39) and a number to indicate the previous owner (here 25). This system was explained in 1948 in a letter by Erwin Kuffler, erstwhile administrator of Alfred Wolf's business, to the restitution commission at the Landesgericht für ZRS [provincial court for civil law matters] in Vienna. The purchase is also confirmed through an entry in the accession book of the Zoology Library on 8 May 1942 and a library file card. No precise

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provenance marking in the form of this numbering system is available for the two-volume work in the Anthropology Library purchased in 1940, but there is an invoice in the archive of the Anthropology Library proving the purchase of the work on 24 September 1940 from Antiquariats- und Exportbuchhandlung Alfred Wolf. The work was also inventoried in 1940.

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*.

Heinrich Klang was persecuted as a Jew by the Nazi regime. After all attempts to escape had failed, he began to sell his assets – including the library inherited from his father, James Klang, “so as not to suddenly find [himself] in an impossible position”. The two printed works under consideration were purchased by Alfred Wolf and his business partner Richard Riedmann. Both books had original provenance markings from the library of D^{oris} J. Klang, and their subsequent purchase by the Natural History Museum Vienna from Alfred Wolf’s antiquarian bookshop is demonstrated *inter alia* by the entry in the Zoology Library accession book and an invoice in the Anthropology Department.

As the sale of the books to Alfred Wolf’s company were invalid legal transactions in the meaning of Section 1 of the 1946 Annulment Act, the Board considers that the conditions of Section 1.(1).2 of the Art Restitution Act are met. It therefore recommends to the Federal Minister that the books be returned to the legal successors of Heinrich Klang.

Vienna, 18 October 2019

Mag. Eva Blimlinger (chairperson)

Members

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