

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 Federal Law Gazette (BGBl.) I No. 117/2009 (Art Restitution Act), at its meeting on 17 April 2015, the Art Restitution Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister of Arts and Culture, Constitution and Media that the object listed in the Commission for Provenance Research dossier "Alice Stein" (17/2014),

Group: Argos, Hermes and Io
Porcelain, glazed, unpainted
Wiener Porzellanmanufaktur
H.I. 28.722, Ke 7500

be transferred from the Austrian Museum of Applied Arts / Contemporary Art to the legal successors *causa mortis* of Alice Stein.

GROUNDINGS

The Art Restitution Advisory Board has received the above-mentioned dossier from the Commission for Provenance Research. Based on this dossier, the Advisory Board finds the following facts relevant to the decision:

Alice Stein, who was born in 1885 and living lived in Vienna's 1st district, was persecuted by the Nazi regime as a Jew. She was the widow of Max Stein, who died on 27 February 1938, and whose estate was administered to her on 30 June 1938. On 15 July 1938, she submitted a declaration of assets as of 27 April 1938, which was accompanied by valuation lists of her assets and the assets of the estate of Max Stein. In these lists, item 216 mentions "*1 porcelain group white glaze Mercury as a shepherd, Vienna 18th century cracked, restored*".

Alice Stein had already submitted an application to the Central Monument Protection Office for the export of two portraits of women to New York on 30 March 1938, and she and her two sons submitted further applications on 10 October, 1938. On 12 October 1938, the Central Monument Protection Office approved the export applications.

The day before, on 11 October 1938, the State Museum of Decorative Arts (now the MAK or Austrian Museum of Applied Arts / Contemporary Art; hereinafter: MAK) sent Alice Stein a letter stating that the porcelain group shown here had been accepted as a gift. According to the registration documents, one year later, in October 1939, Alice Stein was deregistered, listing New York as her new address as.

The Advisory Board considered the following:

In accordance with Section 1. (1). 2 of the Art Restitution Act, objects that legally became the property of the State but had previously been the subject of a legal transaction or legal act under Section 1 of the Nullity Act 1946, Federal Law Gazette (BLBl.) No. 106/1946, may be transferred to the original owners or their legal successors *causa mortis*. As the Advisory Board has already stated on several occasions with reference to the relevant case law of the Restitution Commission, relevant legal transactions by persons who are to be attributed to the group of persecuted persons are generally to be assessed as null and void in accordance with Section 1 of the Annulment Act 1946. Donations, in particular to public collections, can also be qualified as such null and void legal transactions (cf. e.g. the recommendations from 28 June 2006 and 1 June 2007 on Gertrude and Hans Fischl, 28 June 2006 and 21 November 2008 on Siegfried Gerstl, and 11 September 2009 on Walter Hersch).

Alice Stein was certainly one of the persecuted persons. The donation of the porcelain group to the MAK obviously took place in the course of the preparations for Alice Stein's escape, as can be seen by its temporal proximity to the export application to the Central Monument Protection Office. The Advisory Board therefore has no doubt that the donation is to be qualified as a void legal transaction. The porcelain group is now owned by the State.

As the factual prerequisites of Section 1. (1) . 2 of the Art Restitution Act were therefore fulfilled, it was recommended to the Federal Minister for Art and Culture, Constitution and Media that the porcelain group should be transferred to the legal successors of Alice Stein.

Vienna, 17 April 2015

Prof. Dr. Dr.h.c. Clemens Jabloner (Chairman)

Members:

Substitute members:

Ministerial
Councillor Dr.
Ilsebill BARTA

Dr. Christoph HATSCHEK

Rector
Eva BLIMLINGER

Prof. Dr. Artur ROSENAUER

Counselor of the VwGH
Dr. Franz Philipp SUTTER

Former Advocate
General Dr. Peter
ZETTER