

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 30 March 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

- I. the catalogue in the supplementary Commission for Provenance Research dossier “Alphonse Rothschild” (06/2022)

“Notizen über einige meiner Kunstgegenstände mit einem Vorwort von Nathaniel Rothschild, Wien 1903”
inv. no. AR_XIII_4

be transferred from the Kunsthistorisches Museum Vienna (KHM) to the legal successors *causa mortis* of Alphonse Rothschild;

- II. the print item in the supplementary Commission for Provenance Research dossier “Clarice Rothschild, neé Montefiore” (07/2022)

The Imitation of Christ
by Thomas Kempis, Leipzig 1877
Sign. 680.413

be transferred from the Austrian National Library (ÖNB) to the legal successors *causa mortis* of Clarice Rothschild.

FOUNDATIONS

In its decisions of 11 February 1999, 28 June 1999, 27 March 2000, 18 August 2000, 10 April 2002, 27 April 2004, 28 June 2006, 24 June 2009, 11 September 2009, 8 March 2013 and 15 June 2018, the Advisory Board already recommended the return of objects formerly owned by the Rothschild family. In these recommendations, the Board considered collection objects from the Albertina, Museum of Military History / Military History Institute, Kunsthistorisches Museum Vienna and affiliates (Picture Gallery, Imperial Armoury, Kunstammer, Coin Collection, Collection of Historic Musical Instruments and Theatre Museum), MAK – Museum of Applied Arts, Österreichische Galerie Belvedere, Austrian National Library and Austrian State Archive. Most recently the return of an object from the Albertina to the legal successors of Louis Rothschild was recommended in 2018.

The Board now had to consider a further object in the Kunsthistorisches Museum and a print item in the Austrian National Library in the above-mentioned supplementary Commission for Provenance Research dossier. It established the following facts of relevance to the decision.

Ad I. The catalogue under consideration, “Notizen über einige meiner Kunstgegenstände, mit einem Vorwort von Nathaniel Rothschild, Wien 1903” [Notes on some of my art objects, with a foreword by Nathaniel Rothschild, Vienna 1903] is a list written and printed by Nathaniel Mayer de Rothschild (1836–

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1905) of 349 selected works from his private art collection including not only paintings but also numerous miniatures, marble and bronze sculptures, medieval and Renaissance ivory sculptures, precious weapons, enamel works, precious metal cups and vessels, boxes and trinkets, majolicas, porcelain and musical instruments. While the medieval and Renaissance objects were mostly inherited from his father Anselm Salomon Rothschild, Nathaniel Rothschild acquired most of the more recent objects himself. The art collection was housed in the so-called “museum”, a two-storey Renaissance room in the Rothschild residence at Theresianumgasse 16–18 in Vienna’s 4th district. The introduction to the 137-page catalogue indicates that Nathaniel Rothschild was very interested in the provenance of his objects. He wrote:

These pages contain commentaries on my art objects for which I have been able to ascertain the artists’ names or the provenance. The objects for which I have no information or whose appearance provides this information are not listed.

After Nathaniel Rothschild’s death on 13 June 1905, his nephew Alphonse Mayer Rothschild, born on 15 February 1878 in Vienna, inherited the residence in Theresianumgasse together with the art collection and catalogue. He had a doctorate in law and in November 1912 married Clarice Adelaide Sebag-Montefiore, born on 5 May 1894 in London. Together with his wife he added a wing to the residence to provide further space for the continuously growing collection. The equally significant art collection belonging to his brother Louis Nathaniel Rothschild, born on 5 March 1882, who at the age of 29 became director of the S.M.v. Rothschild bank, was located in the Rothschild residence at Prinz-Eugen-Strasse 20–22 in Vienna’s 4th district.

In the days right after the annexation of Austria to the Nazi Germany Reich in March 1938 the Rothschild family, who were deemed Jewish according to the Nuremberg Laws, were targeted by the Nazis. Alphonse and Clarice Rothschild had already moved to Switzerland in 1937. Shortly before the annexation they visited a philately exhibition in London, for which Alphonse had loaned a number of objects. While the couple were on their way back to Switzerland, Alphonse’s brother Louis, who had remained in Vienna, was held up by the SS at Aspern airfield on 12 March 1938 and arrested the following day at his Vienna residence. Shortly before, Louis Rothschild had arranged for his brother’s daughters Bettina and Gwendoline to travel by train to their parents in Switzerland, where son Albert had been living since 1937.

On 14 March 1938, the day after Louis Rothschild’s arrest and hence directly after the annexation of Austria to the Nazi German Reich, the two residences belonging to the Rothschild brothers were sealed by the Gestapo. The Rothschild assets were confiscated on the basis of the Second Regulation to the Law on the Reunification of Austria to the German Reich of 18 March 1938, RGBl. I 1938, p. 262, in connection with the decree of the Reichsführer SS and Chief of the German Police in the Reich Ministry of the Interior of 23 March 1938 L.d.S.B. 150/38 and the findings of the Vienna Gestapo of 5 April 1938, II HB No. 1365/38. The asset confiscation was subsequently confirmed by the Eleventh Regulation to the Reich Citizenship Act of 25 November 1941, RGBl. I 1941, pp. 722ff.

In accordance with the Regulation on the Registration of Assets of Jews of 26 April 1938, dRGBl. 1938 I, p. 414, GBlÖ 102/1938, Alphonse Rothschild submitted his asset declaration *in absentia* on 1 August 1938. By order of the Gestapo, only the assets abroad were declared, no doubt because those in Austria had already been seized. The declaration therefore included the estate in Schillersdorf, Czechoslovakia, estimated at 15 million kronen, the shares in the Witkowitz Bergbau- und Eisenhütten Gewerkschaft and unspecified luxury items and the stamp collection. In February 1939, Alphonse Rothschild received a “provisional Reich flight tax assessment”, according to which he was required to pay RM 5,318,022 on assets worth RM 21,272,087 as per 1 January 1938.

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Alphonse Rothschild arranged the release of his brother Louis from abroad in return for ceding much of his assets to the Nazis. Hermann Göring appointed Regierungsrat Walter Britsch (1908–1982) as authorized agent for the Four-Year Plan to handle the Rothschild assets. The negotiations between Eugen (1884–1976), the youngest brother living in Paris, Alphonse Rothschild and the Reich trustee Britsch in Berlin, Paris and Vienna lasted from October 1938 to May 1939. On 8 May 1939 an agreement was reached by which, *inter alia*, the “entire assets belonging to Alfons Rothschild in the territory of the Greater German Reich” were to become the property of the German Reich.

On the basis of this agreement, Louis Rothschild was released after over a year’s imprisonment by the Gestapo in the former Hotel Metropol on Morzinplatz in Vienna. In May 1939, he was able to emigrate via Switzerland and Argentina to the USA, where he married Hilda Auersperg in 1946. He died on 15 January 1955 in a bathing accident in Montego Bay, Jamaica. On that same day the demolition work began on his residence in Prinz-Eugen-Strasse, which had been restituted after the war and sold to the Chamber of Labour in 1954.

Alphonse Rothschild had already died earlier, in US exile in Bar Harbor on 1 September 1942. His estate was consigned in its entirety to his widow Clarice Rothschild. As the heir of her late husband, she made a claim on 30 July 1947 through her legal counsel Karl Trauttmansdorff under the First Restitution Act. Regarding the restitution of the art collections, the Federal Monuments Authority presented a “list of donations” as condition for negotiations on export authorization. The donation of over 250 objects was required “as a condition for the granting of export authorization for all other art objects [...] after their restitution”. In a number of decisions between 1947 and 1954, several thousand objects stored by the Federal Monuments Authority in various locations, including Palais Springer at Metternichgasse 8 in Vienna’s 3rd district, the Kremsmünster depot, the salt mine in Altaussee, the Oberösterreichisches Landesmuseum, the Historisches Museum der Stadt Wien, the Salzburg residence and the MAK in Vienna, were returned to Clarice Rothschild. It was only more than three decades after her death in 1967 that the forced donations after 1945 were restituted, as indicated above. From 1999, the Art Restitution Advisory Board made several recommendations on the return of objects from the collections of the brothers Alphonse and Louis Rothschild, including items in the Kunsthistorisches Museum.

In the course of preparation for the exhibition *The Vienna Rothschilds*, which opened at the Jewish Museum Vienna in December 2021, attention was drawn to the KHM’s research into the provenance of the catalogue from the year 1903 under consideration here, which was acquired by the museum in 1938 when the Rothschild art collections were seized but not inventoried until 1984. The history of the catalogue was therefore closely examined by the provenance researchers.

As mentioned, the two Rothschild residences in Prinz-Eugen-Strasse and Theresianumgasse were sealed on 14 March 1938, the day after Louis Rothschild’s arrest.

The city of Vienna, headed by mayor Hermann Neubacher (1893–1960) appointed in the course of the annexation, was very interested in acquiring the Rothschild art collections. On 22 March 1938, Oskar Katann (1885–1967), head of the Wiener Städtische Sammlungen, received an instruction by telephone from Magistratsdirektor Rudolf Hornek (1879–1945), the highest ranking administrative official in the city of Vienna at the time, to inventory the Rothschild art treasures and entrust them to the Museum der Stadt Wien.

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On the same day, Katann visited the residence in Theresianumgasse, where he was shown around by Alphonse Rothschild's secretary Fritz Aichberger. He reported shortly afterwards to Mayor Neubacher:

After a tour lasting around 1¼ hours, in which, however, I was not allowed to enter all the rooms occupied by the Gestapo, I established that there were 10,000 objects worth around 20 million schillings, not including a huge stamp collection and jewellery in safes. The detailed inventory of the art objects is held by the Vienna police headquarters, and the secretary has a copy with the estimations. [...] It is an extremely valuable art collection which would [...] take many months to inventory in detail.

A note also dated 22 March 1938 enclosed with the catalogue under consideration states: "This catalogue taken by the secretariat is the sole copy and it is requested that it be returned." The signature of the SS-Untersturmführer ("Schl.") cannot be definitively identified.

As Katann did not wish to carry out the full inventory, he argued that "securing" the objects "was more a matter for the province of Austria than for the city of Vienna", since very few of the pictures were to do with Vienna. Moreover, it was doubtful "whether the art objects, if expropriated from Baron Rothschild, would be acquired by the city". Katann was proved right in this assessment. On 9 May 1938, Leopold Blauensteiner (1880–1947), "general authorized agent for fine arts in the NSDAP Austrian culture office" appointed Fritz Dworschak (1890– 1974), temporary head of the Kunsthistorisches Museum, as "authorized sub-agent for the two Rothschild collections". Dworschak had already written to the head of the NSDAP provincial culture office proposing the museum, "for the sake of simplicity", as a suitable location for storing the "seized objects" from the residences. Some time later, Hans Heinrich Lammers, Reich Minister and Head of the Reich Chancellery agreed at the suggestion of Reichsführer SS Heinrich Himmler that "in the interests of proper handling and storage, all seized and confiscated artworks in Austria be collected and catalogued in the new Hofburg (Kunsthistorisches Museum)". Himmler ordered Walter Stahlecker (1900–1942), head of the Vienna Security Police, to implement the instruction. On 22 September 1938 Stahlecker appointed Dworschak head of this "central depot for seized collections". First of all, the art objects were removed from the Rothschild residence in Prinz-Eugen-Strasse, a task that took several weeks. Dworschak praised the "engaged and careful behaviour of the Gestapo [...] in securing these valuable objects for the Reich". The central depot enabled Dworschak to bring the seized art collections stored hitherto in various locations under one (in other words, his) roof.

The catalogue under consideration was probably transferred to the KHM directly after the removal of the Rothschild art collections to the central depot in the Neue Burg. A letter by Helmut Tanzmann, who worked for the inspector of the Security Police, to Dworschak on 12 October 1938, states that an "old[er] catalogue of the Rothschild collections" had been found. Evidently, the request by Rothschild's secretary Aichberger to return the only copy had not been complied with, although Tanzmann now point out: "As this catalogue is the only one known to me, I request that it be stored carefully." He can only have been referring to Nathaniel Rothschild's 1903 catalogue under consideration here, today in the archive of the Kunsthistorisches Museum.

Ad II. Alphonse Rothschild's residence contained not only the art collection mentioned above but also a library with several thousand items and a manuscript collection. During the seizure described above, Stahlecker had the library moved directly from Theresianumgasse to the National Library. After valuable manuscripts and printed items had been selected and taken to the Central Depot for Seized Art Objects and "reserved for the Führer", the rest of Alphonse Rothschild's library was incorporated from the beginning of 1939 into the National Library. The work under consideration, *The Imitation of Christ* by

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Thomas Kempis, was entered in the accessions book with the abbreviation “P 38”, which, as already mentioned in the decisions on the ÖNB collections of 11 September 2009, 15 May 2014, 5 October 2016 and 6 March 2020, indicates that it was seized by the Gestapo.

The handwritten dedication in the item shows that it had been given to Alphonse Rothschild’s wife Clarice by her mother Juliana Lucas Sebag-Montefiore, neé Davidson (1872–1911):

Clarice A. S. Montefiore.

From her Mother.

April 19. 1908.

In memory of a day in Florence.

In the March of that year.

“If I speak with the tongues of men
and angels, and have not charity,
I am as sounding brass.” (St. Paul)

The Imitation of Christ by Thomas Kempis is today in the Austrian National Library and has been identified on the basis of the dedication to have belonged to the Rothschilds.

The Advisory Board considered the following:

As already determined in the recommendations of 11 February 1999, 28 June 1999, 27 March 2000, 18 August 2000, 10 April 2002, 27 April 2004, 28 June 2006, 24 June 2009, 11 September 2009, 8 March 2013 and 15 June 2018, the collections were expropriated by the Nazi regime from the Rothschild family, who were persecuted as Jews, and ended up in the course of the seizure and transfer to the Central Depot for Seized Collections in the Neue Burg and Kunsthistorisches Museum. Most of the books, manuscripts and printed items were moved to the National Library, where they were catalogued with an abbreviation indicating that they had been seized.

After Alphonse Rothschild’s death in 1942, his estate was officially consigned in its entirety on 28 July 1947 to his widow Clarice Rothschild. It is for that reason that the two objects under consideration, the catalogue and the printed item, are being dealt with together in this decision.

Ad I. While objects from the Rothschild collection were recommended for return pursuant to Section 1.(1).1 of the 1998 Art Restitution Act, the catalogue under consideration remained until now in the museum. As its whereabouts were not known after 1946 – it appears to have been overlooked or not recognized as an object in its own right when the holdings were being examined – the catalogue was not apparently intended as a donation in return for export authorization as specified in Section 1.(1).2 of that Art Restitution Act.

As the expropriation of the catalogue is an invalid legal transaction in the meaning of Section 1 of the 1946 Annulment Act, however, the Board considers that the condition of Section 1.(1).2 of the Art Restitution Act is met. The recommendation is therefore made to the Federal Minister of Art and Culture, Civil Service and Sport that it be returned to the legal successors of Alphonse Rothschild.

Ad II. The print item belonging to Clarice Rothschild, neé Sebag-Montefiore, whose expropriation is also an invalid legal transaction in the meaning of Section 1 of the 1946 Annulment Act, is still held today in the Austrian National Library collections. The Board thus again considers that the condition of Section

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1.(1).2 of the Art Restitution Act is met. The recommendation is therefore made to the Federal Minister of Art and Culture, Civil Service and Sport that it be returned to the legal successors of Clarice Rothschild.

Vienna, 30 March 2022

Univ. Prof. Dr. Clemens Jabloner (chairman)

Members

Univ.-Prof.in Dr.in Sonja Bydlinski, MBA
Assoz. Univ.-Prof.in Dr.in Birgit Kirchmayr
Ministerialrätin Dr.in Eva B. Ottlinger
A.o. Univ.Prof.in Dr.in Sabine Plakolm-Forsthuber
Hofrat d. VwGH Dr. Franz Philipp Sutter

Alternate

Hofrat Dr. Christoph Hatschek

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