

THE COMMISSION,

Meeting in plenary session on 2 July 2021;

Having regard to Decree No. 99-778 of 10 September 1999, as amended by Decree Nos. 2000-932 of 25 September 2000 and 2001-530 of 20 June 2001;

Having regard to Decree No. 2018-829 of 1 October 2018, addressing the establishment of a procedure for seeking out the owners, or their heirs, of cultural property spoliated during the Occupation, and particularly Article 3 of that Decree;

I. The facts

Moïse LÉVI de BENZION was a businessman whose main activity was in Cairo, Egypt. He was a partner in a company that operated the “BENZION Department Store” in Cairo. He owned a large amount of real estate and land in Cairo and elsewhere in Egypt and he also owned a château called “La Folie” in Draveil (Essonne), France. A big enthusiast and collector of Egyptian art and antiquities, he divided his collections between his properties in Egypt and his château in Draveil.

As from 1940, the Einsatzstab Reichsleiters Rosenberg (E.R.R.) looted this château. Moïse LÉVI de BENZION had a will drawn up on 25 April 1941. From this will, it follows that, firstly, a large number of legacies were made to members of Moïse Levi de Benzion’s family in the broad sense and to third parties and that, secondly, Moïse LÉVI de BENZION clearly expressed his wish to “bequeath the minimum portion fixed by law” to his daughter Sarah STREITZ née LÉVI de BENZION, and his son Lucien LEVI DE BENZION.

He listed in his will his various real and personal property in Egypt and in France. In France, it only concerned the Château in Draveil and the movable property it contained, including the collections of artwork and antiquities, particularly Egyptian ones, that he had built up. For each item listed, with regard to the two parts of the will applying to the Château in Draveil and its contents, he made the following statement in his will:

“Unfortunately, the property was looted and ransacked from top to bottom in June 1940 during the war, and it seems that nothing remains of all the beautiful things I had gathered there [...] If therefore I could one day retrieve all or part of what I owned at the Château de la Folie, I gift it in full with effect from today as regards the bare ownership and one hour before my death as regards the usufruct..... to my wife Paule née Rebrasser[...].”

Still concerning the artworks and collections, Moïse LÉVI de BENZION added: “I would, however, be pleased if, in her will or even during her lifetime, if she thought it appropriate, she would leave (in the event that she could recover all or part of the Draveil collections) as a gift from me:

- 1°/ Egyptian antiquities to the Louvre

- 2°/ paintings, watercolours, drawings and etchings to the Louvre and Luxembourg museums. This in whole or even in part[...].”

Moïse LÉVI de BENZION died on 26 September 1943 in ROCHE-CANILLAC (CORRÈZE).

His heirs took various steps after the war to seek the restitution of the spoliated works. Two works that belonged to Moïse LÉVI de BENZION have been returned, namely:

- a painting by Corot entitled “Moine assis lisant” which had been stolen from Draveil and then bought by Emil Bührle in Zurich in 1942, was returned to the heirs of Moïse LÉVI de BENZION by decision of a Swiss court in 1948,
- a pastel, listed as REC 163, was returned in 1996 by the Ministry for Foreign Affairs.

II. The procedure

Under the provisions of Article 1-2 of Decree no. 99-778 of 10 September 1999, as amended, the Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 referred a restitution case to the CIVS on 17 July 2020 concerning four works that belonged to Moïse LEVI de BENZION, listed as REC (Recovery of Old Graphic Art), repatriated to France after World War II, and then allocated to the Louvre Museum by the Office for Private Property and Interests (O.B.I.P.):

- a watercolour, REC 95, “Paysage” by Georges MICHEL,
- a drawing, REC 99, “Portait de femme” by Paul DELAROCHE,
- a drawing, REC 115, “Portait de femme” by Auguste HESSE,
- a watercolour, REC 117, “Marée basse à Grandcamp” by Jules-Jacques VEYRASSAT.

The following beneficiaries are combined in this referral, namely:

- Mr A., born on ... in ..., residing at ...,
- Mr B., born on ... in ..., residing at ..., both of whom are successors to their mother’s rights,
- Ms C., born on ... in ..., residing at ...,
- Mr D., born on ... in ..., residing at ..., both of whom are successors to their mother’s rights,
- Mr E., born on ... in ..., residing at ...,
- Mr F., born on ... in ..., residing at ..., living with his brother Mr E., mentioned above,
- Mr G., born on ... in ..., residing at ..., all three of whom are successors to their father’s rights,
- Mr H., born on ... in ..., residing at ..., as successor to his mother’s rights,

Mr A., Mr B., Ms C., Mr D., Mr E., Mr F. and Mr G. are acting as beneficiaries of their grandmother and great-grandmother, ..., by virtue of a will drawn up on 25 April 1941 by Moïse LEVI de BENZION, mentioned above.

Mr H. is acting as the beneficiary of his grandfather, Moïse LEVI de BENZION.

III. The investigation of the case

The investigation of the application gave rise to the investigations presented in:

- the summary note and its appendices, dated 17 July 2020, of the Head of the Ministry of Culture’s Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (M2RS), sent to the Principal Rapporteur of the CIVS,
- the report of Mr AUGUSTIN, Rapporteur at the CIVS, communicated to the claimants, the M2RS, the Ministry for Europe and Foreign Affairs and the Ministry of Culture.

At the end of the investigation, Ms C., Mr H. and Mr B. submitted their written observations dated 31 March, and 6 and 20 June 2021, respectively.

The claimants were informed of the hearing of 2 July 2021.

Mr H., Mr B. and Mr E. appeared before the Commission.

The Commission heard the Head of the M2RS, the Judge-Rapporteur, the representative of the Diplomatic Archives of the Ministry for Europe and Foreign Affairs, the representative of the Ministry of Culture, and the Government Commissioner.

Mr H., Mr B. and Mr E. made their observations known.

The Commission considers the following to be established:

The research conducted and its results on file indicate that most of the property in the Château in Draveil was looted in 1940 by the Occupation authorities and transferred to Germany.

The information provided by the M2RS shows that the four RECs were attached to the collection of artworks in Moïse LÉVI de BENZION's possession at the Château in Draveil at the beginning of World War II.

Moïse LÉVI de BENZION bought his four works at the 9th Beurdeley sale, organised as part of the estate of Alfred Louis Emmanuel Beurdeley, by the Georges Petit gallery in Paris from 30 November to 2 December 1920.

Among the works declared spoliated by the beneficiaries of Moïse LÉVI de BENZION at the Château in Draveil were a watercolour by Georges Michel, another by Jules-Jacques Veyrassat, a drawing by Paul Delaroche and another by Auguste Hesse.

Although objects looted from the Château in Draveil were returned to the beneficiaries of Moïse LÉVI de BENZION after the war, none of the restitutions released and drawn up between 1945 and 1955 mention a work by Georges Michel, Jules-Jacques Veyrassat, Paul Delaroche, or Auguste Hesse.

IV. The Commission's opinion

The four works, named REC 95, REC 99, REC 115 and REC 117 were among the works stolen from the Château in Draveil by the E.R.R.

It is certain that the last legitimate owner of these four works was Moïse LEVI de BENZION and that these were taken under the anti-Semitic legislation in force in France during the Occupation.

Consequently, in view of the information on file and the opinion expressed by the competent administrative authorities, according to French inheritance law concerning spoliated works kept in France, there is call to return to the beneficiaries of Moïse LEVI de BENZION, a watercolour, "Paysage" by Georges MICHEL, listed in the Louvre's inventory under number REC 95, a drawing, "Portait de femme" by Paul DELAROCHE, listed in the Louvre's inventory under number REC 99, a drawing, "Portait de femme" by Auguste HESSE, listed in the Louvre's inventory under number REC 115, and a watercolour, "Marée basse à Grandcamp" by Jules-Jacques VEYRASSAT, listed in the Louvre's inventory under number REC 117.

At the end of the hearing, the claimants present verbally informed the Panel of their intention to reserve the right of finding an amicable agreement for the return of the four works REC 95, REC 99, REC 115 and REC 117 at a later date, which should be acknowledged.

THE COMMISSION IS OF THE OPINION,

1° - That Mr A., Mr B., Ms C., Mr D., Mr E., Mr F., Mr G. and Mr H. be recognised as the beneficiaries of a victim of spoliation arising from anti-Semitic legislation during the Occupation;

2° - That a watercolour, "Paysage" by Georges MICHEL, listed in the Louvre's inventory under number REC 95, a drawing, "Portait de femme" by Paul DELAROCHE, listed in the Louvre's inventory under number REC 99, a drawing, "Portait de femme" by Auguste HESSE, listed in the Louvre's inventory under number REC 115, and a watercolour, "Marée basse à Grandcamp" by Jules-Jacques VEYRASSAT, listed in the Louvre's inventory under number REC 117 should be returned.

3° - That it should be noted that Mr H., Mr B. and Mr E. reserve the right to find an amicable agreement for the restitution of the four works in question.

REMINDS Mr A., Mr B., Ms C., Mr D., Mr E., Mr F., Mr G. and Mr H. to make it their personal business to resolve any disputes arising over the ownership of the artworks that may be returned to them by the French State in accordance with this recommendation.

REMINDS the parties that the claimants will be informed of this recommendation.

REMINDS the parties that this recommendation will be transmitted to the Prime Minister's office in accordance with Article 1-1 of Decree No. 99-778 of 10 September 1999, as amended,

And, for information purposes:

- to the Director-General for Heritage, Ministry of Culture, 182 Rue Saint-Honoré, 75033 PARIS cedex 01,
- to the Director of the Diplomatic Archives, Ministry for Europe and Foreign Affairs, 3 Rue Suzanne Masson, 93126 LA COURNEUVE cedex.

-The Ministry for Europe and Foreign Affairs was represented by Mr CHAUFFOUR,

- The Ministry of Culture was represented by Ms CHASTANIER.

During the deliberation, the Commission was composed of Mr JEANNOUTOT - Mr BERNARD - Ms DREIFUSS-NETTER - Mr TOUTÉE - Mr BADY - Ms PERIN - Mr RUZIÉ - Ms GRYNBERG - Ms ROTERMUND - REYNARD - Mr RIBEYRE - Ms ANDRIEU - Mr PERROT.

Paris, 4 October 2021

The Chargé de Mission,
Hearing Secretary

Emmanuel Dumas

The Chairman,

Michel Jeannoutot