

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 15 January 2016, at the request of the Verein für Volkskunde the Art Restitution Advisory Board unanimously adopted the following

DECISION

Insofar as the objects in the dossier of the Austrian Museum of Folk Life and Folk Art (12/2015) are owned by the State and thus subject to the Art Restitution Act BGBl. I No. 181/1998 as amended by BGBl. I No. 117/2009, the conditions of Section 1.(1).2 of the Art Restitution Act are met.

The Board would therefore recommend their transfer to the legal successors *causa mortis* of Georg Popper.

GROUNDINGS

In its decision of 24 June 2009, the Board already recommended the transfer of collection objects owned by the State to the legal successors of Georg Popper. The recommendation concerned the Museum of Folk Life and Folk Art. The Board refers to this decision and establishes the following facts on the collection objects of the Verein für Volkskunde on the basis of the dossier.

Inventory numbers 44547 to 44598 in the inventory of the Museum of Folk Life and Folk Art list objects with the heading "selection from the Popper collection / transferred from NSV Hernals (district IX) in return for a donation of RM 100." The objects were also listed in the declaration of expropriated assets by the Museum of Folk Life and Folk Art on 9 November 1946, also with the indication that they were "from the Popper collection taken over from NSV Hernals".

A study of the asset declarations under the name Popper led to Georg Popper, who in his asset declaration of 24 August 1938 included various objects "from Asiatic, African and Australian peoples together with all kinds of comparable objects including excavations and similar objects from Europe". He was unable to produce an inventory because his apartment was "occupied and not accessible". He informed the Asset Transaction Office on 27 November 1938 of changes in his assets, including the fact that the interior furnishings in the list of assets "had not been returned to him" and on 9 December 1938 that the apartment was being used "for Party purposes".

Georg Popper, who fled to the USA, lived without interruption from 1921 to 1940 at Alszeile 101 in Vienna's 17th district. According to the land registry, this property belonged to his brother and sister-in-law. NSDAP organizations occupied the house in 1938, including the Dornbach section of NSV District IX.

As the objects under consideration were transferred by NSV District IX, whose Dornbach section was in the house where Georg Popper had lived and, furthermore, that Popper mentioned an ethnographic collection in his asset declaration that was no longer accessible because of the occupation of his apartment by NSDAP offices, the origins of the objects may be deemed to have been clarified. Although the exact process of expropriation of the objects by the NSV (or another NSDAP office) cannot be reconstructed, the transfer may be assumed to have been an invalid transaction in the meaning of the 1946 Annulment Act. Insofar as these objects are owned by the State, the condition of Section 1.(1).2 is therefore met. This applies initially to the 34 objects found but also to the other 17 objects (plus one part-object), should they be found in the course of the current investigation of the association's collections.

Vienna, 15 January 2016

Univ. Prof. Dr. Dr. h.c. Clemens Jabloner
(chairman)

Members

Rektorin Mag. Eva Blimlinger
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Alternates

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