



The "Mauerbach Auction" of 1996

Despite numerous restitution acts and research undertaken by Austrian authorities, the depots of the Federal Office for the Protection of Monuments still contained works of art and cultural objects that had once been expropriated well into the 1980s.[1]

The works of art in question had been transferred to Austria by the Central Art Collecting Point in Munich but it had not been possible to reconstitute them despite the enactment of the Art and Cultural Objects Settlement Acts of 1969 and 1985 (cf. the art restitution legislation enacted in the wake of World War II). These holdings had been stored at a former Carthusian monastery in Mauerbach near Vienna since 1966.[2] The Federal Museums had repeatedly obtained works from the Mauerbach holdings for their own collections, citing their need for restoration; other items were provided on loan to various government departments for decorative purposes.[3]

The notion of selling the remainder of the Mauerbach holdings at auction and donating the profits to victims' associations was first discussed in 1979.[4] The publication of the article, "A Legacy of Shame: Nazi Loot in Austria" by Andrew Decker in the American art journal ARTNews sparked a renewed debate on what to do with the Mauerbach holdings.[5] In 1985 the Austrian Parliament passed the Second Art and Cultural Objects Settlement Act[6] following pressure from the Jewish Community and Jewish victims' organizations. This law was supposed to see efforts return to a focus on individual restitutions before a final sale of the heirless artworks to benefit the victims' associations.[7]

In autumn 1995 all remaining unclaimed artworks from the Mauerbach holdings were transferred to the Federal Association of Jewish Religious Communities in Austria so that they could be sold.[8] On 29 and 30 October 1996 the auction house Christie's held an auction at the MAK – Austrian Museum of Applied Arts, with 1,045 separate lots.[9] These auctions yielded proceeds of around 120 million Schilling.[10] These proceeds were used to benefit people who had been persecuted by the Nazi regime due to their origin, religion or political beliefs.[11]

[1] Cf. Kurt Haslinger, Mauerbach und der lange Weg bis zur Auktion: 1969–1996, in: Theodor Brückler (ed.), *Kunstraub, Kunstbergung und Restitution in Österreich, 1938 bis heute*, Vienna-Cologne-Weimar 1999, p. 45f. (cited hereinafter as: Haslinger, Mauerbach).

[2] Cf. Sabine Loitfellner, *NS-Kunstraub und Restitution in Österreich. Institutionen – Akteure – Nutznießer*, in: Verena Pawlowsky, Harald Wendelin (ed.), *Enteignete Kunst. Raub und Rückgabe. Österreich von 1938 bis heute*, Vienna 2006, p. 23.

[3] Cf. Haslinger, Mauerbach, p. 48.

[4] Cf. *ibid.*, p. 45.

[5] Cf. Andrew Decker, *A legacy of shame*, in: *ARTnews* 83, 1984, p. 55-76.

[6] Federal Law of 13 December 1985 on the Surrender and Sale of Federally Owned Formerly Heirless Art and Cultural Objects (Second Art and Cultural Objects Settlement Act), Federal Law Gazette 2/1986

[7] Cf. Haslinger, Mauerbach, p. 45f.

[8] Federal Law Amending the Second Art and Cultural Objects Settlement Act, Federal Law Gazette 515/1995, 4 August 1995.

[9] Mauerbach Auction Catalogue Mauerbach – Items seized by the Nazis to be sold for the benefit of the victims of the Holocaust, 29 and 30 October 1996, Vienna, MAK – Austrian Museum of Applied Arts, Christie's.

[10] Information of the proceeds raised at auction varies: Der Standard, 2/3 November 1996 reported total proceeds of 155.7 million Schilling, the Jewish Community's journal, Die Gemeinde, 1 December 1996 stated 137 million Schilling, the Wiener Zeitung gave net proceeds as 122 million Schilling; cf. Clemens Jabloner, Brigitte Bailer-Galanda, Eva Blimlinger et al., Schlussbericht der Historikerkommission der Republik Österreich. Vermögensentzug während der NS-Zeit sowie Rückstellungen und Entschädigungen seit 1945 in Österreich. Zusammenfassung und Einschätzungen (Publications of the Austrian Historical Commission, volume 1) Vienna, Munich, 2003, p. 435, note 984.

[11] Cf. Sec. 8 of the Second Art and Cultural Objects Settlement Act as amended by Federal Law Gazette 515/1995.