

In accordance with Section 3 of the Federal Act on the Restitution of Art Objects and Other Movable Cultural Property from Austrian Federal Museums and Collections and from Other Federal Property (Art Restitution Act-KRG) as amended by Federal Law Gazette (BGBl.) I No. 158/2023, at its meeting on 18 November 2025, the Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister of Housing, Arts, Culture, Media and Sport that the works from the supplementary dossier “Josef und Louise Simon” of the Commission of Provenance Research 11/2025, which are listed in the annexes to this decision, should not be transferred from the Austrian National Library as well as the Theatermuseum (KHM-Museumsverband) to the legal successors *causa mortis* of Josef and Louise Simon.

GROUNDINGS

The Advisory Board already dealt with objects from Luise (Louise) Simon's collection from the Albertina in its resolutions of 10 April 2002, 11 March 2003 and 14 June 2019. The Advisory Board is now dealing with the supplementary dossier from the Commission for Provenance Research on objects in the collections of the Austrian National Library and the Theatermuseum.

Josef Simon was born in Hořice, in what is now the Czech Republic, on 23 February 1854. He initially ran a timber business that specialised in the export of barrel staves in Prague. He was also an artistic collaborator at the German State Theater in Prague. In 1886, he married Louise Deutsch, the daughter of Leopold Deutsch (1825–1899) and Hermine, née Strasser (1835–1889), born on 31 August 1860, in the synagogue on Seitenstettengasse in Vienna. The following year, in 1887, Louise's older sister Adele, born in 1856, married the composer Johann Strauss (son); it was his third marriage and Adele's second. Josef and Louise Simon initially lived in Prague, where their son Johann was born in 1887 and their daughter Margarethe in 1891. In 1893, they moved to Vienna. In 1896, the family spent their first summer vacation in Bad Ischl, and a year later Josef Simon and his brother-in-law Johann Strauss purchased Villa Erdödy there. After the composer's death in 1899, Josef Simon began collecting memorabilia related to the Strauss family. His collection included autographed sheet music, mainly by Joseph Lanner and Johann Strauss, father and son, as well as letters, documents, theater and concert programs, books, paintings and memorabilia. In 1900, Josef Simon, together with Leon Doret and Emil von Kubinzky, acquired the Theater an der Wien. The following year, at his suggestion, the music publishing company Universal-Edition (UE) was founded in Vienna, and he became a member of its board of directors. He was also on the board of directors of the “Actiengesellschaft der Wiener Localbahnen” (Vienna Local Railways Company Ltd.), vice president of the board of directors of the “Österreichische Eisenbahn-Verkehrs-Anstalt” (Austrian Federal Railways), and president and technical and commercial director of its subsidiary, the “Gesellschaft für elektrische Industrie (Elin)” (Electrical Industry Association). Josef Simon, who also played a role in the founding of the Hungarian Railway

Transport Company, was ennobled in 1917.

The art collection located in Josef Simon's apartment at Schottengasse 7 in Vienna's 1st district was made accessible to the public in 1922; this was in response to the one-time large property tax enacted in July 1920 (StGBI. 371/1920). In the notarial deed drawn up in February 1922, the art collection of over 200 paintings was described in detail, apparently based on the "Handbook for the Preservation of Art in Austria" from 1902. In addition, the catalogue "Kollektion Josef Simon Wien" (Josef Simon Collection Vienna), published before 1918, provided information about the composition of the collection of oil paintings, watercolours and sculptures. The notarial deed also refers to what Josef Simon called the "Museum für Alt-Wiener Musik" (Museum of Old Viennese Music) with around 16,000 items, the "Strauss Collection".

In the fall of 1922, the archives of the Theater an der Wien were transferred to the National Library's theatre collection, which had been founded at that time, for permanent safekeeping and administration. Consisting of two sections, music and theatre, it was the first theatre archive to be added to the theatre collection. Simon – as co-owner of the Theater an der Wien – stipulated in a notarial deed that the objects in the National Library should be "displayed, arranged, catalogued and made available for public use in accordance with the applicable standards" and given the name "Library of President J. Simon and Associates of the Theater an der Wien". He also reserved the right to "unrestricted use and borrowing at any time". The library was initially stored at Josefsplatz and then moved to four archive rooms in the theatre collection at Augustinerstöckl in 1926. In May 1924, Josef Simon sold his shares in the Theater an der Wien to Hubert Marischka and Lilian Karczag. In the same year, he donated theatre programs from his private collection to Max Reinhardt, then director of the Theater in der Josefstadt. In a letter, Reinhardt thanked "President Simon" for the donation: "From the very beginning, it has been my ambition to bring everything related to this theatre back here, which is why I was so delighted by your gift."

Josef Simon died in Vienna on 29 December 1926. The obituary published in the *Neues Wiener Journal* stated that he was one of the "most striking figures in the Viennese theatre world before the war" and that he had been friends with theatre greats such as Alexander Girardi and Josef Kainz. Simon's extensive Strauss collection was also mentioned. Two years after his death, the family offered the collection—which Simon had described in 1922 as a "museum of old Viennese music"—for sale to the National Library and the Municipal Collections in Vienna. Josef Simon's son Johann, also authorised by his mother Louise Simon and his sister Margarethe Altmann, was the main negotiator. However, the purchase did not go through.

After the annexation of Austria to the Nazi German Reich, the Simon family was subjected to persecution because of their Jewish heritage. In her Declaration of Assets dated 12 July 1938, Louise Simon listed various shares in companies that her husband had co-founded or served on the supervisory boards of, as well as objects worth RM 21,520. In addition to jewellery and silver, these included bronzes, plaques, pictures, engravings, manuscripts, sheet music, scores, medals, cushions and other luxury items worth RM 20,000. The Strauss collection was not listed separately, nor was it included in the asset declarations of her two children. According to registration documents, Louise Simon left Switzerland on 3 March 1939, although other sources indicate that she had been living there since March 1938. Her art collection initially remained in the custody of her daughter Margarethe, who

lived in Vienna until May 1939. She arranged for her mother's belongings, which included oil paintings, watercolours, and sculptures, to be stored at the Vienna-based shipping company Eger. On 6 November 1940, these items were seized by the Gestapo and subsequently either sold by Vugesta or put up for auction at the Dorotheum. The Strauss-Simon collection, on the other hand, remained in the apartment at Wienzeile 6. After the General Director of the National Library, Paul Heigl, argued in a letter to the Central Office for Monument Protection dated 8 February 1939, that the collection “including the prints and graphics formed a coherent whole” that should not be exported, the Strauss-Simon collection was seized on 21 February 1939, and handed over to the Vienna Municipal Collections for safekeeping. In 1942, it was finally acquired by the City of Vienna; this was the subject of a settlement between the City of Vienna and Louise Simon's legal successors in 1952.

The works in question were entered as a “donation” in the accession register of the National Library's theatre collection (now the Theatermuseum) on 7 February 1939; the name column notes “Simon, Josef President (old collection holdings)”. The 27 objects in total consist of photos, postcards, newspaper clippings, prints, theatre flyers and programs, and a typewritten manuscript, although only ten inventory numbers remain today. While the manuscript with inventory number 129.721 still belongs to the Austrian National Library, the remaining objects have been part of the Theatermuseum's collection since they were entered as old holdings in the accession register on 7 February 1939, whereby the register begins only in 1930. The manuscript was entered in the National Library's printed works collection register on 11 January 1949, with inventory number 773194 and the notes “Pres. J. Simon” and “Ra”, although the year given is 1938. “Ra” stands for the designation of the department for “Theater, Dance, Film, Radio, Television” of the National Library, and the location was given as the theatre collection. “G” in the provenance column stands for “gift”. The exact path taken by the objects cannot be traced due to a lack of documentation, but the designation of holdings as “older” or “old” was used for subsequent inventories. On 7 February 1939, a total of around 2,400 works, accession numbers 129,332 to 131,728, were entered in the theatre collection's accession book – including objects from other collectors. Apart from the 27 objects belonging to Josef Simon, the designation “old holdings” or “old collection holdings” is otherwise mentioned only in accession numbers 130.320, 130.343–130.349, and 130.374–130.377, in each case without naming names or with the note “assigned by the house”.

The Advisory Board considered the following:

In accordance with Section 1(1).2 of the Art Restitution Act, objects owned by the federal government that were the subject of a legal transaction or legal act in accordance with Section 1 of the Nullity Act 1946 can be transferred to the original owners or their legal successors *causa mortis*. In accordance with Section 1 of the Nullity Act 1946, “legal transactions and other legal acts against payment or free of charge during the German occupation of Austria are null and void if they were carried out in the course of the political or economic penetration by the German Reich in order to deprive natural or legal persons of assets or property rights to which they were entitled on 13 March 1938.” In February 1939, the 27 objects in question were inventoried as a gift, but with the note “Simon, Josef, President (old collection holdings)” in the theater collection's accession register, which begins in 1930. As the Advisory

Board most recently stated in its recommendation regarding the Alfred Grünwald Collection of 8 July 2025, so-called “older holdings” are usually post-inventory additions.

The Advisory Board is aware that the National Library's accession register lists 1938 as the year the manuscript was received, but Josef Simon could have donated the objects in question only before his death in 1926. Either he donated them privately, as was the case with the donation of theatre programs to Max Reinhardt in 1924, or they were part of the archive of the Theater an der Wien, which came to the theatre collection in 1922 as the “Josef Simon and Associates Collection”. In terms of content, the objects have no connection to the main focus of the Strauss Collection, so it is unlikely that they would have come to the National Library in the course of or after the acquisition of the Strauss-Simon Collection by the City of Vienna. Another argument against this is that on 8 February 1939, the Director General of the National Library emphasised that the collection was a “cohesive whole”. Nor can the objects, which include theatrical items such as programme booklets, be regarded as part of the art collection that passed to Louise Simon after her husband's death and was subsequently seized by the Gestapo on 6 November 1940.

The Advisory Board therefore assumes that the works in question were already removed from Josef Simon's property during his lifetime, meaning that they were not passed on to his legal successors through inheritance. Another argument in favour of subsequent inventorying is that the works in question were obviously part of a collective inventory: There are a total of around 2,400 items (accession numbers 129,332 to 131,728) that were entered collectively on a single day, 7 February 1939, whereby the designation “old holdings” or “old collection holdings” appears, apart from the 27 objects belonging to Josef Simon, on only twelve other accession numbers whose provenance could not be determined in more detail. A transfer of ownership of the works listed in the appendix is therefore not recommended.

Vienna, 18 November 2025
Univ.-Prof. Dr. Clemens JABLONER (Chairman)

Members:

Brigadier
Stefan KIRCHEBNER, MA

Associate Professor
Dr. Birgit KIRCHMAYR

Ministerial Councillor
Dr. Eva B. OTTILLINGER

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