

Czechoslovak Efforts to Acquire Works of Art from Austrian Collections after the First World War

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Abstract

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1.01 Original scientific article

After 1918, the newly established Czechoslovakia acquired the property of the Austro-Hungarian crown and ruling dynasty located within its territory, including numerous works of art, in accordance with the Treaty of Saint-Germain. The young republic also sought to recover works that had been transferred from the Czech lands to Vienna due to the centralization of the monarchy, where they became part of public collections. The article discusses the (rejected) request submitted by the Czechoslovak Republic after World War I for the return of Czech artworks from Vienna museums. It presents the historical context of the restitution claim, the individuals involved in these processes (especially on the Czechoslovak side), the main events, and relevant documents. In the broader European context, negotiations on the acquisition of parts of the former Austro-Hungarian court collections by the successor states paved the way for discussions on the rights of states to cultural heritage.

Keywords: Prague Castle, Treaty of Saint-Germain, Rudolf II's Kunstkammer, cultural *bohémica*, Austro-Hungarian court collections

Izvleček

Češkoslovaška prizadevanja za pridobitev umetnin iz avstrijskih zbirk po prvi svetovni vojni

1.01 Izvirni znanstveni članek

Po letu 1918 je novoustanovljena Češkoslovaška v skladu s Saintgermainsko pogodbo pridobila lastnino avstro-ogrske krone in vladajoče dinastije, ki se je nahajala na njenem ozemlju, tudi številna umetniška dela. Mlada republika pa je želela pridobiti tudi dela, ki so bila zaradi centralizacije monarhije iz čeških dežel prenesena na Dunaj, kjer so postala del javnih zbirk. V članku je obravnavana (zavrnjena) zahteva za vrnitev čeških umetnin iz dunajskih muzejev, ki jo je po prvi svetovni vojni vložila Češkoslovaška republika. Predstavljeni so zgodovinski kontekst zahteve za restitucijo, posamezniki, vpleteni v te procese (zlasti na češkoslovaški strani), najpomembnejši dogodki in relevantni dokumenti. V širšem evropskem kontekstu so pogajanja o tem, da bi naslednice pridobile dele nekdanjih avstro-ogrskih dvornih zbirk, utrla pot razpravam o pravicah držav do kulturne dediščine.

Ključne besede: Praški grad, Saintgermainska pogodba, umetnostne zbirke, Rudolf II., kulturna bohémica, avstro-ogrske dvorne zbirke

With the dissolution of Austria-Hungary in 1918, five successor states came into being.¹ Most of the monarchy's territory had been under Habsburg rule since the sixteenth century, with a centralism predominating from the eighteenth century onward that also shaped cultural life. The principal offices and cultural institutions were concentrated in Vienna and Budapest, to which political and cultural heritage—including the collections of the ruling dynasty and noble families—was gradually relocated.²

After 1800, these collections formed the basis of public museums and galleries. Centralization was reinforced by scholarly classification, which led to the concentration of the most important holdings in Vienna, where the best conditions were available for administration, conservation, and specialist care.

Starting in the early nineteenth century, however, efforts aimed at cultural emancipation on the part of the crown lands and national communities intensified. Regional museums and galleries were founded, collecting both domestic and foreign art to reduce dependence on Viennese institutions. Nonetheless, their resources could not compare with those of the centralized Viennese collections, something that Czech society perceived as an injustice.

Following the collapse of the monarchy, the cultural imbalance between the new states was striking: Vienna and Budapest retained collections of European significance, whereas the successor states inherited secondary holdings for the most part. Czechoslovakia therefore sought to obtain at least part of the Austrian collections, and this became a key theme of postwar cultural policy.

The motivation of Czechoslovak actors and the Advisory Board for the Restitution of Bohemica

The motivation of the Czechoslovak elites in laying claim to Austrian collections was strong. The limited political possibilities prior to the establishment of an independent state had shifted the activities of Czech intellectuals into the cultural sphere. The past was understood as the key to strengthening national identity,³ and material monuments became instruments of cultural autonomy.⁴

The demands were twofold: the acquisition of collections commensurate with the ambitions of the young state and atonement for historical grievances associated with the Viennese center.⁵

¹ This status was granted to the Kingdom of Serbs, Croats, and Slovenes; the Czechoslovak Republic; the Second Polish Republic; the Republic of German Austria; and the Hungarian People's Republic.

² Biedermann, "On the History of Austrian Collections."

³ Pánek and Tůma, *A History of the Czech Lands*, 365–436.

⁴ This is evidenced by the fact that one of the first legislative measures of the new state was a decree prohibiting the export of art objects from the country, issued the day after the proclamation of the Czechoslovak Republic (no. 13/1918 Coll.).

⁵ The narrative of the Czechoslovak actors is illustrated by the following quote: "An expression of the same injustice, the same violation of state and political decency, of Habsburg policy, which transformed the Czech state into an administrative province of Austria, was the centralization of all the treasures that the Habsburgs had accumulated as kings of Bohemia, from the resources provided to them by the rich Czech state in the treasuries and collections of Vienna, Austrian treasuries and collections, and in particular the impoverishment of Prague Castle, which was an accessory to the 'Czech Crown,' and it would be the culmination of this injustice if all these treasures, at a time when there are no longer any Austrian emperors or Czech kings, remained concentrated in Vienna and were not returned to the Czechoslovak state, which is the true heir to the old Czech state" (Institute of Art History of the Czech Academy of Sciences (IAH CAS), Documentation Department, Z. Wirth fonds, Box W-A-13, Vol. 1, supporting documents for the defense of the Czechoslovak claim to the collections before the Committee of Three Jurists, one of the initial theses; see below).



1. Karel Boromejský Mádl (1859–1932), Czech art historian

The idea of such claims arose almost simultaneously among art historians, museum professionals, and the Czechoslovak government. Just two weeks after the proclamation of the republic, the Advisory Board for the Restitution of Bohemica was established. This was a ten-member body appointed by the minister of education made up of experts in art history, archival studies, and law. Membership on the board was in some sense a mark of prestige because in the early years of the Czechoslovak Republic (1918–1922) this issue was undoubtedly the most important and most closely followed in historical scholarship and museum practice.

The board's chairman was the art historian Karel Boromejský Mádl (1859–1932; fig. 1), and among the most active members was his contemporary Karel Chytil (1857–1934), a professor of art history at the Czech section of Charles University. Both were leading figures of Czech art history and can be regarded as positivist founders of the discipline. Their research focused above all on the systematic study and publication of the hitherto virtually unknown heritage of the Czech lands, in which they sought specifically Czech characteristics. Both Mádl and Chytil were shaped by the era of acute national conflicts in the 1870s and 1880s, when they studied—at least for a time—in Vienna. In addition to contacts in Vienna and their scholarly renown, they were a valuable asset for the board's work due to their research orientation toward the collections of Emperor Rudolf II,⁶ the acquisition of which ultimately became the board's chief aim. Their principal motivation was a quest for reparation. In fact, in a 1919 article setting forth their aims, Chytil described the chief task for the development of art history under the new conditions to be a process he called *odvídeňštění* (de-Viennization).⁷

The other three art historians on the board—Zdeněk Wirth (1878–1961), Jaromír Pečírka (1891–1966), and Václav Vilém Štech (1885–1974)—belonged to a younger, more internationally oriented generation inspired by the Vienna School of Art History. Regarding matters pertaining to national identity, they were more compromising and sought to place Czech art within a broader, more universal context.⁸ Their chief motivation was to secure valuable collections for the young republic and thereby bring it closer to the cultural level of the great powers of Europe. It is noteworthy that at that time all three men were officials of the Ministry of Education. Their involvement in the administrative apparatus demonstrates the importance attributed to cultural heritage in the new state, the respect already won by Czech art history, and the endeavor to further strengthen its position. Through active participation in the state administration, they undoubtedly sought to help shape an environment in which the state would approach such questions more favorably than the previous regime had. Wirth's career confirms this trend: in 1924, he became the head of the ministry's cultural department, and in this capacity he remained responsible for the entire cultural agenda of the state until 1938.

All three men were involved in these endeavors for several years. Two other members of the board—the archivists Josef Borovička (1885–1971) and Jan Morávek (1887–1960)—were likewise closely connected with its activities; they, too, worked as officials in the ministry's culture department. Success in this undertaking was therefore regarded not only by the actors themselves but also by the wider public as a touchstone of the effectiveness and competence of the newly established ministerial department.

⁶ In 1908, Karel Boromejský Mádl published an extensive article on Rudolf II's picture gallery and artists in *Památky archeologické a místopisné* (Archaeological and Topographical Monuments); see Mádl, "Obrazárna a umělci Rudolfa II." In 1904, Karel Chytil published a shorter independent study (Chytil, *Umění a umělci*), and in 1912 he wrote the introduction to the catalogue of an exhibition held by the Fine Arts Association (Chytil, *Umění a umělci na dvoře Rudolfa II.: Slovní doprovod*).

⁷ Chytil, "O příštích úkolech dějin umění," 754.

⁸ Bartlová, "Jak se dělají hranice," 109–18; Filipová, "The Construction of National Identity," 208–25.

These experts were joined by the leading figure of Czech historiography of the time, Josef Pekař (1870–1937) and Josef Volf (1878–1937), the librarian of the National Museum Library. Two legal scholars were also invited onto the board: Jan Krčmář (1877–1950), a professor at the Faculty of Law of Charles University and later minister of education, who oversaw the legal aspects of the negotiations throughout, and his colleague Jan Kapras (1880–1947), a professor of legal history at the same faculty.

Thus far I have presented Czechoslovakia's claims essentially as the claims of the "Czech nation." This corresponds in principle to the way most of the actors involved viewed the entire matter, even though it was never made explicit in any official documents. There, the descriptive designation "objects from the territory of Czechoslovakia" was used, or else the neutral term *bohemica*, derived from the historical Latin designation of the land. Yet even this term gradually receded from official texts because it could only be applied to works originating in the Czech lands. In the daily press and in internal administrative documents, however, it persisted. The adjective *Czech* also appears, though this term denotes both territorial origin and ethnic affiliation. One of the principal aims of the postwar peace settlement was the creation of independent nation states to prevent further nationality conflicts or at the very least their escalation into military clashes. The newly established Czechoslovak state was likewise presented by its leaders as a nation state, albeit one with sizeable ethnic minorities. Within its cultural-political doctrine, the thesis of a unified Czechoslovak nation was promoted—for only in this way could Czechs and Slovaks together form a majority in the new state because otherwise the number of inhabitants declaring German nationality would have exceeded the number of Slovaks. The German-speaking population of the Czech lands, although continuing to associate its identity with this territory well into the second half of the nineteenth century, nonetheless remained loyal to Austria-Hungary. This was due in part to the fact that the German-speaking population of the Austrian lands was regarded as a natural ally against the growing Czech (and more broadly Slavic) influence. The independent Czechoslovak Republic was therefore greeted with apprehension, and initially with resistance. The German-speaking population thus did not, in principle, identify with the efforts to obtain a certain part of the Viennese collections for Czechoslovak institutions. The different perspectives of the two nationalities are well illustrated by their respective interpretations of the Italian military action that saw paintings originating from Italian territory removed from Viennese museums (see below for more details). Whereas the Prague German-language daily *Bohemia* led with the headline "Italian Theft of Paintings,"⁹ the most widely read Czech daily *Národní listy* saw it as "the initiation of a just process against Vienna, which has been parading in borrowed plumes."¹⁰

The Slovak population of the new state, by contrast, did not become involved in the entire process for a different reason—namely, that their claims in this regard were directed almost exclusively toward Hungary. The greater part of the cultural heritage exported from Upper Hungary, as the territory of Slovakia was usually designated prior to 1918, had been concentrated in Budapest. The extensive Slovak claims to archival documents and collections were therefore advanced by Czechoslovakia against Hungary at the same time. Both processes then proceeded in parallel, although coordinated by the same culture department of the national ministry.¹¹

⁹ "Italienischer Bilderraub," 4.

¹⁰ "Víteň musí vrátit Italům," 2.

¹¹ For more details on this case, see Ducháček, "Maximum, kterého bylo možno dosáhnout;" Svěchota, "Pamiatky a Trianonská zmluva."

The memorandum and the formulation of claims

At the end of November 1918, the board resolved to inform Czechoslovak Minister of Foreign Affairs Edvard Beneš (1884–1948)—who was overseeing the preparation of the Czechoslovak state for the postwar peace conference in Paris—that one of the fundamental points on the agenda should be the demand for the “return of cultural *bohémica*.”¹² At the same time, the members of the board began preparing the necessary documentation for these negotiations, which at the beginning of the following year was drafted into the memorandum (Memorandum on the Claims of the Czechoslovak Republic to the Cultural Property of the Former Austro-Hungarian Monarchy; figs. 2–3).¹³

The memorandum contained both historical and legal arguments in support of these claims, as well as a definition of the concept of “cultural *bohémica*.” Its largest section consisted of inventories of artworks, other collectible objects, archival fonds, manuscripts, and rare prints, mostly arranged according to the Austrian institutions in which they were then deposited. These included the collections of the court museums, above all the Art History Museum (*Kunsthistorisches Museum*), the Natural History Museum (*Naturhistorisches Museum*), and the Court Library (*Hofbibliothek*, later the Austrian National Library); the collections housed directly in the Viennese palaces and at Ambras Castle in Innsbruck; further, the collections of the Army Museum (*Armeemuseum*, later *Heeresgeschichtliches Museum*, Military History Museum); the Picture Gallery of the Vienna Academy of Fine Arts (*Gemäldegalerie der Akademie der bildenden Künste Wien*); the Austrian State Gallery (*Österreichische Staatsgalerie*); the Austrian Railways Historical Museum (*Historisches Museum der österreichischen Eisenbahnen*); the Occupational Health Museum (*Gewerbe-hygienische Museum*); the Technical Museum of Industry and Crafts (*Technisches Museum für Industrie und Gewerbe*); and also works by the sculptor Adriaen de Vries at Schönbrunn Palace. Although the legal status of these collections had varied before 1918, by April 1919 virtually all of them were the property of the Austrian state.¹⁴

A second part of the inventories consisted of detailed lists of archives and their relevant fonds. These were compiled primarily by members of the board, who, given the time pressure, chiefly relied on published guides at this stage.¹⁵

The claims incorporated into the memorandum were in fact extraordinarily extensive. As Jan Krčmář later recalled in his memoirs—having himself taken part in the negotiations in Paris—when John Andrew Sumner (1859–1934), the conference delegate responsible for such matters, first saw these lists, “his normally unshakable rigidity gave way to horror at the thought that we wished to cart off the whole of Vienna.”¹⁶ In total, the claims amounted to several thousand items.¹⁷

¹² Document of the Ministry of Education dated November 27th, 1918, National Archives, Prague, Ministry of Education 1918–1949 fonds, box 3577, inv. no. 1834, sign. 36 I Reparations.

¹³ For the text of the memorandum document and preparatory materials, see IAH CAS, Documentation Department, Z. Wirth fonds, box W-A-13, vol. 1.

¹⁴ According to the so-called Habsburg Law (*Habsburger-Gesetz*, no. 209/1919 of April 3, 1919), the property of the Habsburg-Lorraine ruling family was taken over by the Austrian state. For more information on the property status of the collections, see Huguenin-Bergénat, *Kulturgüter bei Staatensukzession*, 22–23.

¹⁵ The authors themselves refer primarily to the following publications: *Die Gemäldegalerie allerhöchsten Kaiserhauses*, *Führer durch die Gemälde-Galerie*, and *Übersicht der kunsthistorischen Sammlungen*.

¹⁶ Čechurová and Kuklík, *JUDr. Jan Krčmář*, 65.

¹⁷ The lists often included entire collections without specifying the number of items, and so their size can only be estimated approximately.

K. Havel Chytil
 Sbírky zbraní
 1. 4. zámku Ambras v Innsbrucku - Tirolsku, v c. b. dovozních
 místech ve Vídni a v c. b. arcivévodské kaméře.

Návštěva prošlo sbírkou zbraní mnohá řada historických do-
 vodů. Léta Ferdinanda I. zastávalo na Hradě pražském, jednak
 zlevněno pro díla a pušky, jednak zbrojnice, v nichž chovalo
 vedle palácových zbraní i celá. V sbírkách se nacházely i
 Královské pušky, z proutěných zbraní, z nichž
 nejznámější je Tomáš Jaroš z Píse. V zbrojnicích cho-
 vala zbroj obecná, a v klenotnici zámku předchozího zbroj
 honorná, které se používaly za pohybu honorná a jeho
 rodu v ila onostech kurnajů, jako přibídal Ferdinand I.
 i Maximilian II. a arcivévodě Ferdinand Tirolský, jen
 jako mladší otec svého Ferdinanda I. odíval
 se v Praze (1549-1564) a v Olomouci pořádal kurnaje. Z té
 doby jsou zbraně pocházející z řady prototypů Ranných
 (Kaparacon), jak v Innsbrucku, tak ve vnitřních sbírkách
 Řádu. Do pohybu v Řádu spadla zbraně, se zvlášť
 s Habsburky Welsperov, které v 1564 přecházely, rozšířily
 a upraveny zámek Ambras, v němž nachroměly pro-
 slulou sbírkou zbraní. Část zbraní z Ambras
 se chovala, část, restováním se zbraní, zbraní
 přenesla do Vídně, kde chovala v dolní části Reliquie
 a nyní v budově umělecké - historických sbírek.
 Celou sbírku Ferdinandova zámku koupil od syna a
 dědice jeho Karla z Burgundy Rudolfa II., jenž ji přine-
 chal na dále v Ambras. Ale také na Hradě pražském

2. Manuscript by Karel Chytil from 1919, describing the provenance of the Ambras Castle collection, Prague, Institute of Art History of the Czech Academy of Sciences (© Ústav dějin umění Akademie věd ČR)

778 = 840 F. Franken mit Hessmühlbach = xxvi, 19448 38 = 19448, 53.
798 = 1408 T. Bawach. Xiane + Orleans (mit LW) etc.
 xxvi, 19448 5.97.

P. Braun
164 (493) Alvise und D. Wellkugel Schutzplanke.
 xxvi, 19448 26. "Ein conterfeyl von Alvise mit der
 wellkugel"

Rubens
845 (E 1193) Silene mexicana Lw. Gruppe 1718 / 38 = 1737.45
858 Die Duelle n. Martin = Rubens 1738 . 36 / 7 = 482.
867 Papinazger - Die Duelle "z. P. n. y." nagelst 1723 E 383 (wramble 20)
868 (1170) Zentrale Angelen 1722 de la 1718 / 226 = 173.043

Veleargay
 1718. 521 Spaniel Ketonne shilone pium Gedney calle podare
 522 Fotop IV. { 607 (E 612) LW (Futur wahrscheinlich)
 612 (611) 1532 Der Papst
 cf Zindman fab.

3. *Part of a draft list of paintings originating from the collections of Emperor Rudolf II at the Kunsthistorisches Museum in Vienna, compiled by K. B. Mádl in 1919 as a basis for the Czechoslovak delegation's negotiations at the Paris Peace Conference, Prague, Institute of Art History of the Czech Academy of Sciences*
(© Ústav dějin umění Akademie věd ČR)

They included illuminated manuscripts from the library of King Wenceslas IV of Bohemia (1361–1419) (fig. 4), objects from the collections of Emperor Rudolf II (1552–1612), and books from monasteries dissolved under Joseph II (1741–1790) in 1782. In the case of the first two groups, the principal argument advanced for restitution was that they had largely been acquired from the revenues of the Czech lands and were intended for the representation of the Czech king, who, according to Czech historians, had no authority to remove them from the country. Another substantial group consisted of works by artists either born in the territory of the new republic or that had spent a significant part of their life and creative career there. Archaeological, geological, and other collection objects from the territory also constituted an important corpus.

However, the already extensive demands for the restitution of *bohémica* thus defined were further expanded by the memorandum: “In addition to this self-evident claim, the Czechoslovak Republic also has a claim to a quota of all movable artistic, prehistoric, historical, and scientific material concentrated in the former centers of the monarchy.”¹⁸ This quota was to be determined according to population figures. According to the authors of the memorandum, the claim to such a share was even more firm because in their view the Czech lands had borne the greatest economic burden in financing these collections and because immovable works of artistic value whose construction had been funded from the state budget could not, by their very nature, be divided between the two states.

Before 1918, Czech political and intellectual elites had already emphasized the crucial economic, industrial, and demographic significance of the Czech lands for the monarch.¹⁹ After the foundation of the state, there was a widespread conviction that Czechoslovakia would soon become the leading successor state, and that German-Austria, deprived of the revenues from the Czech lands, would fall into economic difficulties. The authors of the memorandum therefore argued for the rapid transfer of collections from Vienna, which otherwise, they maintained, would be “condemned to complete ruin in the cultural field.”²⁰

In its formulation, the Czechoslovak demands combined three of the four principles now recognized in international law for the division or restitution of cultural property between states, as defined by Yves Huguenin-Bergénat.²¹ The first was the principle of territorial origin, here applied in a maximalist form without temporal limitation—covering not only artworks or objects that originated or were discovered in the territory, but also those that had remained there for a certain time. This principle was functionally linked to the second: that of the preservation of cultural heritage, according to which an object should be assigned to the state to whose cultural heritage it belongs, or which regards it—more than any other state—as part of that heritage. On this basis, the memorandum advanced claims, for instance, to works by artists originating from Czechoslovak territory. Also invoked was the principle of equitable compensation, which from the outset seems to have played a somewhat supplementary role: it was to be applied in cases in which Austria, for whatever reason, could not or would not surrender a particular requested object.

Although these demands were to serve as a starting point for further negotiations and were expected to be reduced from the outset—one reason for their deliberate “inflation”—it is nonetheless beyond doubt that in their scope they far exceeded the claims of most other states upon Austria, with the sole exception of Italy.

¹⁸ Memorandum, p. 2; see note 13.

¹⁹ The Czech lands accounted for 45% of the national income of the prewar part of Austria-Hungary in 1913, and their share of the population was 35% (Hlavačka et al., *České země v 19. století*, 389).

²⁰ Memorandum, p. 20; see note 13.

²¹ Huguenin-Bergénat, *Kulturgüter bei Staatensukzession*, 246–59.



4. The Bible of Wenceslas IV, page from the Book of Genesis with the initial I, around 1380, inv. nr. 2759, Vienna, Austrian National Library (© Österreichische Nationalbibliothek)

Peace negotiations in Paris

The peace negotiations in Paris lasted almost the whole of 1919. The ambitious aim was to restructure the postwar world and adopt preventive measures to avert the outbreak of another mass military conflict. After protracted negotiations among the delegates of the victorious powers and their associated states, a peace treaty was signed on September 10th, 1919, at Saint-Germain-en-Laye near Paris between the Allied and Associated Powers and Austria. The treaty recognized the creation of new independent states in the former territory of the Habsburg Monarchy and the incorporation of certain parts of the monarchy into already existing states. At the same time, it prohibited German-Austria from uniting with Germany.

The negotiations focused on the delineation of borders, military issues, the amount and distribution of war reparations, the protection of national minorities in the newly established states, and the division of state property of the former monarchy among the successor countries. The distribution of cultural and intellectual heritage was also addressed. Most questions were discussed based on written submissions defining the claims of the individual states concerned, which had already been prepared in advance by experts and revised by legal specialists. In the Czechoslovak case, the demand for the transfer of cultural heritage had been formulated in the aforementioned memorandum. At the same time, however, the state delegations to Paris were accompanied by a number of experts that were to serve as advisers in the discussion of individual, often highly complex issues.

The expert chosen for artistic monuments was the art historian Václav Vilém Štech. Responsibility for archival matters, likewise included in the memorandum, was assigned to Josef Borovička. In the end, Štech did not take part in the negotiations, and the Czechoslovak delegation had to pursue its demands without expert support. The final drafting of the articles of the peace treaty with Austria was left to lawyers, a diplomat, and an archivist, and this led to certain inaccuracies.²² The course of these proceedings was later described by the lawyer Jan Krčmář in his memoirs.²³

Czechoslovakia was not the only state to submit claims against German-Austria during the conference for the transfer of cultural property. Italy, Belgium, Poland, and Romania took a similar approach.²⁴ Italy formulated its demands in the strongest terms, already before the peace negotiations began. From November 1918 onward, an Italian military mission was active in Vienna with the task of overseeing compliance with the armistice and promoting Italian influence in the division of the property of the former monarchy. The mission also included a specialist art commission, whose task was to identify and compile the claims for the transfer of art-historical objects and archives.

In essence, Italy sought two groups of monuments: on the one hand, objects removed from territories under Habsburg rule before 1859 and 1866, and, on the other, objects originating in those parts of Austria-Hungary that had been occupied by the Italian army after the First World War. In January 1919, the Italian government submitted its extensive demands to Austria, essentially concerning the same collecting institutions as in the Czechoslovak case. The handover of most of these objects was enforced by the military mission in February of that year under threat of armed intervention.²⁵

²² First and foremost, the text contained an incomplete list of rulers during whose reigns the largest collections of works of art were transported from Prague Castle to Vienna. For the exact wording of the paragraphs, see below in this article.

²³ Čechurová and Kuklík, *JUDr. Jan Krčmář*, 45–46.

²⁴ For details on their requests, see Huguenin-Bergénat, *Kulturgüter bei Staatensukzession*, §§ 3, 5, 8, 9.

²⁵ Huguenin-Bergénat, *Kulturgüter bei Staatensukzession*, 79–80.

Other states only got around to presenting their claims during the Paris negotiations, but in terms of artworks these were much more limited. Belgium primarily demanded the return of Rubens's triptych from Coudenberg Abbey, along with other objects that had been removed for safekeeping in connection with the French Revolution in 1794. Poland demanded the restitution of only two objects, directing most of its claims in this area against Russia.²⁶

In the peace treaty with Austria, the so-called cultural claims of the successor states were addressed above all in three paragraphs incorporated into Part VIII, which dealt with reparations.²⁷ As regards the division of the cultural assets of the former monarchy, however, Article 208 was also crucial because it laid down general rules for the distribution of Austro-Hungarian state property.²⁸ It stipulated that the new successor states, as well as those countries that had acquired part of Austro-Hungarian territory, would automatically take possession of the state property located on their territory. Before the dissolution of the monarchy, Austrian law had distinguished three types of property associated with the ruling dynasty: court property (*Krongut*), property entailed in the fideicommissum of the sovereign family, and the private property of the dynasty or its individual members. The legal status of the collections of most Austrian-Hungarian institutions had originally combined all three forms of ownership. Under the paragraph referred to above, however, all of this property was declared state-owned. In Austria's case, this provision merely confirmed the status quo established by the so-called Habsburg Law of April 1919.²⁹ Ownership of all the Viennese court collections thus passed exclusively to the Austrian state. This situation was to be partially corrected by Articles 192, 195, and 196 of the peace treaty, which attempted, at least to some extent, to respond to the claims made by Belgium, Czechoslovakia, and Poland.³⁰

Article 192 concerned objects removed during the war: "Austria shall in the same manner restore objects of the same nature as those referred to in the preceding Article [i.e., 'all records, documents, objects of antiquity and of art, and all scientific and bibliographical material'; see Article 191] which may have been taken away since 1 June 1914 from the ceded territories, with the exception of objects bought from private owners."³¹

Article 195 related primarily to property previously removed by the Habsburgs: "Belgium, Poland, and Czecho-Slovakia may also submit claims for restitution, to be examined by the same Committee of three jurists, relating to the objects and documents enumerated in Annexes II, III and IV hereto."³² Czechoslovakia was covered by Annex IV, which allowed it to request the return of "works of art which formed part of the installation of the Royal Chateau of Prague and other royal castles in Bohemia, which were removed by the Emperors Mathias, Ferdinand II, Charles VI (about 1718, 1723 and 1737) and Francis Joseph I, all of which are now in the archives, Imperial castles, museums and other central public institutions at Vienna."³³ This was, however, subject to the proviso that Czechoslovakia must prove that these objects had been unlawfully removed from the country.

²⁶ Huguenin-Bergénat, *Kulturgüter bei Staatensukzession*, 164–66.

²⁷ For more on these paragraphs and their interpretation, see Huguenin-Bergénat, *Kulturgüter bei Staatensukzession*, 93–122; Biedermann, "Kommentar zu den Artikeln."

²⁸ See *The Treaty of Peace*, 82.

²⁹ For the full text of the Habsburg Law, see "Gesetz vom 3. April 1919."

³⁰ Italy was covered by § 194.

³¹ *The Treaty of Peace*, 78.

³² *The Treaty of Peace*, 79.

³³ *The Treaty of Peace*, 81.

Article 196 then dealt with objects that, in the opinion of the claimant states, had not been unlawfully removed but were nonetheless regarded as part of their cultural heritage:

With regard to all objects of artistic, archaeological, scientific or historic character forming part of collections which formerly belonged to the Government of the Crown of the Austro-Hungarian Monarchy and are not otherwise provided for in the present Treaty, Austria undertakes:

(a) to negotiate, when required, with the States concerned for an amicable arrangement whereby any portion thereof or any objects belonging thereto which ought to form part of the intellectual patrimony of the ceded districts may be returned to their districts of origin on terms of reciprocity, and

(b) for twenty years, unless a special agreement is previously arrived at, not to alienate or disperse any of the said collections or to dispose of any of the above objects but at all times to ensure their safety and good condition and to make them available, together with inventories, catalogues and administrative documents relating to the said collections, at all reasonable times to students who are nationals of any of the Allied and Associated Powers.³⁴

Futile efforts?

Like the other successor states, under Article 208 Czechoslovakia acquired all the property on its territory that had belonged to the crown, the court, or individual members of the Habsburg-Lorraine ruling family. This became the first component of reparations because its estimated financial value was later deducted from the amount that Czechoslovakia demanded from Austria and Hungary as compensation for war damages. The international treaty with Austria was ratified by the Czechoslovak National Assembly by Act No. 354 of August 12th, 1921, which, among other things, clarified the term “property of the former ruling family.” The children of the assassinated heir to the throne, Franz Ferdinand d’Este, and his wife, Sophie Chotek (Duchess of Hohenberg), did not officially belong to the ruling family, given the morganatic character of their parents’ marriage. During the discussion of the law, however, the prevailing view was that a democratic state could not recognize the institution of morganatic marriage, and it was therefore decided that the confiscation should also apply to their property. In this way the Czechoslovak state ultimately acquired, in addition to other real estate, seventeen castles, one fortress, and one urban palace belonging to the ruling family, and of course the former crown property, including Prague Castle and Karlštejn Castle. The nationalization also extended to all interior furnishings, which included numerous exceptional works of art. Among the most valuable were the collections of Prague Castle and artifacts from the Este inheritance, together with items from the collection of the heir apparent Franz Ferdinand d’Este, housed at Konopiště Castle in Central Bohemia (fig. 5).

The opportunities provided to the successor states by Articles 192, 195, and 196 were, however, already relatively limited. In essence, they reflected a way of viewing the complexity of the entire central European situation from a distance and through a simplifying lens that was typical of the representatives of the victorious Western powers and the United States. They regarded the Viennese collections primarily as ensembles of international significance and considered any interference with their integrity undesirable, even if it might lead to more equitable arrangements.³⁵ This outlook

³⁴ *The Treaty of Peace*, 79.

³⁵ Huguenin-Bergénat, *Kulturgüter bei Staatensukzession*, 256.



5. View of the installation of Archduke Franz Ferdinand d'Este's arms collection at Konopiště Castle in Central Bohemia, photograph from around 1919, Prague, Institute of Art History of the Czech Academy of Sciences
(© Ústav dějin umění Akademie věd ČR)

is illustrated, for instance, by the sentiment of John A. Sumner quoted above. It can also, of course, be interpreted as a position grounded in the higher interests of the world as a whole, a view also held by the eminent art historian of Czech origin Max Dvořák (1874–1921), who in no way wished Italian or Czechoslovak collections to be enriched at the expense of the integrity of Viennese collections.³⁶

Czechoslovak representatives were already aware of these realities at the time the peace treaty was concluded.³⁷ Nevertheless, they were determined to exploit the opportunities offered as fully as possible and to attempt to secure at least part of the objects claimed. As early as autumn 1919, intensive preparations with this aim were launched at the Ministry of Education. All activities were coordinated by the Monuments Department in cooperation with the board. Preparations proceeded essentially in two directions: on the one hand, materials were gathered for presentation before the Committee of Three Jurists, which under Article 195 was to deal with collections from royal or imperial residences, above all from Prague Castle; on the other hand, negotiations were begun concerning the form of a Czechoslovak–Austrian agreement to implement Article 196.

³⁶ He expressed his opinion, inter alia, in Dvořák, “Ein Brief an die italienischen Fachgenossen.”

³⁷ Čechurová and Kuklík, *JUDr. Jan Krčmář*, 65: “It was no secret to us that Lord Sumner had greatly damaged our text in Paris at that time and that the final text of the peace treaty was not very favorable to us.”

The Prague Archival Convention

Soon after the start of these negotiations, it was decided to conclude two separate agreements. The first was to address the less problematic³⁸—and at the same time more essential for the functioning of the state administration—division of the Austrian archives, whereas the more complex agreement on the transfer of museum collections would follow later. Some issues connected with the collections, however, were to be included in the first agreement. Its text was discussed by Czechoslovak and Austrian experts and lawyers in several parallel sections, mainly during the first half of May 1920.³⁹

Questions concerning works of art and other museum collections were addressed in Section III, in which the Czechoslovak side was represented by Zdeněk Wirth and the Austrian side by Hans Tietze (1880–1954; fig. 6).⁴⁰ Tietze was a native of Prague and a leading representative of the Vienna School of Art History, who at that time served as a consultant for museums and monuments in the Austrian Ministry of the Interior and Education (*Bundesministerium für Inneres und Unterricht*). The conclusions agreed on by the two men were incorporated into Part III of the agreement, later known, after its place of signing, as the Prague Convention (*Pražská úmluva*) or Archival Convention (*Archivní úmluva*).⁴¹ This section dealt exclusively with collection items and elaborated in part on the possibilities offered by Article 196 of the Treaty of Saint-Germain. Above all, it declared the willingness of both states in the future to conclude an agreement on the mutual restitution of objects “belonging to the cultural heritage of one of the two states.”⁴² It further confirmed the twenty-year waiting period during which the objects covered by the convention could not be sold to a third party without first being offered to the other party (right of first refusal).⁴³ The set of objects in which the Czechoslovak side was interested broadly corresponded to the generous definition contained in the memorandum.



6. Hans Tietze (1880–1954), art historian and leading representative of the Vienna School of Art History, 1927 (photo: Georg Fayer)

³⁸ The lists of archival fonds were essentially ready at this stage, and the Austrian side was more accommodating on these issues.

³⁹ For more on the negotiations, see the article based on the memoirs of Karla Kazbundy: Šamberger, “K archivní rozluce po roce 1918,” 377–81.

⁴⁰ See, for example, Tietze, *Lebendige Kunstwissenschaft*. Tietze had been involved in protecting the integrity of Austrian collections since 1918 and published a number of texts on the subject at that time, primarily in the periodical *Kunstchronik und Kunstmarkt*; e.g. Tietze, “Italiens Ansprüche;” Tietze, “Kunstwerke im deutsch-österreichischen;” Tietze, “Die Ablehnung der belgischen Ansprüche.”

⁴¹ The text of the agreement was published in Opočenský, “Archivní úmluva,” (Convention: 103–30); Walter Hummelberger, “Das österreichisch-tschechoslowakische.” Analyzed in Huguenin-Bergénat, *Kulturgüter bei Staatensukzession*, 132–40.

⁴² Opočenský, “Archivní úmluva,” 114.

⁴³ The timeframe in which the Czechoslovak state could exercise its right of first refusal was extremely short—only four weeks—given the complicated process of approving unplanned expenditures from the state budget.

It comprised three groups: 1) works by authors that were born in Czechoslovakia or “during such a significant period of their creative life worked here that their artistic personality is regarded as part of Czechoslovak cultural heritage”; 2) all works that were found on this territory, originated here by commission, or “had a real influence on the cultural (technical, artistic, or scientific) development of the Czechoslovak lands”; and 3) works “that depict either landscapes or buildings of the Czechoslovak lands, or persons and scenes significant for the history or cultural development of these lands.”

Austria, however, stipulated that for an object to be recognized as a so-called genuine *bohemicum*, and thus fall within the scope of the provisions of the convention, it had to meet the criteria of at least two of these three groups. This part of the Convention was reciprocal, and was thus also to apply to Austrian works in Czechoslovak collections. For works defined in this way, once the convention had been ratified, designated representatives were entitled to “study, inventory, and photograph” them in the state collections of the other country under the supervision of staff. For this they were permitted to use only those instruments (catalogues and inventories) that had been compiled before the dissolution of the monarchy. Access was to be granted not only to state collections, but also to the interiors of state castles and châteaux. Representatives of both sides anticipated that an actual agreement on the exchange or purchase of works of art would follow only after precise lists of objects had been drawn up and approved by both sides.

The only—albeit merely potential—exception that already envisaged the actual transfer of a certain group of objects was Part II of the convention, which elaborated on Article 192 of the Treaty of Saint-Germain. In it the Austrian government undertook “to return without payment historically or artistically valuable bells that can be shown to have been removed from the territory of the Czechoslovak Republic at the time of the requisition of metals, whether entire or broken.”⁴⁴ By the time the convention was signed, however, the Czechoslovak side was practically certain that no bells from its territory had survived intact in Austria. The provision was therefore included in the text mainly in case some might later be discovered.⁴⁵

The preparation of the second agreement, which was to address the actual transfer of objects claimed under Article 196, was repeatedly delayed in the years that followed. A major difficulty proved to be the concretization of the selection; that is, determining whether a given object could be included within the defined groups in the spirit of the Prague Archival Convention. Even more serious was the fact that negotiations were repeatedly disrupted by political upheavals, above all in Austria.

No great pressure was exerted for the rapid conclusion of the agreement by the Czechoslovak side either. The Ministry of Education faced a serious problem of where to house any large body of works that might be obtained from Austria. The Czechoslovak State Art Collection (*Státní galerie*) did not yet have premises of its own, and negotiations about acquiring such premises, or about the construction of an independent building, were becoming increasingly complicated.⁴⁶

By the 1930s, it seems that the Czechoslovak side no longer expected that the agreement would be concluded. It nevertheless kept systematic watch to see whether *bohémica* were being sold from Austrian state collections without its knowledge, and in such cases it considered whether to exercise

⁴⁴ Opočenský, “Archivní úmluva,” 115.

⁴⁵ Opočenský, “Archivní úmluva,” 115. Only those bells that were in collections in the newly formed Czechoslovakia at the time of the coup were returned to their places of origin.

⁴⁶ Most recently, Dvořáková, “Jak (ne)založit muzeum umění.”

its right of first refusal. However, in most instances this was rejected due to the ministry's limited financial resources.⁴⁷ Disputes over delayed notifications of sales can be traced in the official correspondence right up to the late 1930s.⁴⁸ The main outcome of all these complex negotiations was thus ultimately a detailed inventory of works of Czechoslovak origin held in Austrian collections.

The Committee of Three Jurists

Parallel to the efforts to take over selected objects from Austria on the basis of bilateral negotiations culminating in agreements, preparations were also underway for proceedings before the Committee of Three Jurists. Their task was to provide both a justification of the legitimacy of Czechoslovak claims and lists of the requested items. Although the lists included in the memorandum of 1919 had been compiled on the basis of published materials concerning Austrian collections, the Prague Archival Convention finally allowed Czechoslovak experts direct access to the collections themselves and to internal documents, especially various types of inventory records. The convention, however, only came into force after its ratification in the autumn of 1920, and the supporting materials for the committee had to be submitted the following year. Given the scope of the collections and the number of inventory aids, this was a very short time limit. The top priority became the compilation of a list of objects that at one time had formed part of the collections and interior decoration of Prague Castle, had been transferred to Vienna on the orders of the monarch or other court offices during the seventeenth to nineteenth centuries, and after 1918 were part of the Austrian state collections. The core and largest group consisted of works originating from the collection of Emperor Rudolf II, who, when he made Prague Castle his main residence between 1583 and 1612, had created one of the largest and most valuable collections in Europe at the time.⁴⁹

The Czechoslovak research in Austrian collections was entrusted to the cultural department of the Office of the Reparations Commissioner, which had been established in Vienna after the Paris peace negotiations as a branch of the Czechoslovak Ministry of Foreign Affairs to deal with matters arising from the Treaty of Saint-Germain. The lists of artworks were prepared by a member of this department, the Czech-born art historian and former Augustinian canon of the Klosterneuburg monastery Erich Winkler (1894–?). The main methodological lead, however, was Karel Chytil, who spent several stays in Vienna at the time (fig. 7); Winkler followed his oral and written instructions. The materials sent to Prague were then revised and finalized into a definitive list of requested items by other experts, especially members of the Advisory Board for the Restitution of Bohemica. The main method consisted of matching up objects in Austrian collections with entries in several historical inventories of Prague Castle furnishings and collections preserved in Prague.

The resulting list contained more than five hundred paintings. From today's collections of the Art History Museum, these included, for example, works by Pieter Brueghel the Elder (*Tower of Babel* (fig. 8), *Battle of the Jews with the Philistines*), Correggio (*Abduction of Ganymede, Jupiter and Io*), Lucas Cranach the Elder (*Paradise, Judith with the Head of Holofernes and a Maidservant*),

⁴⁷ Savický, *Francoouzské moderní umění*, 79–90.

⁴⁸ National Archives, Prague, Ministry of Education fonds 1918–1949, boxes 3577, 3578, inv. no. 1834, sign. 36 I Reparations; boxes 588–589, inv. no. 1084, 1085, sign. 36 I S.G.

⁴⁹ For a comprehensive overview of Rudolf II's collections, see Fučíková et al., *Rudolf II and Prague*.

Iméno *Dr. Karel Chytil*
Nom
Name

Rok narození *18. 12. 1857*
Année de naissance
Geburtsjahr

Zaměstnání
Profession
Charakter

Postava *střední*
Taille *moje*
Größe *mittel*

Nos *propert.*
Nez
Nase

Tělesná konstituce
Constitution *norm.*
Konstitution

Vlasy *šedivé*
Cheveux *gris*
Haire *grün*

Obličej *ovalní*
Viaage *oval*
Gesicht *langlich*

Vousy *knír*
Barbe *moustache*
Bart *schwarzbart*

Oči *šedé*
Yeux *gris*
Augen *grün*

Zvláštní znamení
Signes partic.
Besondere Merkmale

Vlastnoruční podpis:
Signature du porteur:
Eigenhändige Unterschrift:

Prof. Dr. Karel Chytil

Fotografie, popis osoby a podpis právoplatného majitele pasu cestovního se potvrzují.
 Photographie, description et signature du possesseur légal du passeport confirmées.
 Photographie, Personsbeschreibung und Unterschrift des rechtmäßigen Pashabers werden bestätigt.

V PRAZE, dne *14. 11. 1920*
PRAGUE, le
PRAG, am

473
Průběheno *17. 11. 1920*
 se svolením Bankovního úřadu
V Praze
ZIVNOSTENSKÁ BANKA
V PRAZE

Ministère des Affaires Étrangères
REPUBLIQUE TCHÉCO-SLOVAQUE
MINISTRE DES AFFAIRES ÉTRANGÈRES
Dr. Karel Chytil
Ministère des Affaires Étrangères
Minister des Äußeren

No. *40041* **Diplomatisches Visum.**
Visa diplomatique.

Gut zur mehrmaligen Reise nach durch
Österreich und zurück.
Gültigkeitsdauer *30* **Tage.**
Vu bon pour se rendre dans l'Autriche et retour.
Prag, am *3. MÄRZ 1921*
Prague, le

Gesandtschaft der Republik Österreich.
PRAG

GESEHEN BEIDER
FINREISE
am 30. MÄRZ 1921
DI GRENZKONTROLLSTELLE
GRUND IN D

PRAG
30. III. 1921
ODCHOD

7. Diplomatic passport of art historian Karel Chytil, issued in 1920 for the purpose of his repeated travels to Austria, where he prepared materials for the Czechoslovak request for the restitution of artworks (Archiv Národního muzea, fonds Karel Chytil)

Albrecht Dürer (*Portrait of Johannes Kleberger, Madonna and Child*, 1512), Parmigianino (*Cupid Carving His Bow, Self-Portrait*), and Titian (*Danaë*).

A large portion consisted of works by artists active at the court of Rudolf II: Giuseppe Arcimboldo (*Summer, Winter, Fire, Water*), Hans von Aachen, Bartolomeus Spranger (*Hercules, Deianira and the Centaur Nessus, Hermaphroditus and the Nymph Salmacis* (fig. 9)), and others.

The list also included a number of prints and drawings—among them works by Albrecht Dürer—twenty-one tapestries, and the imperial crown, scepter, and orb of Rudolf II. It further comprised a variety of goldsmiths' and lapidary works, historical weapons, and more than eight thousand manuscripts and rare prints. The speed with which the documents had to be prepared, combined with the fact that knowledge of the nature and composition of the Rudolfine collections and their later fate was still rather superficial, meant that these documents contained many errors and inaccuracies.⁵⁰

The lists, however, were only one part of the supporting materials; proving that these objects had been removed from Bohemia to Vienna illegally was possibly even more important.⁵¹ One of the main pillars of the defense of the legitimacy of the creation of an independent Czechoslovak state in 1918 was the claim that it was the direct successor of the Kingdom of Bohemia, which, although incorporated into the Habsburg Monarchy centuries earlier, had never actually ceased to exist.



8. Pieter Bruegel the Elder: *Tower of Babel*, Vienna, Kunsthistorisches Museum, inv. nr. GG 1026
(© KHM-Museumsverband)

⁵⁰ Neumann, *The Picture Gallery*, 14.

⁵¹ The manuscript of Pekař's text is stored in the Z. Wirth fonds (IAH CAS, Documentation Department, Z. Wirth fonds, box W-A-13, vol. 2), which also contains other preparatory materials for the Czechoslovak memorandum and responses to Austrian counterarguments.



9. Bartholomeus Spranger: *Hermaphroditus and the Nymph Salmacis*,
Vienna, Kunsthistorisches Museum, inv. nr. GG 2614 (© KHM-Museumsverband)

It was precisely on this principle that the Czechoslovak legal argument was constructed, authored by the historian of the early modern period Josef Pekař. In his text, Pekař sought to demonstrate that the objects located in royal residences and acquired from the revenues of the Kingdom of Bohemia were property tied to the office of the Bohemian king, not the private property of the ruler or dynasty, and therefore the monarch had no right to remove them from the country.⁵²

Before the proceedings in France began, however, the Austrian side was given the opportunity to respond to the Czechoslovak memorandum, which it did in its rejoinder (*Replica*). A Czechoslovak rejoinder was followed by an Austrian surrejoinder (*Duplica*).⁵³ From the Austrian submissions, it was clear that Austria was determined not to relinquish the collections claimed by Czechoslovakia under Article 196. It seems likely that no one on the Czechoslovak side doubted this. Already in the summer of 1920, Karel Boromejský Mádl wrote to Zdeněk Wirth that he expected very strong resistance from Vienna and a vigorous “defense of their property.”⁵⁴

The outlook of Austrian museum officials responsible for the contested collections is illustrated by the words of Adolph Lhotsky in a publication on the history of Austrian collections. Lhotsky emphasized the difficulty of defending the “entrusted artistic treasures against the expected claims of the hostile and successor states of the Austro-Hungarian Monarchy,” which was to “prevent a grave, irreparable injustice to Vienna’s cultural heritage.”⁵⁵

In their rejoinder and surrejoinder, both sides refuted one another’s arguments, and so the texts offer an interesting confrontation of the two opposing perspectives on the disputed matter. The debates touched upon the status of the monarch’s property, the interpretation of the term “castle furnishings” in the Treaty of Saint-Germain, and the mistaken identification of works allegedly originating from Prague collections. Austria, moreover, never failed to stress, as a “fallback” yet very powerful argument, the unique international value of the collections as a whole.

At the negotiations in Paris in the second half of 1922, the chief spokesman of the Czechoslovak side was the diplomat and expert in international law Ivan Krno (fig. 10), and the Austrian side was represented by the legal historian Leo Strisower (1857–1931), supported by Hans Tietze. The commission itself consisted of three jurists from the victorious powers: the Frenchman Jacques Lyon, the American Hugh A. Bayne, and the Briton John Fischer Williams. Krčmář recalls in his memoirs that the Czechoslovak advocates already suspected they had little chance of success.⁵⁶ The wording of the Treaty of Saint-Germain was ambiguous, and a similar dispute recently settled between Austria and Belgium had ended unfavorably for Belgium.⁵⁷ The opinion of the Committee of Three Jurists ultimately concluded that the furnishings of royal residences were the private property of the king,

⁵² The Ministry of Education published the memorandum in French translation; see *Mémoire présenté par le Gouvernement*.

⁵³ The Czechoslovak reply was also officially published by the ministry; see *Réplique de la République tchécoslovaque*. For the Austrian response, see *Mémoire en duplica*.

⁵⁴ IAH CAS, Documentation Department, Z. Wirth fonds, letter from K. B. Mádl to Z. Wirth, July 27th, 1920.

⁵⁵ Lhotsky, *Die Geschichte der Sammlungen*, 662: “Des wissenschaftlichen Beamtenstabes harrte noch eine ungemein schwierige und verantwortungsvolle Aufgabe, die in jahrelanger Arbeit durch vorbildliches Zusammenwirken aller gelöst werden konnte: die Verteidigung des ihr anvertrauten Kunstgutes gegen die zu gewärtigenden Ansprüche seitens der Feind- und Nachfolgestaaten der Österreichisch-ungarischen Monarchie. Hier galt es, schweres, nie wieder gut zu machendes Unrecht am Wiener Kulturbesitz zu verhindern.” For more details from the Austrian perspective, see Lhotsky, “Die Verteidigung der Wiener Sammlungen.”

⁵⁶ Čechurová and Kuklík, *JUDr. Jan Krčmář*, 65.

⁵⁷ Huguenin-Bergénat, *Kulturgüter bei Staatensukzession*, 160–64.

250 232 20

ministerstvo školství Praha

Došel pod č. 5535

Telegrafní správa pění za telegramy
odevzdane jí k dopravě a k doručení

Státní úřad:

Telegram

Přijel z Fr Samel na řádku č. 4
dne 19. 5. 1921 hod. 10. 00
Podpis:

SSS papír 66707 21 25 14, -

dne: bod. dop. mla. ota.

prosim o okamžitě zastání seznamu našich restitučních
požadavků ve smyslu článků 192 195 196 míru pačouského =
zámíní papír +

Telegrafní č. 709 č. 14. (14. 5. 1921)

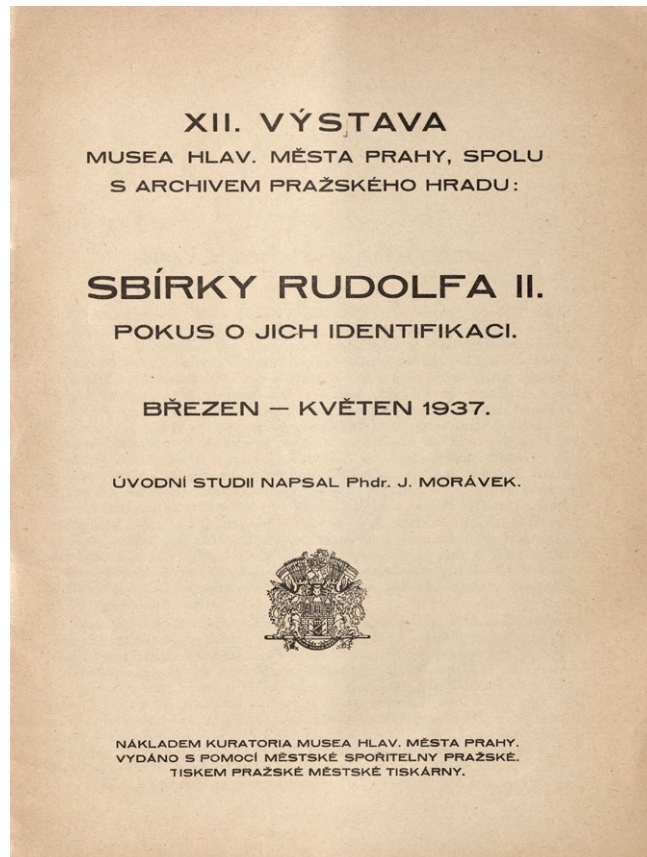
10. Telegram from the representative of the Czechoslovak Ministry of Foreign Affairs in Paris to the Ministry of Education in Prague: "We request the immediate dispatch of the list of four restitution claims pursuant to Articles 192, 195, 196 of the Austrian peace treaty," 25 May 1921, National Archives Prague, Ministry of Education 1918–1949 fonds (© Národní archive Praha)

or of his dynasty, and could therefore be disposed of without restriction. The transfer of the contested collections was thus, in their view, not illegal. On this basis, the Reparations Commission subsequently decided the case against Czechoslovakia. The Czechoslovak Republic had to accept this ruling, having already undertaken to do so when it signed the Treaty of Saint-Germain.

After this defeat, Zdeněk Wirth, who continued to play the leading role in negotiations with Austria as head of the Cultural Affairs Department, turned to Krčmář to ask whether there might still be any way of acquiring the objects. Krčmář suggested that Austria might be offered an exchange—either for other artworks that the Austrian side might be interested in, or, given Austria's dire economic situation at the time, for money.⁵⁸ This proposal was taken up by the historian Kamil Krofta, then Czechoslovak ambassador in Vienna. It seems, however, that Czechoslovak diplomacy soon deemed it impracticable.⁵⁹

⁵⁸ This idea probably arose from the fact that, in 1919, due to the difficult economic situation, the Austrian government was considering selling some works of art, not from its collections, but from the furnishings of what were now state-owned castles; see Tietze, "Verkauf von Kunstgegenständen."

⁵⁹ For documents related to this proposal, see National Archives, Prague, Ministry of Education fonds 1918–1949, box 3577, inv. no. 1834, sign. 36 I Reparations.



11. Title page of the catalogue for the exhibition *Collections of Rudolf II: An Attempt at Their Identification, organised by the Prague City Museum in 1937*

The entire dispute—indeed, the entire effort to obtain the collections from Austria—was closely followed by the Czechoslovak press at the time. Each step was explained in extensive articles in the most widely read newspapers, something rather exceptional in the cultural sphere. The outcome was naturally seen as unjust by the Czechoslovak public.⁶⁰ The Austrian press, for its part, focused more on the dispute with Italy.

Epilogue: a collection on paper

The painstaking work of Erich Winkler, later in collaboration with Colonel Josef Paldus, continued within the framework of the Prague Archival Convention until Austria's annexation by Germany in 1938. Their efforts produced an inventory of cultural *bohémica* in Austrian collections, together with photographic documentation of selected works, which after editorial processing was intended to be published as a separate volume in the series *Art-Historical Topography of Czechoslovakia*. Winkler and Paldus initially worked under the Office of the Reparations Commission and later

⁶⁰ See, for example, Žákavec, “Zpráva tří právníků;” “Československé nároky.”

under the Czechoslovak Cultural-Historical Commission, but they were financed by the Ministry of Education—an indication of the project's state-level significance.⁶¹

At the very end of independent Czechoslovakia in 1937, at least part of the material gathered—above all the photographic documentation—was presented to the public in an exhibition at the Prague City Museum, which sought, with modest means, to reconstruct the collections of Emperor Rudolf II (fig. 11).⁶² An undeniable motive behind the exhibition was the ministry's need to demonstrate that many years of state-funded research had yielded concrete and visible results. However, the exhibition may above all be understood as part of a broader series of initiatives in the late 1930s, when the state faced an imminent threat, aimed at providing the population with moral support through reminders of the country's glorious past.

The inventory was still unpublished when the Second World War broke out. Winkler's part of the documentation was deposited in the archive of Prague Castle, and most of Paldus's material was placed in the so-called Monuments Archive administered by the State Photogrammetric Institute.⁶³ However, wartime ruptures virtually erased awareness of their existence, both within the scholarly community and among the broader public. Despite ministerial support, the results of this research were widely regarded as a poor substitute for the unattained restitution of artworks. The lingering sense of failure almost certainly contributed to the negligible interest the research outcomes attracted, even from specialists—art historians or museum curators. In the case of the collections of Rudolf II and other Habsburgs, this neglect was reinforced by the anti-Austrian and anti-Habsburg sentiment that pervaded the entire interwar period, which discredited such research. As a result, artistic treasures housed in the interiors of castles formerly belonging to members of the ruling dynasty—such as the extensive collections of Archduke Franz Ferdinand d'Este at Konopiště Castle—remained almost completely outside scholarly attention. Even important remnants of Rudolfinian collections still at Prague Castle were left undiscovered.

The failure to secure Viennese works of art, which were expected to enrich the collections of the new republic and reduce their qualitative lag behind those of the more advanced European nations, may have been one of the impulses behind the state purchase of 1923, carried out only a year after the negative ruling of the Committee of Three Jurists. Through this acquisition, the national collections obtained eleven paintings and ten sculptures by leading French artists of the nineteenth and twentieth centuries, including outstanding works of Cubism.⁶⁴ This ambitious purchase may be seen both as a symbolic compensation for the failed restitutions and as a deliberate turn away from past grievances toward the future of the modern state, which would now take pride in masterpieces of modern art acquired through the resources of its own high-performing economy.

The entire affair probably initiated the first large-scale provenance research in Czechoslovakia, raising questions not only about the origins and subsequent fate of works of art but also about the legitimacy or illegitimacy, as the case may be, of their ownership. The negotiations at the Paris Peace Conference, and the subsequent talks among European states that followed from them, played a

⁶¹ Throughout the interwar period, the Education Department of the Ministry of Education had major problems in approving virtually any personnel expenses.

⁶² *Sbírky Rudolfa II.*

⁶³ Now stored in the Documentation Department of the IAH SAS, Z. Wirth fonds, boxes W-A-148, W-A-151, W-A-157, XXXIX, Wv 6a, Wv 6b).

⁶⁴ Savický, *Francouzské moderní umění*.

formative role in the emergence of contemporary international legal practice concerning disputes over cultural assets.⁶⁵

After the creation of Czechoslovakia in 1918, the issue of the restitution of works of art from Vienna became part of the wider process of the cultural emancipation of the new state. Traditional historiography interprets these transfers as a conflict between a former imperial center and a newly founded nation state, whose aim was legal redress and the confirmation of sovereignty. Modern theoretical frameworks, however, also allow these events to be viewed through the lens of internal colonialism,⁶⁶ whereby Prague and the Czech lands were for centuries a cultural periphery of Vienna, from which symbolic and material resources were systematically extracted. Restitution can thus be understood symbolically as the reclaiming of control over cultural memory itself, intended to contribute to the reconstruction of national identity.

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⁶⁵ Huguenin-Bergenat, *Kulturgüter bei Staatensukzession*, 277–82.

⁶⁶ Hechter, *Internal Colonialism*.

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Českoslovaška prizadevanja za pridobitev umetnin iz avstrijskih zbirk po prvi svetovni vojni

Povzetek

Po letu 1918 je novoustanovljena država Českoslovaška podedovala premoženje avstro-ogrske krone in zadnje vladajoče dinastije, tudi številne umetnine, ki so bile shranjene na Praškem gradu ali v rezidencah umorjenega prestolonaslednika, nadvojvode Franca Ferdinanda d'Este. To je bilo nedvoumno potrjeno s Saintgermainsko pogodbo. Mlada republika Českoslovaška pa je želela pridobiti tudi dela, ki so bila v več stoletjih zaradi centralizacije monarhije iz čeških dežel prenesena na Dunaj, kjer so

postala del javnih zbirk. To so bili predvsem ostanki Rudolfove umetnostne zbirke in druga kulturna bohemika. Že leta 1918 je češkoslovaško ministrstvo za šolstvo in narodno prosveto ustanovilo svetovalni odbor za vrnitev teh predmetov, sestavljen iz strokovnjakov in pravnikov, ki je skupaj z uradniki ministrstva usklajeval celotno akcijo in pripravljajl gradivo za mednarodna pogajanja.

Saintgermainška pogodba je vključevala določbe, ki so naslednicam Avstro-Ogrske omogočale, da od Avstrije zahtevajo predmete kulturne dediščine. Toda obsežne zahteve, ki jih je Češkoslovaška leta 1922 vložila pred tako imenovano komisijo treh pravnikov v Parizu v zvezi s predmeti, ki so se prvotno nahajali v rezidencah čeških kraljev, so bile zavrnjene. Odločilni razlog je bil, da so se zmogovite sile odločile predvsem za zaščito celovitosti dunajskih zbirk in preprečitev obsežnih restitucij predmetov. Druga umetniška dela in predmeti iz zbirk, ki izvirajo s češkoslovaškega ozemlja ali so jih ustvarili tam rojeni umetniki, so bili sicer predmet pogajanj, vendar le dvostranskih med zadevnima državama. Po praški konvenciji o arhivskem gradivu, sklenjeni leta 1920, je bil predviden prenos teh predmetov, ki naj bi bil določen v naknadnem ločenem sporazumu, vendar ta ni bil nikoli sklenjen. Konvencija je češkoslovaškim znanstvenikom kljub temu omogočila, da so opravili raziskave v avstrijskih zbirkah, kar je privedlo do nastanka kataloga tam ohranjenih bohemik. Ta obsežna večletna raziskava je prva sistematična raziskava provenience v češkoslovaškem kontekstu. Neuspeh zahtevkov je na koncu pripomogel, da je češkoslovaška država pomnožila umetnostna naročila in pridobila več del sodobne umetnosti. V širšem evropskem kontekstu so pogajanja o tem, da države naslednice monarhije pridobijo dele nekdanjih avstro-ogrskih dvornih zbirk, postavila temelje za razprave o pravicah držav do kulturne dediščine.