

**Spoliation and Restitution of Jewish Property:
Birth of a Public Policy**

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Introduction

The aim of this article is to attempt to understand, and to help others understand, why the spoliation of Jewish property re-surfaced as an issue in France 40 years after the last restitutions were made circa 1955, and why the recommendations of the Commission on the spoliation of French Jews were implemented in less than four years. This analysis is the product of a stakeholder-witness and not a historian¹; it is the fruit of an inevitably partial and selective memory, the analysis of personal archives and the consultation of various publications and, as such, is incomplete. It is hoped, however, that not only historians, but also political scientists, legal scholars and economists will have the courage to quickly undertake studies on the points raised on the following pages, without waiting until the victims of spoliation and their direct descendants have vanished.

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An observation

Although historical studies have dealt with the issue of spoliation and restitution, there was very little research on this topic prior to 1990.

Past studies include a report to the government published by *Documentation française* (French government printing office) in 1949; the works of Joseph Billig published between 1955 and 1960 for the *Centre de documentation juive contemporaine* (CDJC - Contemporary Jewish Documentation Center) (unfortunately this research was stopped after the French Finance Ministry, believing that this subject was no longer relevant, discontinued funding for it); several theses by legal scholars after the war, and, more recently, a book by Claire Andrieu. However, these studies were never made available to a broad audience. It can even be said that these documents were largely unknown to most of the members of the Commission at the time of their appointment (except for the historians who would become members, including Claire Andrieu). We should also point out that the most recent studies on spoliation began on the periphery of the State apparatus, but did not result from the will of the government. They were mostly carried out by the *Caisse des Dépôts et Consignations* and the City of Paris.

The *Caisse des Dépôts*: 1992 to 2001

The studies conducted starting in 1992 were undertaken at the request of Jean Kahn, Chairman of the *Conseil représentatif des institutions juives de France* (Representative Council of Jewish Institutions in France (CRIF)), who at that time sent a letter to Christian Pierret, Chairman of the C.D.C.'s Supervisory Board, and Serge Klarsfeld, who sent me a letter in October 1992 after being informed by Pierre Kauffmann that I was advisor to the Director General, Robert Lion, and that my parents had been deported. In July 1995, the partial findings of this initial phase, which later proved to be incorrect on certain points, were sent to the President of the Republic, the Prime Minister, the Finance Minister, and the new Chairman of the CRIF, Henri Hajdenberg, by Philippe Lagayette, Director General who had taken office in January 1993. In retrospect, it is surprising that these findings elicited no response, or even an acknowledgement of receipt, from any of these individuals.

After being suspended for some time, the studies resumed following several press articles citing statements by Michel Slitinsky, one of the accusers of former Prefect Papon. The Director General of the *Caisse des Dépôts* then decided to form a research group to examine this institution's role in the spoliations and restitutions. To ensure its operation, an annual budget of 10 million francs was allocated for five years. These funds were used to hire archivists, computer specialists, economists and historians. The group's work was overseen by a committee of independent experts set up in June 1997. The Director General placed me in charge and later asked me to represent the institution at the commissions that were later created. This research group reported directly to the Director General. Reports were submitted regularly to the institution's Supervisory Board, made up of members of Parliament and representatives of financial institutions, to the Management Committee, and to all employees so that this internal research could serve an educational purpose: indeed, the goal was to give all the institution's staff an opportunity to share in this effort at remembrance and to reflect on the situation of those who had served under an authoritarian regime. To underscore this principle, conferences were held to allow all employees to learn about this dark period in the institution's history in broad terms.

The City of Paris

This research focused on the origin and composition of the so-called "private" heritage of the City of Paris. It began following the publication of a book by Brigitte Vital-Durand, journalist for the "*Libération*" newspaper, who claimed that a portion of this heritage had been created at the time of the spoliations and had not subsequently been returned to the owners' heirs. These accusations became the subject of a press campaign, prompting the then Mayor of Paris, Jean Tibéri, to form a committee comprised of representatives of the Jewish community, the administrations in question, including the *Caisse des Dépôts*, and historians. This committee was chaired by Chahid Nouraï, a member of the *Conseil d'État*, who was assisted by technical experts and officials from the city of Paris to help him complete his mission. This group demonstrated a diligent work ethic and produced outstanding work. Its findings, approved unanimously, showed the absurdity of the accusations made against the city of Paris. A report was then distributed to the members of the committee. It is unfortunate that this report was not

distributed more widely at the time given the quality of the historical, architectural and social information it contained. However, it was this initiative that prompted the cities of Bordeaux, Lyon, Grenoble and Marseille to launch similar research starting in 1999 and to publish extremely interesting reports on local practices related to the spoliation and restitution of Jewish property.

Re-examination of the spoliation issue 40 years after the last restitution measures

In parallel to these two investigations, an unprecedented initiative marked the start of what was to become a public policy that would allow the responsibility of the French government and public and private institutions to be recognized. On December 12, 1996, a letter was sent to then Prime Minister Alain Juppé. It was signed by Henri Hajdenberg, Chairman of the CRIF, and his two predecessors, Ady Steg and Jean Kahn, as well as the Chairmen of several Jewish organizations, including Serge Klarsfeld, President of the Association of Sons and Daughters of Deported French Jews, and David and Éric de Rothschild, Chairman of the *Fonds Social Juif Unifié* (United Jewish Welfare Fund) and Chairman of the CDJC, respectively. These individuals suggested the creation of an *ad hoc* commission: “... *To avoid doubt and confusion, and to minimize the risk of ill-timed initiatives, we believe that the creation by the government of a commission made up of historians, high court magistrates, qualified experts and representatives of France’s Jewish community would be of utmost interest. The aim of this commission would be to establish the truth regarding this subject, which is of concern to us.*”

The Prime Minister responded to this letter, without making reference to it, at a dinner of the Representative Council of Jewish Institutions in France on January 25, 1997:

“[I am] *announcing to you today, with the agreement of the President of the Republic, my intention to entrust, as soon as possible, to a working group headed by a prestigious public figure a mission aimed at assessing the scope of spoliations, determining the fate of looted property, locating this property and determining its legal status.*

“I also believe that an inventory of confiscated property that is still in the hands of French or foreign public bodies must be drawn up.

“Because it is difficult and complex, this mission will take time; however, even more than a moral undertaking, it is a national duty, and I pledge to you that it will culminate in concrete proposals that will allow full light to be shed on this tragic period in our country’s history.”

This announcement was immediately followed by the publication in the Official Gazette on March 25, 1997 of the decree establishing the nature, objectives and composition of the working group, which was to be chaired by Jean Mattéoli, a high-ranking civil servant, Gaullist, former resistance fighter and deportee and President of the *Conseil économique et social* (Economic and Social Council).

Thus, barely three months after an unusual step was taken by representatives of the Jewish community, a body was formed to investigate this matter. A look at the reasons why a decision made by the highest government authorities was implemented so quickly is called for.

Although this initiative had the government’s backing and support, this was hardly the case for the administrations that were most affected (Finance and Culture Ministries). The former because it would have to admit that the related archives had disappeared and that some had been lost in a fire, and the latter because it knew that this research could call into question the “ownership” of works of art held by certain museums.

The members of the Commission, in light of the slow response, bordering on obstruction, on the part of these administrations (with the notable exception of the *Archives de France*) took advantage of the appointment of Lionel Jospin to the position of Prime Minister to demand an increase in its administrative, technical and human resources.

In a letter dated October 6, 1997, the Prime Minister granted the requests of the members of the Commission: *“As I indicated to you earlier, the human resources needed to complete the documentary research that you have begun will be provided to you.”*

These resources were made available in two stages: in March 1998 with the appointment of Claire Andrieu, Annette Wieworka and Antoine Prost, historians, and in September with the appointment of a director in charge of human resource management.

And so, 40 years after the last restitution measures and in the spirit of continuity demonstrated by two Prime Ministers, Alain Juppé and Lionel Jospin, a French government agreed to re-examine this issue, despite legal experts' belief that the limitation period had expired and civil servants' concerns about the budgetary impact of the Commission's findings and the risk of revisiting certain unresolved questions (such as compensation for those forced to work in Germany).

Two deciding factors contributed to these speedy decisions: recognition of the Vichy government's role in the persecution of French Jews, on the one hand, and the American initiatives, on the other.

Recognition of the Vichy government's role in the persecution of French Jews

In order to re-examine the issue of spoliation and consider restitution or compensation by the French government and the institutions that were most responsible for and directly benefited from these events, the nature and role of the Vichy government still needed to be known, acknowledged and admitted by the highest government authorities. This had already been done by historians in the wake of studies by S. Klarsfeld, M. Marrus and H. Paxton, H. Rousso, R. Poznanski, Ph. Burrin, P. Laborie, A. Kaspi, J.P. Azema and F. Bedaria, to name only those historians whose works on Vichy and government-sponsored anti-Semitism were published prior to Jacques Chirac's speech in 1995.

This is what Serge Klarsfeld strove to do. Indeed, Klarsfeld believed that as long as the public and, more importantly, the highest government authorities were not convinced that these material claims were well-founded, nothing could be obtained. With this strategic direction thus defined, he focused on situations that best illustrated the Vichy government's active collaboration, as well as the men within the State apparatus who bore responsibility.

Thanks in particular to an investigation into the affairs of four key Vichy figures, René Bousquet, Jean Legay, Maurice Papon and Paul Touvier (politician, policeman, civil servant and militiaman) – all of whom eagerly took part in the deportation of 76,000 French Jews – opinion leaders, members of Parliament, journalists, Ministers, Prime Ministers and Presidents of the Republic took actions or delivered speeches that would profoundly shape the French people’s perception of this little known period in French history for years to come.

It should be pointed out, however, that everything that occurred in the 1990s was possible only because of the law unanimously approved by Parliament on December 26, 1964 affirming the non-applicability of statutory limitations to crimes against humanity.

Let us review the timeline of these formative events.

July 16, 1992: François Mitterrand’s participation in the ceremony commemorating the round-up of July 16 and 17, 1942, during which he is booed by a small number of participants.

February 3, 1993: A decree establishes a day of remembrance for victims of the racist and anti-Semitic persecutions committed under the so-called “Government of the French State” *de facto* authority between 1940 and 1944. A ceremony organized by the Republic would be held each year on this date (July 16).

November 8, 1993: François Mitterrand decides to not have Maréchal Pétain’s grave decorated with flowers.

April 1994: Opening of the *Maison des enfants d'Izieu* by François Mitterrand.

July 16, 1986 to July 16, 1995:

As Mayor of Paris and then Prime Minister and President of the Republic, Jacques Chirac presides over numerous commemorative ceremonies.

On July 16, 1995, he finally utters the words that his predecessors never spoke and that would mark the start of a new era: “*France, a country of Light and Human Rights, where people are welcomed and given asylum, on that day, committed the irreparable. It broke its promise and delivered those whom it protected to their executioners... We owe them an unremitting debt.*”

July 10, 2000: A law establishes “a national day of remembrance for the victims of racism and anti-Semitism perpetrated by the French government” and specifies July 2002 as the date of implementation.

In an interview published in the *Journal du Dimanche* on July 15 and 16, 1995, Serge Klarsfeld, who inspired the President of the Republic’s speech, spoke with Annette Levy-Willard and referred to the “*forgotten theft of the property of deported Jews*”. This statement and this information marked an important turning point. However, in order to translate this acknowledgement into a restitution policy, other conditions still needed to be met. Because, lest we forget, at the end of this same year, the Director General of the *Caisse des Dépôts* sent a briefing note to the President of the Republic, the Prime Minister, the Finance Minister and the Chairman of the CRIF informing them of the magnitude of the spoliations and restitutions in France. Yet this information elicited no response and resulted in no research initiative.

The American initiatives

These initiatives were instrumental in speeding up and furthering both the research carried out and the solutions implemented.

Appointment of an ambassador responsible for negotiations concerning compensation owed to European Jews

In 1995, President Bill Clinton appointed Stuart E. Eizenstat, US Ambassador to the European Union, to this position at the request of Edgar Bronfman, President of the World Jewish Congress, and Israel Singer, Secretary General of this organization.

To help victims obtain compensation for moral damage and, more importantly, for material losses, these three men, following the example set by Switzerland, put strong pressure on the governments of those European countries in which Jews had been victims of spoliations supported not only by the Germans but also by the governments themselves. Thus, Germany, Austria, Belgium, France, the Netherlands and Norway were compelled to create *ad hoc* commissions and publish their findings in the form of public reports.

Without explicitly saying so, the US government and American Jewish institutions wanted these countries, and particularly France, to accept their estimate of the losses suffered and make a contribution to a special fund administered directly by the World Jewish Congress, without waiting for the findings of the Mattéoli commission.

Class action suits filed by American attorneys

In addition, a class action, which is explicitly recognized by the federal code of civil procedure and by most US states, allows a group of individuals to file a lawsuit on behalf of hundreds of thousands of people who allegedly suffered the same loss. This possibility, which is not allowed under French law, could have had unforeseeable consequences in France. Dozens of French businesses and banks could have been summoned to appear before the US courts for their collaboration in this theft, which implied, in addition to the financial uncertainties surrounding this type of lawsuit, the risk of damage to their reputation and enormous legal fees for American attorneys, such as those incurred by SNCF.

The fear that things could evolve in this way for French businesses and banks was shared by members of the “Mattéoli Commission” and the Jewish community, and the obscure sentence from the aforementioned letter - *“To avoid doubt and confusion, and to minimize the risk of ill-timed initiatives”* (my underlining) - certainly alludes to this fear. This American presence, as we will see further on, was often regarded as inappropriate and even tactless. As far as I am concerned, I feel that it was both necessary and useful. However, I recognize that this minority viewpoint was often at odds with a deep-seated anti-Americanism on the part of the French administration.

The speed at which the recommendations of the “Mattéoli Commission” were implemented

As we have seen, the “Mattéoli Commission” was created very quickly. But what is even more surprising for someone who is used to the workings of government is the amazing speed at which the decisions were made by the government and the Commission’s key recommendations were actually implemented. In fact, the recommendations were implemented only a few months after the report was submitted to the Prime Minister

and, in some cases, certain decisions were implemented before the report was published.

We will mention here only the recommendations that suggest that the government issue orders or decrees, involve the key ministries, and finance some of these decisions from the national budget. It is these measures that justify the title of this article:

September 10, 1999: Decree creating a Commission for the Compensation of Victims of Spoliation Resulting from the Anti-Semitic Legislation in Force During the Occupation (CIVS). To date, this has led to the filing of nearly 23,591 claims for compensation. Recommendations have been issued for 22,208 of these claims for a total of 316 million euros. Of this amount, nearly 285 million euros are payable by the government for compensation related to material spoliations, and 31 million euros are payable by financial institutions for bank assets for which compensation has not been paid.

July 13, 2000: Decree establishing a compensation measure for “*any person whose father or mother was deported from France as a result of anti-Semitic persecutions during the Occupation and died after being deported*” (nearly 14,000 orphans had the option of receiving either an annuity of 457.35 euros per month or a one-time payment of 28,000 euros). Only those individuals receiving an annuity payment from the Federal Republic of Germany for this purpose were excluded.

December 26, 2000: Decree recognizing the *Fondation pour la Mémoire de la Shoah* (Foundation for the Memory of the Holocaust - FMS). Legal and financial research and negotiations between the government, members of the “Mattéoli Commission” and representatives of banks, insurance companies and the administrations revealed that approximately 393 million euros had been wrongfully retained by these bodies. This amount represented the initial endowment made to this new institution.

The partners of the public authorities, mainly Henri Hajdenberg and Ady Steg, felt that this sum could not be returned to individuals or shared among Jewish institutions. The decision was therefore made to create a recognized public-interest foundation. This foundation finances projects proposed by individuals and institutions using the investment income earned on the initial endowment.

Thus, not only was the adage “*if you want to bury an issue, create a commission*” disproved, but once again, in less than a year, the principal findings were operational, including those that would be most difficult for a government to implement given that they would require budget allocations over an indefinite period that had not been planned by the respective administrations, and without a deadline being set for individual measures or a specific amount being defined. Several theories can be advanced to explain this speedy implementation.

A consensus was reached within the political arena and the media in an effort to keep these measures from becoming the subject of debates, and even conflicts, between a President of the Republic and a Prime Minister who belonged to different majorities. Moreover, it was important that these decisions not be challenged by leaders of the French and/or American Jewish communities and, above all, that they not be attacked by American law firms and those who were most determined to bring lawsuits in both France and the United States against the financial institutions. From a political standpoint, the aim was to prevent the public, misinformed by the media, from having second thoughts. I refer in particular to the extreme right-wing press. Lastly, of course, having these measures rejected by the public or private institutions that would be required to help fund them was inconceivable.

American political, legal and financial interventions

Once again, the American presence would be important, if not decisive.

Ambassador Stuart E. Eizenstat immediately viewed his mission as a moral duty vis-à-vis all Jewish victims of the Nazi regime and the collaborating governments. For him, Germany and the current governments were obligated to assume not only moral but also financial responsibility for the real betrayal to which their Jewish citizens or the foreign Jews who had been welcomed to their country had been subjected. This included France, which had participated in the spoliation of both French Jews and

foreign Jews who had come to this country seeking refuge. Eizenstat therefore insisted that the current government acknowledge its responsibility, agree to a settlement and pay a general “fine” as compensation for past crimes.

The negotiations were long and difficult and brought to light two cultures and two ways of thinking embodied by Jacques Andréani, former French ambassador to the United States, Ady Steg and Claire Andrieu, on the one hand, and Stuart E. Eizenstat, representatives of the World Jewish Congress and the Simon Wiesenthal Center, and Harriet Tamen, an American attorney, on the other.

The French delegation insisted on adhering to the principle of individual and group restitutions calculated on the basis of an actual accounting of the sums for which compensation had not been paid. In point of fact, this assessment was largely possible thanks to the individual files found at the *Caisse des Dépôts*, the *Archives de France* and certain banks, as well as the analyses and cross-checking carried out by the working groups of the “Mattéoli Commission” and the *Caisse des Dépôts*. However, the Americans saw this process as too slow and, more importantly, wanted to keep France from interpreting the research and estimating the amount of restitution owed. Indeed, for the Americans, it was almost immoral to have those who were still perceived as the successors of the spoliating institutions retain this control.

Two other rather unexpected aspects would also put a strain on the negotiations. The American representatives were influenced both by the stance taken by Swiss banks and by their overestimation of the degree of “bancarization” of French Jewish families and, in particular, of foreign Jews living in France. They were also convinced of several facts that were incorrect.

- According to them, almost no compensation had been paid after the war. This belief revealed a serious misconception of the situation of French Jews inasmuch as, although all had been victims of anti-Semitic legislation, two-thirds had not been deported. This allowed French Jews, and especially the wealthiest, to take action, starting in 1945, to recover their property or to receive compensation from the French and German authorities, thanks to the existence of family and notarial archives and the deposit files maintained by the *Commissariat Général aux Questions Juives* (General Commissariat for Jewish Questions) at the *Caisse des Dépôts*.

- In their opinion, the vast majority of French Jews were wealthy and all had deposit accounts or securities portfolios at French banks. This was far from true, particularly for

foreign Jews who had fled persecution or had recently become citizens and were not well acquainted with banking practices. Moreover, these individuals were often craftsmen, petty traders or workers who, at the very most, had a savings account.

- Last but not least, the Americans believed that all those involved in the research process in France had only one concern: to conceal the truth from the survivors. This general accusation was not at all justified. On the contrary, in the words of Emile Terroine, who was responsible for assessing and organizing the return of property to French Jews in 1945, we believed "*that the restitution of property looted from Jews was a work of both justice and humanity whose moral and political meaning far outweighed the material assets in question*".

In fact, several of the people involved in this research had had family members who were victims of spoliation and/or had been deported. Those who had reservations or were opposed to this effort to remember the victims and deliver justice included several bank and insurance company executives and a few senior civil servants.

But one key figure would help ease their opposition: Alan Hevesi, New York City's Comptroller, who managed billions of dollars in transactions and investments in large pension funds. Hevesi also served as President of the Association of Comptrollers of major US cities. As such, he was in a position to organize a boycott in the United States of all banks and financial institutions, which included the *Caisse des Depots* and French insurance companies. What was really at stake therefore, over and above the short- and medium-term financial risks, was the equilibrium of the Paris financial market. And the risk was real, as evidenced in 2005 by the Executive Life scandal which involved, among others, Crédit Lyonnais and resulted in a multi-billion dollar fine.

This risk was magnified by the class action suits that large US law firms, at times assisted by French attorneys, were prepared to bring against these same institutions. In my opinion, the Finance Ministry, bank executives and members of the "Mattéoli Commission" underestimated these risks for a long time. Only the Director General of the *Caisse des Dépôts*, warned by his representative in New York and myself, was aware of the situation. For this reason, he directed me to meet with Israel Singer (then Secretary General of the World Jewish Congress) who was visiting Paris to inform him of the existence of archives in the institution's possession (more than 20,000 individual files), of research that was underway, of the intention of its Director General, Daniel Lebégue, to have a detailed report prepared for each victim of spoliation, and of his

commitment to proceed with the individual and group restitutions based on the principles recommended by the Mattéoli Commission.

Upon Israel Singer's return to New York, the World Jewish Congress issued a press release commending the *Caisse des Dépôts*. Although this backing shielded the institution from a boycott and any lawsuits, Israel Singer was not content to limit his support to *Caisse des Dépôts*. Indeed, just as the members of the "Mattéoli Commission", the public authorities and the banking institutions had reached a consensus and French negotiators were informing their American counterparts and obtaining their consent, another danger arose. The American attorneys, who had not given up their fight, had filed new lawsuits against French banks, accusing them of not wanting to pay compensation for all the assets.

Without going into any technicalities, an explanation of the bank obligations that justified these attorneys' accusations is in order. Under French law, all assets held in so-called "unclaimed" accounts (on which activity has stopped) must be handed over after 30 years to the *Caisse des Dépôts*, which must then transfer these funds to the Treasury; this is known as the "30-year forfeiture period". However, during the research that we conducted at the *Caisse des Dépôts* following the banks' statement that they had indeed followed this procedure, which would have occurred in 1975, we found no evidence that these funds had been forfeited, with the exception of a few payments that had often been made for reasons other than the consequences of the spoliations themselves. And this for a reason which, under normal circumstances, is difficult to understand but which is unacceptable in a time of crisis. In point of fact, the banks had continued to charge a service fee for managing the dormant accounts at a prohibitive cost. At the same time, after France's transition to the new franc, many accounts had been closed simply as a result of these fees being deducted. Since this observation was made in the aforementioned climate of suspicion, everything could be called into question.

Ady Steg then decided to meet in New York with Israel Singer and Elan Steinberg, head of the US branch of the WJC, who is portrayed by many as inflexible and aggressive. By the end of this meeting, Professor Steg had convinced them that the French undertaking was well-founded. This initiative, one of many, illustrates the prominent role played by Professor Ady Steg throughout the Commission's three-year existence.

Change in the positions of Jewish community leaders

Although Ady Steg had succeeded in winning the backing and support of the World Jewish Congress, the fact that a certain agreement was reached among the key leaders of France's Jewish community was also significant. This relative consensus facilitated the proposals of the "Mattéoli Commission" and the government's decisions. This carefully thought-out agreement was the result of personal journeys and very heated in-depth debates. These leaders feared that the tragedy that had befallen French Jews might lose its moral and sacred dimension in favor of a mere material and financial one – even if these aspects were entirely justified. It is unfortunate that the Defense Ministry did not order the *Archives de France* to keep an ongoing record of these individuals' deliberations, which would have provided a real account for future generations and helped them better understand this period. I also feel that, had the thoughts of all those involved in this process between 1996 and 2000 been archived, it would be easier to impart an understanding – at least more than this article is able to do – of how important this period was for French Jews and, more generally, how crucial it was for France in its complex relationship with its history and "its" Jews. From their divergent positions and points of view, Henri Hajdenberg, Théo Klein, Serge Klarsfeld, Ady Steg and Jean Kahn each had a very profound influence on this period of knowledge and recognition; thanks to their efforts, the official commemorations in 2002 of the round-ups in France and in 2005 of the liberation of Jews from Nazi camps were held in a country that had fully assumed its responsibility. However, there was nothing to suggest this unanimity, since each of these men contributed some truth and understanding of the situation that inspired meaningful, thoughtful debates.

Following are a few of these statements, starting with an extract from a letter sent by Serge Klarsfeld on March 11, 1996 to Jacques Chirac: *“I am writing to you on behalf of a small group of victims to request fair compensation for the most deserving of all categories: orphans whose mothers or fathers were deported French Jews and who were declared as French after their birth by their foreign parents.*

At the time that compensation was paid to victims, these children were forgotten.”

And in an article in *Le Monde* (January 25, 1997) Henri Hajdenberg said: *“Let us make one thing clear: our claim is not monetary but moral; it is part of a sound process that entails remembering that peace cannot be made with a past that is yet unclear.”*

Later, Théo Klein made this statement in the *Nouvel Observateur* of December 3-9, 1998: *“Compensation for moral damage is a right on which there is no statutory limitation, but the right to compensation for material losses is lost with time. If today individual rights to compensation for material losses are demonstrated, I feel it is appropriate to lift the statutory limitation and recognize these rights. However, I would consider it unfortunate if such rights were limited to one category of victims. By that I mean that compensation should not create, as it did in 1940, a particular status for Jews, even if it is to their advantage.”*

And Ady Steg stated that *“The mission entrusted to us primarily entails describing the mechanism of spoliation by studying the texts that organized it and assessing its magnitude on the basis of the archives”* (February 2, 1999, Commission press conference).

All these experts gradually came to understand that, in the eyes of the French people, compensation for material losses would not obscure the reality of the deportations and the attempt to exterminate French Jews. On the contrary, because of this research, more people became aware of the process of discrimination and exclusion of the country's Jews put in place by the Vichy government, and of how this process of social death actually paved the way for the deportations by depriving families of the resources that would have enabled them to hide or even leave the country. This organized deprivation created fear and broke up families, and partly explains why these families were unable to flee to unoccupied areas or abroad prior to 1942.

This research also showed that this government-sponsored theft, supported by the Germans and organized by the French government, did indeed involve French citizens. Some benefited from it, others opposed it, and many were simply indifferent. Thanks to this research and these debates, new light was shed on the specific ways in which Jews suffered compared to other French victims of the war.

Of course, and I say this emphatically, this issue should have been resolved in the 1950s; however, what was accomplished late is no less extraordinary and will undoubtedly be regarded as a focal point of a courageous republican and democratic country's effort to remember. At a time when ceremonies are being held to commemorate the liberation from the internment camps, these research projects and their publication have hopefully made it possible to understand and help others understand how, through a series of administrative acts inspired by an anti-Semitic ideology and implemented by zealous officials, 76,000 French Jews were victims of spoliation before being murdered. Thanks to this research, victims and their families have had a chance to see their material and moral rights recognized, reclaim their share of citizenship stolen by history, re-build the social bond with the rest of the nation and, above all, continue their grieving process, which will never really end.

PRIME MINISTER

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