

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 25 September 2020, the Art Restitution Advisory Board unanimously adopted the following

DECISION

Insofar as the following six objects from Albert Pollak in the dossier of the Volkskundemuseum [Museum of Folk Art and Folk Life] in Vienna are the property of the State, the Art Restitution Act, BGBl. I No. 181/1998 as amended by BGBl. I No. 117/2009 is applicable and the conditions of Section 1.(1).1 are met, the Advisory Board recommends their transfer to the legal successors *causa mortis* of Albert Pollak.

	Inv. No.	Designation
1.	ÖMV/47879 (= ÖMV/45278)	Small post horn made of green glass (forest glass)
2.	ÖMV/47880 (= ÖMV/45276)	Joke vessel in the form of a shrew made of green-blue glass
3.	ÖMV/47881 (= ÖMV/45275)	Joke vessel in the form of a lizard made of green-blue glass
4.	ÖMV/47882 (= ÖMV/45274)	Joke vessel in the form of a sheep made of white and green-blue glass
5.	ÖMV/47883 (= ÖMV/45281)	Small jug with long neck and elongated spout made of Nile green glass
6.	ÖMV/47884 (= ÖMV/45283)	Jug with lid with enamel painting, man and woman holding a heart between them, flower branches on the side, BF engraved in branch bundle on the pewter lid

GROUND S

The Art Restitution Advisory Board already considered objects from Albert Pollak's collection at its meetings on 23 January 2001 and 7 March 2014. Whereas the first decision of 23 January 2001 recommended the return of one object each from the Kunsthistorisches Museum and the Albertina, the second decision of 7 March 2014 recommended that two objects from the MAK – Museum für Angewandte Kunst [Museum of Applied Arts] should not be returned.

On the basis of the dossier from the Volkskundemuseum [Museum of Folk Life and Folk Art] Albert Pollak was born on 16 December 1878 in Bielitz, Silesia (now Bielsko-Biala, Poland), then part of the Austro-Hungarian Monarchy. He moved to Vienna before the First World War and after 1918 took citizenship of what had become Poland.

After “years of travel and study [...] in the German Reich, Belgium and France”, as he himself stated to the monuments authority in Vienna in January 1939, he was manager of Allgemeine Wollhandels-A.G. in Vienna. He was Jewish, unmarried and childless. He travelled extensively and acquired a large and valuable art collection “by preference and

taste over a period of more than thirty years: pictures, statues, glass, porcelain and other fine and applied art objects”, which he kept in his two residences, an apartment at Singerstrasse 7 in Vienna’s 1st district, and a villa at Franz-Schubertstrasse 7 in Hinterbrühl near Vienna.

After the annexation of Austria to the Nazi German Reich, Pollak was detained by the Gestapo from 17 May to 28 June 1938, and his homes were seized by the Gestapo. Shortly after his release, he had to submit a declaration of assets on 30 June 1938, in which he estimated his art collection to be worth RM 100,000. The valuation of the collection, to which he no longer had access because it had been seized, was done in October 1938 by the court-sworn expert Eugen Primavesi, who valued it at over RM 70,000.

Pollak fled at the latest in early December 1938 to his birthplace Bielitz, from where he wrote an urgent letter of 5 January 1939 to the Zentralstelle für Denkmalschutz [Central Monument Protection Office] in Vienna, requesting support in revoking the seizure:

There is no justification for this order. I acquired every item in my collection legally. I have never even remotely violated a single provision of the law. [...] My possessions are not Austrian cultural property – neither through their origins nor through the personal situation of the owner. I am a Polish citizen. It is not acceptable for the property of a foreigner to be taken in this way. [...] I am writing to the monuments office as I expect it to support and assist me. This office has the honourable task of protecting objects of value to the State but also of preventing injustice in the area for which it is responsible.

In March 1940, “all movable and immovable assets and all rights and claims” of Albert Pollak, who was accused of actions hostile to the *Volk* and State, were confiscated in favour of the province of Austria (Reichsgau Vienna). The art collection was transferred to the depot of the Central Monument Protection Office, where a total of 843 items were inventoried. The Central Monument Protection Office drafted a detailed proposal for the distribution among a number of museums in Vienna and the Reichsgaus, in which Hans Posse, special representative of the planned “Führer museum” Linz, was heavily involved.

At the latest in March 1941, the former director of the Museum für Volkskunde [Museum of Folk Life], NSDAP member Arthur Haberlandt, heard about the Albert Pollak collection and used his network to acquire objects for his museum. The Museum für Volkskunde was in competition with the Landesmuseum Klagenfurt and the Ferdinandeum in Innsbruck regarding distribution, but in November 1941 Haberlandt obtained all eleven of the glass objects requested by him and three textile objects with inventory numbers ÖMV/45.273–45.283 and ÖMV/45.342–45.344.

Albert Pollak fled from Bielitz to the Netherlands, but when and under what conditions is unknown. He died on 17 January 1943 in Groningen under unknown circumstances.

After the war, the Österreichisches Museum für Volkskunde [Austrian Museum of Folk Life and Folk Art], as it was now called, submitted to the Staatsamt für Volksaufklärung, Unterricht, Erziehung und Kultusangelegenheiten [State Office for Popular Enlightenment,

Schools, Education and Cultural Affairs] a “list of assets acquired by the Museum für Volkskunde from Jewish possessions”, including the fourteen objects transferred in November 1941 from Albert Pollak’s collection. This collection was also mentioned in the report of 11 November 1946 by the new director of the Museum, Heinrich Jungwirth, in accordance with the Asset Expropriation Registration Regulation of 15 May 1945, StGBI. No. 10.

On 17 June 1947, the Finanzlandesdirektion für Wien, Niederösterreich und das Burgenland [Provincial Tax Office for Vienna, Lower Austria and Burgenland] as the authority responsible for implementing the First Restitution Act (BGBl. 156/1946) in Vienna informed the Österreichisches Museum für Volkskunde that under the First Restitution Act Albert Pollak’s legal successors had submitted a claim for restitution of the items from Albert Pollak’s collection confiscated by the Gestapo during the Nazi period and transferred to various museums. In reply to inquiries by the Provincial Tax Office, director Jungwirth confirmed on 24 June 1947 that the objects in question were still in the Museum.

On 14 July 1948, the Provincial Tax Office issued a comprehensive decision on the restitution of art objects from Pollak’s collection, including the fourteen objects in the Österreichisches Museum für Volkskunde. At the instigation of the Viennese lawyer Franz Petracek, who was representing Pollak’s legal successors, the objects were evaluated, verified again on 16 March 1949 by director Jungwirth and determined to be “all present and undamaged”.

Over twenty months later, on 13 December 1950, Petracek requested that the objects to be restituted be transferred to the Viennese transport company A. Kühner & Sohn. After Otto Demus, president of the Bundesdenkmalamt [Federal Monuments Authority] as it was now called again, had confirmed that Kühner & Sohn was authorized to take custody of the objects, the fourteen objects from Albert Pollak’s collection to be restituted by the Österreichisches Museum für Volkskunde were accepted by an employee of the transport company.

After restitution in December 1950 by various museums, including the Österreichisches Museum für Volkskunde, of the objects from the expropriated collection, Pollak’s legal successors intended to export them to France, the United Kingdom and Argentina, the countries where they were living after being expelled by the Nazi regime. They were prevented from doing so, however, because of the museums’ interests and the decision-making discretion of the Federal Monuments Authority, supported by the Export Prohibition Act of 1918.

The Federal Monuments Authority agreed to prevent art objects from Albert Pollak’s collection from being exported and supported the Styrian provincial government, among others, in retaining three of the objects restituted beforehand to the legal successors that were requested by the Neue Galerie of the Steiermärkisches Landesmuseum Joanneum.

Further donations were made “by negotiation” with Petracek: three objects for the Tiroler Landesmuseum Ferdinandeum in Innsbruck and one object each for the Kunsthistorisches Museum and the Graphische Sammlung Albertina.

The negotiations between Petracek and the Federal Monuments Authority also turned out well for the Österreichisches Museum für Volkskunde, resulting in the return of the four joke vessels and two jugs from among the fourteen previously restituted objects.

After completing negotiations with all museums, Petracek wrote to the Federal Monuments Authority on 6 September 1951:

On behalf of the heirs of Albert Pollak [...] and in grateful acknowledgement of the permission to export the rest of the collection inherited by us to our new homes [...], I hereby donate to the Federal Monuments Authority the objects from the above-mentioned collection to be disposed of free of charge by interested Austrian museums.

Director Jungwirth confirmed the acceptance and inventorying of the six glass objects by the Österreichisches Museum für Volkskunde on 17 October 1951.

After conclusion of the export proceedings, which, as described, had been preceded by the seizure and expropriation of the collection, the drawn-out restitution process and the negotiations regarding objects banned from export, the president of the Federal Monuments Authority, Otto Demus, wrote again to Petracek on 8 January 1952:

On behalf of the Austrian art collections benefiting from the donations, the BDA expresses its most sincere thanks to you and your clients for the generous donations by the heirs of the Albert Pollak collection.

The Advisory Board considered the following:

The glass items were the objects of restitution to the legal successors *causa mortis* of Albert Pollak and after 8 May 1945, in direct connection with a process based on the provisions of the Federal Law on the Prohibition of Export of Objects of Historical, Artistic or Cultural Significance (StGBI. No. 90/1918), became the property of the Österreichisches Museum für Volkskunde, where they have been since then. It is beyond doubt that Albert Pollak's heirs wished to export all of the objects restituted from the Österreichisches Museum für Volkskunde, including the glass objects under consideration. This is clear from their being handed to a transport company. The causal link between the donation of the glass objects to the Österreichisches Museum für Volkskunde and the approval for export of the remainder of Albert Pollak's collection is explicitly established in the historical documents.

The Advisory Board therefore concludes that insofar as the glass objects are the property of the State, the conditions of Section 1.(1).1 of the Art Restitution Act are met.

Vienna, 25 September 2020

Univ.-Prof. Dr. Clemens Jabloner (chairperson)

Members

Ministerialrätin Dr. Ilsebill Barta
Ltd. Staatsanwältin Hon.-Prof. Dr. Sonja Bydlinski
Assoz. Univ.-Prof. Dr. Birgit Kirchmayr
Univ.-Prof. Dr. Artur Rosenauer
Hofrat d VwGH Dr. Franz Philipp Sutter