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**Historians as political trouble-shooters:
Officially Commissioned Surveys of Holocaust Legacies
in France and Switzerland**
(1) The Swiss Case, by Regula Ludi*
**(2) The Mattéoli Commission between
Holocaust era assets debates and the memory of Vichy,
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Abstract

In the 1990s, revelations, disclosures of archival documents, and class-action suits shed light on legacies of the Holocaust that had been neglected during the Cold War era. Since 1996 most European countries, the U.S. and many private businesses have appointed commissions of historians and other experts to investigate the still unresolved questions of property restitution and compensation payments. Such surveys caused controversies about the necessity and the meaning of a reevaluation of the memory of the Nazi era in most countries. The authors of this paper both have worked as staff historians for such commissions, in France and Switzerland respectively. Based on their experience, they reflect upon the impact of officially appointed investigations on images of the past and their significance for the current political situation of the two countries.

The Swiss Case

Regula Ludi¹

For the last five years, the restitution of looted property and the compensation of slave labor have given the legacies of the Holocaust an unexpected political significance in most European countries. In the 1990s, the postwar omissions concerning Nazi victims eventually became a scandal. Since then, many obligations that had been neglected during the Cold War could not be postponed or ignored any longer. The so-called dormant accounts in Swiss banks came to symbolize how justice was denied to Holocaust survivors.

In the beginning Switzerland was at the core of the scandal. International criticism and the fear of sanctions against Swiss businesses put pressure on the government and on the banks to take action. Among the steps taken to overcome the crisis was the banks' willingness eventually to identify dormant accounts and to make the results of their investigation accessible to the public. At the same time, the Swiss parliament called for an historical and legal investigation and re-evaluation of the economic history of Switzerland during the Nazi period.² In order to fulfill these tasks, two commissions were set up: in 1996, the World Jewish Restitution Organization, the World Jewish Congress, and the Swiss Bankers' Association appointed the so-called *Independent Committee of Eminent Persons*—in the media often dubbed the Volcker Committee after its chairman, the former Federal Reserve chairman Paul Volcker. The Volcker Committee's aim was the identification of dormant accounts in Swiss banks and their restitution to the rightful owners. Its research was of a somewhat technical nature, mostly performed by contracted auditing firms, and the results it presented in 1999 did not provoke big controversy in the public realm.³

The other commission, bearing the official title *The Independent of Experts Switzerland - Second World War (ICE)*, was appointed by the Swiss government in early 1997. It is usually called the Bergier Commission after its president, the historian Jean-François Bergier; and its official task is to investigate thoroughly the economic relations between Switzerland and Nazi Germany and explore their postwar legacies. Among its members internationally well-known scholars of German and Holocaust history, such as Saul Friedländer, Sybil Milton and Harold

¹I would like to thank Patricia Heberer, Holocaust Memorial Museum, for revising the text and improving its style and language. I am also grateful to my colleagues at the Center for European Studies, and Adrienne Appel, for their comments on the earlier version of this paper.

²Beside the above-mentioned measures, there were several other private and official initiatives to deal with the crisis: in 1996 the Federal Department for Foreign Affairs appointed a special task force to deal with issues related to World War II legacies on a diplomatic level. This body was dissolved in 2000. In 1997 the Swiss government created *The Swiss Fund for Needy Victims of the Holocaust/Shoah*, that had been initiated by private persons. The Fund was endowed with around \$180 million, mostly donated by banks and private businesses, and has since distributed most of the money to Jewish and non-Jewish Holocaust survivors in Europe, Russia, Israel, and the USA.

³Independent Committee of Eminent Persons, *Report on Dormant Accounts of Victims of Nazi Persecution in Swiss Banks* (Bern: Stämpfli Verlag, 1999).

James, were nominated as well as the Swiss academics Georg Kreis, Jacques Picard and Jakob Tanner, who represent a broad spectrum of historical standpoints, among them pronounced leftist positions.⁴

This ICE, its tasks, its competencies, and the impact of its publications are the subject of this paper. I will concentrate on the ICE for two reasons: first, it is an official committee, and on these terms subjected to critical public scrutiny—whereas the Volcker Committee is based on an agreement of private bodies and, although it contributed to overcoming the crisis, it never had an official function. The second reason centers upon the public perception: owing to the technical character of its investigation, the Volcker Committee's work did not provoke major controversies. The ICE, however, has been in the limelight from the start. Even personal conflicts among its members were leaked to the media, and all reports it has published up to today have been received by the public with great expectations. Although the ICE has no further functions or duties except historical research—for example, undertaking legal steps in the field of restitution and reparations—the lawmakers, and a portion of the public expected from the investigation a final evaluation of Swiss history in the Nazi era that would also provide the basis for further political decisions. Yet, some of these political measures have become obsolete in the meantime because the New York settlement struck between Holocaust survivors and Swiss banks in 1998 covers most claims emerging from World War II legacies.

The first segment of this paper provides a general overview of the events that preceded the nomination of the ICE, mainly the debates on dormant accounts of Holocaust victims in the 1990's.⁵ It will be followed by a survey of the ICE's task, its competencies, and its mode of functioning. The third part of this paper deals with the public dispute concerning the ICE's output, with an assessment of the historians' role in current debates and portraying the ambivalence of official historiography. Finally I will conclude with some remarks about the political impact of memory and changing images of the past.⁶

The context: the dormant accounts scandal

⁴The other members are the historian Wladyslaw Bartoszewski, currently Foreign Minister of Poland, the lawyer Daniel Thürer, who replaced Joseph Voyame, and the historian Helen B. Junz, successor of Sybil Milton who died in October 2000. For information on the Independent Commission of Experts Switzerland – Second World War, see its website: <<http://www.uek.ch/>>. All publications can be downloaded; the reports *Switzerland and Gold Transactions in the Second World War* (Bern: EDMZ 1998) and *Switzerland and Refugees in the Nazi Era* (Bern EDMZ: 1999) are available in English, German, French, and Italian. The other publications are available in the original German or French versions.

⁵Accurate chronologies, further material in English, German or French, and a number of useful links can be found on the following websites: <<http://www.giussani.com/holocaust-assets/>>, <<http://www.nzz.ch/dossiers/schatten/index.html>>, <http://www.parlament.ch/D/Nachrichtelose_VermoegeN/Nachrichtelose_VermoegeN.html>.

⁶I use the term memory not in a literal, but in a metaphorical sense, based on its use in cultural studies; see Patrick Hutton, *History as an Art of Memory* (Hanover: University Press of New England, 1993). The term *patriotic memory* denotes an interpretation of Swiss wartime history that focuses on national independence and emphasizes the deterrent power of armed neutrality as the main reason why Switzerland was spared from a German invasion.

In the United States, Switzerland and its wartime past became an issue of public debate early in 1996. In this year, Jewish organizations, mainly the World Jewish Congress, were eventually successful in demanding that Swiss banks and financial institutions uncover dormant accounts and heirless assets of Holocaust victims. Since the end of World War II, several Jewish organizations and the state of Israel had more than once tried to come to an agreement with the Swiss banks. All their efforts had been rebuffed, however, by the Swiss Bankers' Association. At the same time, surviving relatives of Holocaust victims searched the banks for their properties. They often failed, due to the requirements financial institutes imposed on them to prove their claim to the inheritance. More than once it happened that Jewish claimants were asked for death certificates of relatives murdered in Auschwitz. Moreover, neither the Jewish organizations nor individual claimants received any support from the Swiss government for many years. But even the Western Allies, who had negotiated the 1946 Washington Agreement with Switzerland on financial obligations towards the Allies and victims' organizations, did not show a great inclination to put pressure on the Swiss government to meet its postwar promises. Eventually, in 1962, the Swiss parliament drafted special legislation that obliged the banks to declare heirless assets of Nazi victims. Although the outcome of the subsequent investigation did not meet the expectations of victims' organizations by far, no further steps were taken by the government.⁷

It was only in the 1990s, after the end of the Cold War, and when the Clinton administration started to pay special attention to property claims and to restitution in Eastern Europe, that the political climate allowed Jewish organizations to take action against Swiss banks. A meeting between representatives of the World Jewish Congress and the US Senate Banking Committee in late 1995 triggered a process of investigations. Quickly the dormant accounts came to symbolize the whole legacy of Holocaust bystanders who had been involved directly or indirectly in the expropriation and exploitation of the Nazi victims. Initially confined to Swiss banks, the research revealed the immensity of still unresolved issues of compensation and of restitution of looted property on an international level. In the last few years surveys similar to the ongoing research in Switzerland have been undertaken by many other countries.⁸ Furthermore, large corporations such as major insurance companies, financial institutions, and industrial companies were forced

⁷For an overview see Peter Hug and Marc Perrenoud, *In der Schweiz liegende Vermögenswerte von Nazi-Opfern und Entschädigungsabkommen mit Oststaaten* (Bern: Bundesarchiv, 1997); Peter Hug, "Unclaimed Assets of Nazi Victims in Switzerland: What People Knew and What Else They Ought to Know," in *Switzerland and the Second World War*, ed. Georg Kreis (Frank Cass: London & Portland, 2000): 81-102; Peter Hug, "Das Verschwindenmachen der nachrichtenlosen Guthaben in der Schweiz," in *Raubgold, Réduit, Flüchtlinge. Zur Geschichte der Schweiz im Zweiten Weltkrieg*, ed. Philipp Sarasin, Regina Wecker (Zurich: Chronos, 1998): 13-31, and Itamar Levin, *The Last Deposit. Swiss Banks and Holocaust Victims' Account*, translated by Natasha Dornberg, (Westport CT: Praeger, 1999). Further results are to be expected from the final report of the Independent Commission of Experts that is due at the end of 2001.

⁸A regularly updated list of international activities regarding Holocaust-era assets and historical investigations can be found on the website of the U.S. Holocaust Memorial Museum: <www.ushmm.org/assets/index.html>.

to open their archives to historians. Finally the process of investigation and eventually the payment of compensation to the victims has been accelerated by dozens of class actions suits which were filed by Holocaust survivors since October 1996. Despite the fact that in many cases no settlement has yet been reached, this litigation helped to put pressure on governments and corporations to consider restitution and compensation.⁹

In the Swiss public, the existence of dormant accounts of Holocaust victims and the extent to which the Swiss economy had profited from Nazi looting has long been ignored. On the one hand, this unawareness was due to specific features of Swiss wartime memory. The belief that the deterrence of armed neutrality had saved Switzerland from a German invasion was at the core of the dominant myth during the Cold War years. This patriotic memory, however, has been contested by critical historians, intellectuals, and journalists since the 1970s. A growing body of historical research on economic relations, on supply of war materials, and on gold transactions in favor of the Third Reich has since then uncovered the strong ties Swiss business had had to Germany, and the importance of Switzerland as a financial center with a freely convertible currency for the German war economy.¹⁰ Barely known, though, was the Swiss postwar policy with regard to the legacies of the Nazi period, i.e., the handling of heirless assets of Holocaust victims and the compensation of Swiss victims of Nazi persecution. This in fact was not due to the inaccessibility of public documents. Rather, it was a result of the government's policy of handling many issues silently and of assigning the investigation of sensitive materials to hand-picked and loyal historians.¹¹ On the other hand, it was due to the preoccupation—often obsession—of critical historians with the deconstruction of the myth of wartime heroism and armed neutrality. Coping with the legacy of the Nazi period has therefore been a neglected issue of contemporary history until very recently. Consequently, among the Swiss public, nobody paid serious attention to the question of heirless assets until the 1990s, and still then, the few publications available were barely noticed.¹²

For such reasons, the scandal of dormant accounts in Swiss banks eventually caused a major political crisis in Switzerland. The international image of the country quickly changed. Once perceived as a neat place of democracy, stability and decency, Switzerland suddenly epitomized all unpleasant features of a profiteer of the most abominable crime of the century. Instead

⁹For an overview, see Michael J. Bazylar, "Nuremberg in America: Litigating the Holocaust in United States Courts," *University of Richmond Law Review* 34 (March 2000): 1-283.

¹⁰On the state of research in different fields, see the contributions in Georg Kreis, ed., *Switzerland and the Second World War* (London & Portland: Frank Cass, 2000).

¹¹See Sacha Zala, "Governmental Malaise with History: From the White Paper to the Bonjour Report", in *Switzerland and the Second World War*, ed. Georg Kreis, (London: Frank Cass, 2000) and Sacha Zala, *Gebändigte Geschichte. Amtliche Historiographie und ihr Malaise mit der Geschichte der Neutralität, 1945-1961*, Bundesarchiv Dossier, no. 7 (Bern: Bundesarchiv 1998).

¹²The only survey available before 1996 is a paper by Jacques Picard, *Switzerland and the Assets of the Missing Victims of the Nazis: Assets in Switzerland Belonging to Victims of Racial, Religious and Political Persecution and Their Disposition Between 1946 and 1973* (Zurich: Bank Bär, 1993). All the other publications date from the late 1990s.

of acknowledging dark sides of history and admitting failures, the Swiss government aggravated the situation by making every possible mistake. Government members ignored and misjudged the moral and symbolic dimension of the problem and tried to solve it with a business-as-usual attitude. Historical and political ignorance marked many of the reactions to the often well-documented accusations aimed at banks and authorities. The crisis peaked early in 1997, after Jean-Pascal Delamuraz, then president of the Swiss Confederation, caused an international outcry with anti-semitic statements in which he accused Jewish organizations of blackmailing and extorting the Swiss.

At the same time, Switzerland experienced a shocking outburst of antisemitism. Prominent Swiss Jews and newspapers received hundreds of letters containing threats and verbal abuse against Jews. Antisemitic remarks could be heard in buses, trains and pubs. Many elderly Jewish people reported that they hadn't felt threatened to such an extent since the end of World War II. Some Swiss commentators blamed the Jewish organizations in the United States for provoking this reaction with their—as the commentators called it—aggressive strategies and language. Such remarks, however, were not only a result of a lack of understanding of what was actually at stake, but also caused by ignorance concerning American political culture. In fact, the fault for triggering this outburst of antisemitism lay with those politicians who implied that it was the Jewish organizations' main goal to extort money from Switzerland. These remarks apparently awakened a deep-rooted antisemitism that had been kept below surface for a long time and recurred with wide-spread beliefs about conspiracy theories—theories that have been thriving lately. Moreover, such allegations made by members of the government lifted for many Swiss the taboo to utter antisemitic remarks in public.¹³

Commissioned investigations and their intermediary results

While the public debates became more and more fierce, banks and the Swiss government took their first steps to overcome the crisis. In spring of 1996, the Swiss Bankers' Association and major Jewish organizations had signed a Memorandum of Understanding that finally made possible a diligent search for dormant accounts. The banks thus conceded partially to abolish bank secrecy and to allow auditing firms under the supervision of the Volcker Committee to ac-

¹³See Federal Commission against Racism, *Anti-Semitism in Switzerland: A Report on Historical and Current Manifestations with Recommendations for Countermeasures*, (Bern: EDMZ, 1998). The class-action suits of Survivors of the Holocaust and Slave Labor against governments, banks, insurance companies, and other businesses have recently aroused criticism in the United States supporting the allegations that such claims were likely to incite antisemitism. The most polemical essay by Norman Finkelstein has been hailed among segments of the Swiss and the German public. However, Finkelstein's contentious assertions have also been heavily criticized in the media. See Norman G. Finkelstein, *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering* (London & New York: Verso, 2000) and a collection of reviews and critics in *Gibt es wirklich eine Holocaust-Industrie? Zur Auseinandersetzung um Norman Finkelstein*, ed. Ernst Piper (Zurich: Pendo Verlag 2001). See also the debate in *Commentary*: Gabriel Schoenfeld, "Holocaust Reparations—A Growing Scandal," *Commentary* (September 2001), and "Holocaust Reparations: Gabriel Schoenfeld & Critics," *Commentary* (January 2001).

cess their records. In fall and winter of 1996, the Swiss parliament debated draft legislation for an historical investigation. Approved by the Swiss parliament in December 1996, this bill became the legal framework for the *Independent Commission of Experts Switzerland – Second World War* that followed.

The parliament's decision was indeed an exceptional measure and—regarding the political climate at the time—it came rather unexpectedly, as it contained several remarkable points that were decisive for the Bergier Commission's working conditions. First of all, the law imposed a general obligation on private companies to preserve their documents and to provide the ICE's staff full access to all relevant files. In this situation, the official secrecy of the administration, of courts and other authorities, the professional secrecy of lawyers, and bank secrecy were suspended. These legal provisions were quite unique and unprecedented. Before that, nobody in Switzerland would have imagined seeing bank secrecy—one of the country's sacred cows—abolished. Most remarkable was also the fact that the bill passed parliament without any major objections. However, this was not an expression of undisputed unanimity about the importance of a thorough reevaluation of traditionally upheld images of history. Rather it was a sign of desperation following several months of harsh international accusations, and therefore had the more opportunistic intent of quieting criticism from abroad.

In this situation, historians—as independent scholars and not as official historiographers—suddenly discovered themselves in the role of troubleshooters. This was nearly as unique as the suspension of bank secrecy. For a long time, historians in Switzerland either participated in the construction of national myths, and their efforts were often rewarded by the government with special assignments, or conversely they were perceived as unpatriotic Marxists who tried to attack traditional narratives in order to undermine national identity. Many of the latter contributed to a wider understanding of the close ties between Switzerland and Nazi Germany, but for years they have been marginalized, and their research was often ignored by academic scholars. With the nomination of the ICE, these leftist historians suddenly were confronted with an unexpected demand for their work.

As already mentioned, the 1996 legislation provided the ICE with wide-ranging rights, but limited for a period of five years, to end in December 2001. After that date, private archives will be closed again.¹⁴ The mandate was initially confined to purely economic and financial questions, but it has been extended since to the much wider subject of the general involvement of Switzer-

¹⁴There is currently a debate going on in Switzerland about how the documents from private archives that have been used by the ICE's staff ought to be stored. The ICE and a portion of the public demand that the documents be kept in a public archive and eventually be declassified, whereas business circles oppose a further disclosure and prefer to retrieve all copies made in private archives. See "Grundsatzdiskussion um des Kaisers Bart," in *Neue Zürcher Zeitung* 120, 26 May 2001; "Die andere Seite von des Kaisers Bart," in *Neue Zürcher Zeitung* 127, 5 June 2001; and "Unvollständige Bergier-Akten," in *Neue Zürcher Zeitung* 144, 25 June 2001.

land with Nazi Germany. This broadening of the scope of research is a mixed blessing. On the one hand, it allows the scholars to place the financial and often very technical questions in a context of social and intellectual history and thus to understand better the political significance of the strong economic ties between Switzerland and Germany during the war. On the other hand, it is not possible to provide something like *une histoire totale* of the 1930s and 1940s and at the same time to concentrate research on highly specialized questions of financial history.¹⁵

The dilemma created by diverging expectations unfortunately led to decisions that were often influenced by political needs and pressures, although it had been the clear intention of the lawmakers that the ICE should be sheltered from any influence either from the authorities or from private companies. In principle, the government is obliged to publish the ICE's reports without any alterations. This is an important point, since many skeptics feared that the government might suppress uncomfortable findings. As of now, no attempts have been made to censor any of the ICE's publications. Still, the independence of the ICE has been at risk in more subtle ways. For instance, the 1996 legislation is not very clear about which economic sectors were obliged to open their archives. Thus, in the beginning, some industrial corporations and insurance companies refused to cooperate. A compromise was achieved only after long negotiations and concessions made by the ICE. Moreover, Jean-François Bergier, the ICE's president, promised in 1997 to release two interim reports, one on the gold transactions and the other one on refugee policy, despite the fact that the law only requires a final report, due by the end of the year 2001. These promises must be seen in the highly politicized context of 1997 when Switzerland was most exposed to international criticism. The gold transactions had by then become a very controversial issue, especially after the British Foreign Office published a survey on Nazi gold in fall 1996 and the long announced Eizenstat report was released in spring 1997.¹⁶ The Eizenstat report in particular did not spare Switzerland from criticism. Sooner or later, the Swiss government had to come up with results of research. The announcement of a report on gold transactions can therefore be seen as a major concession to the needs of the government.¹⁷ At the same time, the release

¹⁵For an survey of the approach, the paradigm of interpretation, and the areas of research, see Jacques Picard, "Das Forschungsprogramm der Unabhängigen Expertenkommission Schweiz-Zweiter Weltkrieg," in *Raubgold, Réduit, Flüchtlinge. Zur Geschichte der Schweiz im Zweiten Weltkrieg*, eds. Philipp Sarasin and Regina Wecker (Zurich: Chronos, 1998).

¹⁶The so-called *Rifkind Reports* of the British Foreign Office: *General Services Command: Nazi gold: Information from the British Archives, History Notes Nr 11*, ed. Foreign and Commonwealth Office, 1996; *General Services Command: Nazi Gold: Information from the British Archives. Part II: Monetary Gold, Non-Monetary Gold and the Tripartite Gold Commission, History Notes Nr 12*, ed. Foreign and Commonwealth Office, 1997; the so-called *Eizenstat Reports* of the U.S. State Department: *US and Allied Efforts to Recover and Restore Gold and Other Assets Stolen or Hidden by Germany During World War II*, 1997 and *U.S. and Allied Wartime and Postwar Relations and Negotiations With Argentina, Portugal, Spain, Sweden, and Turkey on Looted Gold and German External Assets and U.S. Concerns About the Fate of the Wartime Ustasha Treasury*, 1998.

¹⁷The Independent Commission of Experts presented preliminary results on gold transactions at the London Conference on Nazi Gold in December 1997.

of intermediary results allowed a growing group of opponents to the reevaluation of the past to organize themselves and to start a continuous campaign of attacks against the ICE.

Hence, the public reception of these first results was anticipated anxiously. The release of the report on gold transactions, however, did not provoke another crisis. Although many of the findings were known before, the report made some clear statements. First, it showed the extent of the gold transactions carried out for the German Reichsbank by the Swiss National Bank and by private banks. Second, it stated that at least some of the gold transferred to Switzerland originated from victims of killing centers and concentration camps. Third, it proved that the responsible agents were well informed that most of the Reichsbank's gold was looted, but that they were mainly motivated by business interests—a fact they tried to conceal in their postwar justifications. Finally, the report concluded that by doing business as usual with German partners until the very last days of the war, some Swiss business circles did not bother to acknowledge that they were dealing with a highly criminal regime. Compared to previous interpretations, these statements were indeed very critical towards the responsible agents of the time.

As a consequence, international reactions—from scholars as well as from politicians and victims' organizations—were generally very positive. The quality of the research was approved as high-standing and the interpretations understood as an important contribution to the reevaluation of economic history. With their commitment to “an unrestricted examination” of Swiss history during World War II with then goal that Switzerland “become conscious of its own responsibility,” the experts had declared their unambiguous comprehension of their task.¹⁸ In general, the Swiss government accepted their conclusions. Thus, by delivering a fairly critical report the ICE apparently fulfilled its function as a troubleshooter on an international level. It proved to the world that the Swiss government was earnest in its intent to uncover the dark sides of the past and thus contributed to an easing of the situation.

As with the survey on gold transactions, the report on refugee policy, published in December 1999, received good reviews on an international level. It presented well-known facts as well as new results, especially in the field of financial questions. It focused on three major points: first, what may be called a policy of deterrence against refugees that had started in the early 1930s and culminated in the closing of the border in August 1942. Based on rich materials, the report demonstrated that this had been done despite precise information about the Nazi policy of extermination available to Swiss authorities. It also highlighted the significance of official anti-semitism and came to the conclusion that by creating additional barriers for the Jewish refugees to overcome, “Swiss officials helped the Nazi regime achieve its goals, whether intentionally or

¹⁸Independent Commission of Experts, *Switzerland and Gold Transactions in the Second World War. Interim Report* (Bern: EDMZ, 1998), p. 11.

not.”¹⁹ Second, it focused on the practice of refugee policy and on the considerable amount of leeway individual officials had. It thus emphasized the question of responsibility of authorities in general and of individuals in specific cases. Finally, it contained findings about financial questions, most significantly addressing the manner in which support for refugees in Switzerland was organized. The greatest financial burden had been borne by private Jewish relief organizations, because the government had refused to make any substantial contributions to the refugees’ support and the refugees themselves had not been allowed to do paid work. The report thus raised moral and political questions. By focusing on the fate of victims and on human rights, it proposed a shift in the perspective of historical debates. In Switzerland, this immediately provoked harsh attacks. Critics accused the ICE of moralizing and of interpreting past events on the basis of contemporary values.

Controversial debates on memory and the ambivalent role of the historians

In the last three years the political atmosphere has changed dramatically. On 12 August 1998, the Swiss banks reached a settlement with the plaintiffs of the class-action suit in New York, in which the defendants agreed to pay \$1.25 billion in exchange for a total release for all claims arising out of the Nazi era or its aftermath.²⁰ Subsequently, Switzerland was no longer the focal point of interest. As soon as international criticism began to decline—not in small part due to the ICE’s publications—more and more Swiss citizens had their doubts about the need to reevaluate the past. So in the longer run, the findings, as well as the interpretations of the ICE, came to be heavily contested. Especially in the second half of the last year, one could witness a certain backlash in the public debates. The ICE was accused of being prejudiced against Switzerland, of distorting facts in order to demolish the patriotic wartime memory and to produce the type of interpretations that would be received benevolently on an international level.

Among the critics, two different positions can be distinguished by the means of argumentation, although they often pursue similar aims. First, there are some scholars who attack the ICE’s work on methodological grounds and claim that the experts lack economical and statistical knowledge. This criticism is not limited to the report on gold transactions. It is also directed towards the findings on refugee policy, where it contests chiefly the number of refugees expelled. This, as a matter of fact, touches on a difficult issue. For several reasons it is not possible to give a conclusive answer to the question of how many persons were denied asylum, as a significant portion of relevant documents have been destroyed without indication of the motives or the year of the destruction. Most likely it happened in the late 1950s, after it became publicly known that Swiss officials had played a crucial role in the marking of the passports of German Jews with the “J”-stamp. Some of the responsible persons were still holding office at that time and may have

¹⁹Independent Commission of Experts, *Switzerland and Refugees in the Nazi Era* (Bern: EDMZ, 1999), p. 271.

²⁰See the website <<http://swissbankclaims.com>> with links to all relevant documents.

had an interest in getting rid of material that could have compromised them further. So, the current reconstruction is based on flawed documentation. A very diligent survey in 1996 came to the conclusion that the Swiss border police carried out at least 24,000 expulsions during the war, a figure that was corroborated by further research.²¹ The ICE, however, admitted that this was a very cautious estimate as it did not include an unknown number of refugees who were expelled before the war and at least 14,000 refugees whose visa applications were rejected. Despite such reservations, some scholars suggested that the actual number of persons to whom asylum had been denied was much lower, since many refugees tried to cross the border several times. They thus claim that the chances of finding asylum in Switzerland were much higher than historical research has maintained up till now.²²

As preposterous as this debate on figures may seem, in the end something else is at stake. Thus is, indeed, the moral and political question of whether the Swiss should feel ashamed of their wartime history because of the antisemitic refugee policy and the country's economic cooperation with Nazi Germany. In 1995—on the occasion of the commemoration of the end of World War II—this question was answered by Kaspar Villiger, then head of the Federal government. Mr. Villiger expressed the government's regret for past actions and apologized to the Jewish people for Switzerland's restrictive asylum policy as well as for its failing to rescue many thousands of Jewish refugees during World War II. This official position was attacked by scholars who argued that the Swiss asylum policy was much more liberal than recent scholarship has proved and who attempted to restore national pride in Switzerland's humanitarian tradition and its achievement of staying out of the war.

The second group of critics, fundamentally Swiss veterans, cling to the latter interpretation—yet, without providing any sophisticated models to prove their point of view. Rather they defend patriotic wartime memory against what they perceive to be an attack on the dignity of their personal experiences as soldiers.²³ After being cherished heroes for a long period, they now feel ostracized as myth constructors who contributed to the disguise of historical “truth.” They

²¹See Guido Koller, “Entscheidungen über Leben und Tod. Die behördliche Praxis in der schweizerischen Flüchtlingspolitik während des Zweiten Weltkriegs,” *Studien und Quellen* 22, (1996):17-136.

²²This is the argument of the economist Jean-Christian Lambelet, University of Lausanne <<http://www.hec.unil.ch/jlambelet/>>. New attacks on the results of the ICE are also based on a recently released report on Geneva. See Catherine Santschi, ed., *Les Réfugiés civils et la frontière genevoise durant la Deuxième Guerre mondiale* (Geneva: CIDP 2000): <<http://www.geneve.ch/archives/refugies.html#rapport>>. However, it is methodologically highly contentious to generalize the results from Geneva, as the conditions at the border differed considerably over time and depending on the region.

²³As a reaction to the recent debates, a group of high-ranking military officers who had served in the army at the time of World War II founded an organization with the title “Arbeitskreis für gelebte Geschichte” in 1997. Its proponents—many of whom held high positions in the federal administration in the postwar era—have since been very present in public discussions. See also the critical survey on the current position of the wartime generation: Christof Dejung “‘Die heutigen Schlaumeier wollen alles besser wissen.’ Das Spannungsfeld zwischen historischer Forschung und den Erinnerungen der Aktivdienstgeneration in der jüngsten Debatte um den Zweiten Weltkrieg,” in “...denn es ist alles wahr.” *Erinnerung und Geschichte 1939-1999*, Bundesarchiv Dossier no. 11, (1999): 49-70.

suggest the now officially acknowledged memory is biased and fabricated—paradoxically precisely because it is an interpretation put forward by an officially appointed body. Ironically, the historians who previously contested official memory are now in the situation of defending their former counter-memories, as the latter have attained official recognition and aroused the suspicion of the growing anti-establishment Right. Yet, for partisans of the patriotic memory, these scholars represent a threat to ‘national identity.’

Furthermore, the veterans also challenge the academic authority of the scholars. As officially appointed experts, historians have tasks similar to those of lawyers, physicians, or scientists. They are called to provide politicians, lawmakers, and bureaucracies with facts, and they have to vouch for the truthfulness of their surveys with their scholarly expertise. Their situation, however, is not in every respect comparable to that of other experts. With regard to contemporary history, their research has to compete with the memories of witnesses of the period at stake. In public, however, individual recollections of events and experiences are still highly valued for their supposed authenticity and truthfulness—although psychological and neurological research have clearly proved the limitations of memory’s reliability.²⁴ Nevertheless, in their role as official experts, historians are challenged by those who maintain to have an equivalent, if not superior access, to reality of the past. Additionally, in their role as academics, historians are involved in theoretical, epistemological, and methodological debates influenced by postmodern philosophy and the linguistic turn in the humanities. As these positions reject so-called master narratives and generally dispute the existence of historical “Truth,” historians as experts get caught in an impasse: They—at least—implicitly undermine their own scholarly authority.

Shifting meanings and the political impact of memory

As the above-mentioned competing interpretations of Swiss wartime history seem to be more or less the traditional positions in the debates, the ICE’s research apparently has not caused any major shifts in wartime memory and its political impact. That is at least the impression one might get from ongoing public controversies. By looking more closely, however, several changes become visible: first of all, the self-centered patriotic wartime memory with its emphasis on armed neutrality has definitely lost its previous implicitness. Yet this is not entirely the merit of the current reevaluation, but rather the result of a long-standing process which was ignited by critics of the New Left in the late 1960s. Furthermore, since the late 1990s, the government has essentially embraced the new images of the past that are based on the human rights paradigm. It acknowledged failures and, especially in terms of its minority policy, has become more sensitive towards different forms of discrimination.²⁵ At least to a certain extent, the higher level of aware-

²⁴See Daniel Schacter, *The Seven Sins of Memory. How the Mind Forgets and Remembers* (Boston: Houghton Mifflin Company, 2001).

²⁵The Federal Commission against Racism, which has existed since 1997, regularly publishes reports on the situation of foreigners

ness for problems of minorities is owed to the ongoing preoccupation with the history of the Nazi era. At the same time, Swiss Jews have—in reaction to the antisemitism of the late 1990s—abandoned their traditional low-profile policy.²⁶ They are not an invisible minority any more, and they have become more confident about their position in society—which can be interpreted as a sign that the majority is learning to accept them as fellow citizens with their own specific experiences. In public, antisemitism has been widely marginalized since the late 1990s.

On the other hand, the beneficiaries of the increasing opposition to the reevaluation of the past are the national conservatives who have successfully united a number of scattered right-wing groups with their xenophobic and isolationist agenda. Although they have moved further to the right for the last decade, they have gained a considerable number of votes in recent elections. They fiercely defend a patriotic wartime memory and often utilize images of the past to represent their current political point of view. By integrating new findings, they succeeded in immunizing their interpretation of history against the allegation of fabricating myths. Thus, they do not deny the fact of the economic cooperation with Nazi Germany anymore. Yet, they justify these accommodations as necessary in order for Switzerland to have maintained its independence. Furthermore, they exculpate the nation by maintaining that Switzerland was a victim of the aggressive policy of Nazi Germany and had no alternatives other than compliance with German demands. So, the lessons they derive from a revised memory stay fundamentally the same, i.e., that Switzerland owes its existence, its survival, and its wealth to having kept aloof from international involvement.²⁷ Based on this revised patriotic memory, they justify political isolationism in the current debates on the international role of Switzerland. These controversies have lately acquired an increasing significance with regard to membership in the UN and participation in the EU.²⁸ They imply a reassessment of neutrality. Therefore wartime memory looms large, as it has endorsed a particular notion of neutrality whose significance reached far beyond its meaning in international law. Rather, neutrality has been the vital and intrinsic element of Swiss self-perception until the 1990s, less a means than a political value and an end in itself. As neutrality is losing its justification in rapidly changing international surroundings, the debates about the reevaluation of wartime history implicitly put forward particular positions in respect of the self-per-

and minorities and makes policy recommendations in terms of minority rights. In 1998 the parliament officially recognized Gypsies as a national minority with special need of protection.

²⁶A good overview is provided by Aram Mattioli, ed., *Antisemitismus in der Schweiz 1948-1960* (Zurich: Orell Fuessli, 1998), and Jacques Picard, *Die Schweiz und die Juden, 1933-1945* (Zurich: Chronos 1994).

²⁷This position is put forward chiefly by Christoph Blocher, member of parliament and currently the most prominent and influential figure of the national conservative movement in Switzerland. See Christoph Blocher, “Die Schweiz und der Zweite Weltkrieg: Eine Klarstellung,” (March 1997): <<http://www.blocher.ch/>>

²⁸Since the mid-1980s, these questions played a prominent role in political debates in Switzerland. In March 1986, 75 percent of Swiss voters rejected a referendum on membership of Switzerland in the United Nations; integration into the European Economic Area was rejected by the electorate in 1992, whereas the bilateral agreements of Switzerland with the EU passed a referendum in May 2000.

ception of Switzerland and of its commitment to the rest of the world. Opposition to the ICE's research has therefore become a common ground among diverse groups of the Right that defend a narrow understanding of neutrality.²⁹ And in many cases, the ICE, as an internationally composed body that owed its existence to a campaign initiated abroad, became the symbol of foreign threats to Swiss 'national identity.'

Thus, on a political level, the process of reevaluation of the past has very ambiguous consequences, and this is due not least to the fact that historians have become political troubleshooters and have helped the government to overcome the crisis in the 1990s. Despite the expectations of politicians that the authority of international expertise as represented by the ICE might put an end to the memory wars, the forthcoming final report may well lead to further fierce controversies and to a hardening of positions that had been shaken during the 1990s.

²⁹The national conservative organization AUNS ("Campaign for an Independent and Neutral Switzerland"), founded by opponents to UN membership in 1984, succeeded in achieving a central position in debates about foreign policy. It has a right-wing agenda comparable to the Austrian FPÖ, represents a pronounced isolationist position in strong opposition to the government's foreign policy, and has often based its arguments on images of the past, hence keeping questions related to the wartime memory present in public debates throughout the late 1980s and the 1990s.

Historians as political trouble-shooters (2): the Mattéoli Commission between the Holocaust era assets debates and the memory of Vichy

Jean-Marc Dreyfus

In France, the historical subject of spoliation of Jewish assets and properties has taken a strange turn over the last five years. Once a subject almost entirely neglected by historians, it has become one of the most widely studied aspects of Vichy France and an important part of the memory of this period in France and of the persecution of the Jews. This question has become—and will remain at least for a while—a political and a diplomatic issue. Many historians dealt with this topic as members or researchers of the official commission on the spoliation of Jews in France (*Mission d'étude sur la spoliation des Juifs de France*, known as the *Mission Mattéoli*). It is their position in the field of research that will be tentatively described in the second part of this paper. The peculiar way the question of spoliation entered the public sphere in France will be examined, with an exploration of the history of the apartments of Paris Private Domain. Thereafter, the specific position of the Mattéoli Commission will be discussed. And finally, the testimony of two members of the Mattéoli Commission before the Banking Committee of the US House of Representatives will show how France presented itself in the face of American criticism concerning the assets issue.

It is difficult to summarize all those events related to Vichy which have shaken French public opinion since 1990. Both their high volume and their intensity are surprising. Vichy and its memory have been constant issues in the public debate and the political life of the country, and have had a constant presence in the media. It is possible, however, to provide a short list of all these events, starting with the 1990 profanation of the Carpentras Jewish cemetery. This dreadful event, instrumentalized by the Government, provoked a fear of antisemitism, and a mass demonstration was organized in Paris, with President Mitterrand himself participating. It set a unique precedent in the history of the Fifth Republic. Four years later, the revelations of the President's past under Vichy provoked considerable turmoil. Several books unveiled this past, among them Pierre Péan's *A French Youth*,³⁰ where the Vichyist involvement of Mitterrand was revealed. His relationship with René Bousquet, the state secretary of the Vichy police and the organizer of the Vel' d'Hiv' roundup in June 1942 caused consternation, at least among the media and the Jewish community. After the book's release, François Mitterrand made a public confession on prime-time television, on September 12, 1994, in which he pretended that he had not been aware of the French anti-Jewish laws. Before this peak of interrogations on the President's dubious relations to his past peaked, Mitterrand had been criticized for having ordered flowers sent to the grave of Marshall Pétain, on the Île d'Ieu, for the official day of the World War I victory commemora-

³⁰Pierre Péan, *Une jeunesse française : François Mitterrand, 1934-1947* (Paris: Fayard, 1994).

tion. In 1994 and 1995, fiftieth anniversary commemorations made World War II even more present in the public consciousness. The *Débarquement*, the Liberation of France, the disclosure of Auschwitz were occasions of public remembrance. This past decade has also seen Holocaust trials in France. The Touvier trial, in 1994, was the first to put in the dock a French criminal accused, then convicted, of crimes against humanity.³¹ The trial of Klaus Barbie, the chief of the Gestapo in Lyon, took place in the very city of his crimes. The longest trial in contemporary French history was that of Maurice Papon in 1997-1998. The former regional Prefect of Bordeaux during the Occupation, responsible for organizing the transports of Jews sent to Drancy, had been the Prefect of Police in Paris under General de Gaulle and had finished his career as a state secretary. His trial was widely presented on television, with daily reports from Bordeaux.³² The trial of René Bousquet did not take place, though it came close to starting, after years of delay. René Bousquet was assassinated on June 8, 1993.³³ A long running debate prevailed through out the whole period concerning the arrest of Jean Moulin, the unifier of the Resistance, who was accused in a book of being a Soviet agent in France.³⁴

Several other scandals shook French public opinion, such as that of the so-called “Jewish file.” Serge Klarsfeld, a long time-activist of memory, and also an historian, discovered this file of handwritten cards in the basement of the Ministry of War Veterans. It was first suspected that it was the large file created after the October 1940 census of the Jews in the French occupied zone. A commission of historians was set up to study its history and to make some recommendations on what to do with it and with the archives of the period in general. René Rémond, a leading French historian, and head of the National Foundation of Political Sciences, was appointed president.³⁵ Another commission was founded to research the role of the Church in protecting Paul Touvier. René Rémond, who has written extensively on Catholics in twentieth-century France, also headed it.³⁶ In July 1995, under pressure from the Jewish associations, among them the “*Fils*

³¹On the Touvier trial, in Versailles, see Eric Conan, Henry Rousso, *Vichy: An Ever-Present Past* (Hanover: University Press of New England, 1998) and Alain Jakubowicz, René Raffu, *Touvier, histoire du procès* (Paris: Julliard, 1995).

³²At least 30 books have been published already on the Papon trial; see Richard Goslan, ed., *The Papon Affair: Memory and Justice on Trial* (New York: Routledge, 2000) and Jean-Michel Dumay, *Le procès de Maurice Papon: la chronique de Jean-Michel Dumay* (Paris: Fayard, 1998).

³³On the assassin, see Henry Raczymov, *L'homme qui tua René Bousquet* (Paris: Stock, 2001).

³⁴The accusation was stated in the following book: Thierry Wolton, *Le grand recrutement* (Paris: Grasset, 1993). This book was at the origin of many others, among them: Pierre Vidal Naquet, *Le trait empoisonné: réflexions sur l'affaire Jean Moulin* (Paris: La Découverte, 1993). The resistance figure Raymond Aubrac was later accused of having betrayed Jean Moulin in Gérard Chauvy, *Aubrac: Lyon, 1943*, préface de René Fallas (Paris: Albin Michel, 1997). Sued in court, the author was convicted.

³⁵The final report was published on year later: *Le «Fichier Juif». Rapport de la commission présidée par René Rémond au Premier ministre* (Paris: Plon, 1996). René Rémond has received a medal on the behalf of his uncle, Bishop Rémond, who had saved many Jews in Nice.

³⁶See the report, René Rémond (et al.), *Touvier et l'Eglise: rapport de la Commission historique instituée par le cardinal Decourtray* (Paris: Fayard, 1992).

and *Filles des déportés juifs de France*” (Sons and Daughters of Jewish Deportees of France), Jacques Chirac, the newly elected President, officially declared the responsibility of the French state in the deportation of the Jews, which Mitterrand had always denied acknowledging.

The state of the French archives has been a continual and fractious issue. First set out as involving the problem of extending access to archival material to historians, journalists but also individuals, this debate concentrated on Vichy’s archives. A very polemical book published in 1994 by Sonia Combes, a French historian, began the affair.³⁷ The debate erupted violently at the beginning of the Papon trials, with the archives of repression during the war in Algeria, as the accused was Prefect of Police in Paris during the anti-Algerian violence of 1961, that provoked an unknown number of deaths; it continues today.

This whole decade has also seen in France the continuation of debates on the denial of the Holocaust, provoking enduring scandals. The University of Lyon III remained at the center of the accusation, with several academics supporting student works that proved to be more than dubious. At the same time, the extreme right party, the National Front, was leading the political debate in France, managing to place the question of immigration (and then of national identity) at the heart of political life. Its leader, Jean-Marie Le Pen, who received up to 15 percent of the vote in the presidential elections, and who succeeded in placing his party in a good position in many regions, made provocative declarations and jokes about Vichy and Auschwitz. The National Front was indeed the only French political party to describe itself, at least in part, as the inheritor of Vichy ideology.

In all these issues, French historians have been on the front line, as experts, *conseillers* and troubleshooters. The numerous commissions set up replaced the Honor juries of the 1950s and 1960s, where eminent members of the French Resistance were in charge of debating the political issues linked to World War II history. In the Aubrac case, a jury of historians was even set up.

The spoliation of Jewish properties was not an issue during all these years. How did the question enter the French political debate? In a curious way. Serge Klarsfeld, a pioneer as usual, had provoked the publication of one article dealing with assets stolen from Jews in the camp of Drancy before their deportation. In an article published in the daily newspaper *Libération* on July 16, 1995—the very day of Jacques Chirac’s declaration—Klarsfeld stated that these monies and valuables (jewelry, watches, etc.) had never been returned and were still in the safes and in the bank accounts of public financial institutions, a statement that much later proved to be at least partially correct.³⁸ A few months after this first article, the question of dormant accounts in the

³⁷Sonia Combes, *Archives interdites: les peurs françaises face à l’histoire contemporaine* (Paris: Albin Michel, 1994).

³⁸The title of the article was « Le vol oublié des biens des Juifs déportés », *Libération*, July 15 and 16, 1995.

Swiss banks and of Nazi gold started to make headlines. It did not really strike France as if this problem had never been a French one. The national press coverage, following the international one, usually explained that these dormant accounts had belonged to German or East European Jews. Another sensitive question brought spoilation into the French debate: during the presidential campaign of 1995, two very French scandals were revealed by the *Canard enchaîné*, the famous satirical weekly newspaper. The two children of Jean Tibéri, mayor of Paris, and at that time a close associate of Jacques Chirac, were said to each own a flat in Paris, flats that they rented for handsome sums, while at the same time they were granted low-rent apartments belonging to the infamous and mysterious Private Domain of the city of Paris. This Private Domain (*Domaine Privé*), in fact represents all the real estate, of any kind, owned by the municipality and managed directly by the mayor's cabinet, and not by project companies (*HLM*). Hundreds of flats of all sizes, all around the city, were traditionally rented for half or less of the market price to "important" people. The city had acquired these properties in the successive phases of city planning, when boulevards were redrawn and whole areas rehabilitated.

The second scandal revealed that Alain Juppé, at this time Prime minister of the cohabitation cabinet, was living in a luxurious apartment in rue de Seine, in the sixth *arrondissement*, in a flat that was also part of the Private Domain. These scandals provoked turmoil, seemed very strange, as other affairs, of direct corruption, did not raise the same level of emotion in public opinion.³⁹

After these revelations, a rumor began circulating in Paris: that this Private Domain had been established during the Occupation to deal with flats taken from Jewish owners, confiscated or bought at low prices due to the "Aryanization policy." This rumor was repeated in the daily newspaper *Le Monde*. In October 1996, a journalist of *Libération*, Brigitte Vital-Durand, published a book called "Domaine Privé,"⁴⁰ in which she explained that many apartments owned by the city of Paris had been stolen from the Jews, especially those located in what was called the "Island 16," in fact a part of the Marais, between the rue de Rivoli and the Seine. This area of the city had been populated by Jewish emigrants before World War I and had remained so before 1940⁴¹. This book was striking in that it explained that French authorities seized the apartments of deported Jews to be rented to ... important persons. One of these flats was inhabited in 1996 by the brother-in-law of President Chirac and his family. This argument drew attention to a strange link between the persecution of the Jews and the people in power fifty years later. It was

³⁹Adam Gopnik, at this time a reporter for the *New Yorker* in Paris, wrote an interesting piece on this affair and gave a convincing explanation of it. See Adam Gopnik, *Paris to the Moon* (New York: Random House, 2000). "Private Domain," pp. 19-27.

⁴⁰Brigitte Vital-Durand, *Domaine privé* (Paris: Editions générales First, 1996).

⁴¹See Nancy Green, *The Pletzl of Paris: Jewish immigrant workers in the "Belle Époque"* (New York: Holmes and Meier, 1986).

very clearly perceived in this way by public opinion, as the mid-1990s were in France a period of a general and imprecise feeling of “anti-establishment.”⁴² A report was almost immediately commissioned on this matter. The Commission on the Private Domain, headed by the State counselor Noël Chahid-Nouhaï, was designated to investigate the veracity of Brigitte Vital-Durand’s accusations.

At the same period of time, France was hit with the question of looted art. The country had not been a main target for Nazi looting, except for a dozen impressive Jewish collections, but Paris was the center of a flourishing art market, where several Nazis leaders bought works of art and furniture at low prices. The majority of the works recovered in Germany had been subject to restitution after the war, but some were missing. French museums were accused of not having done enough to find the legal owners of some paintings that remained in their collections, under the reference MNR (*Musées Nationaux Restitution*). Some more paintings, a handful, found for example in museums and storage depots of the former East Germany after the collapse of communism, had been discreetly subject to restitution. French museums were required to look into their own collections, to establish if they owned some looted works of art whose owners could possibly be identified. As this issue became public, restitutions were no longer made discreetly, but were widely publicized (with some resistance of the families against it). Members of the State Council, the Conseil d’Etat, wrote a report on the restitution of art in the postwar years and on the famous MNR. In accordance with the general mood concerning this topic, the report proved to be very critical of the museums that were accused of not having done their best to find the legal owners.

How did the French government finally decide to create a specific commission on looted Jewish assets and properties? The pressure came from the United States, though it emerged in a general climate more than favorable for its reception. Jews—or their relatives—who had spent the war in France filed a class-action suit in New York against five main French banks. At the same period, that is in the second half of 1996, the World Jewish Congress, having accusing Swiss banks of retaining Nazi gold and dormant Jewish accounts, expressed sharp criticism of the French Jewish leadership, accusing them of not being able to overcome government inertia on the matter of despoilation. Jewish leadership is traditionally composed in France of the head of the central Consistory and the president of the CRIF, (*Conseil représentatif des institutions juives de France*), an umbrella organization of all Jewish associations in the country—in fact the political arm of French Jewry.⁴³ Their position, before the autumn of 1996, had been to remain silent on

⁴²I mean by this a general climate which considers that institutions and the people who run them, are automatically at fault. This feeling contributed to the public satisfaction of finally seeing Maurice Papon put on trial.

⁴³The CRIF became an important voice of the community only in the 1970s. Part of its legitimacy comes from the fact that it was founded in clandestinity in 1943-1944, in order to unify, at last, the representation of French Jews and foreign Jews.

the matter of despoilation. Some independent voices in the community had even publicly criticized the attitude of the World Jewish Congress, arguing that the memory of the Shoah could not be dealt with in financial terms. The CRIF and the Consistory, followed by the majority of the Jews living in France, had no claims against the state, with which the French community had excellent relations.⁴⁴ Finally, in November 1996, Henry Hadjenberg, president of the CRIF, officially asked the French government to set up a commission in charge with searching for looted Jewish assets which may not have been restored. Prime Minister Alain Juppé announced the creation of the Commission in January 1997 and the president was the first person to be appointed: Jean Mattéoli was a member of the Resistance, deportee, and head of the Economic and Social Council (*Conseil économique et social*). He was not Jewish. The names of the members were decided one by one. The Commission had three kinds of members:

–Representatives of the Jewish community: Henry Hadjenberg (CRIF), Jean Kahn (Central Consistory), Ady Steg (*Alliance Israélite Universelle*), Serge Klarsfeld (Sons and Daughters of Jewish Deportees of France, “*Les Fils et Filles des Déportés Juifs de France*”);

–High-level civil servants, coming from the State Council, diplomacy (Alain Pierret was a former ambassador in Tel Aviv), the prefectural body.

–The following historians were appointed in the months following the creation of the Commission: François Furet, a very noted specialist of the French Revolution, who had also worked on the comparison between Nazism and Stalinism.⁴⁵ Mr. Furet died a few months after being appointed. He was replaced by Antoine Prost, a specialist on the history of education in modern France and on the veterans of World War I in French society. A former counselor of Prime Minister Rocard and member of the Socialist municipality of Orléans, Antoine Prost had led numerous projects in social history and historiography. He was not known as a historian of Vichy. The historian Annette Wieviorka was also famous. She had written extensively on the memory of the Shoah in postwar France and was involved in French debates on Vichy. Often asked to make interventions in the media, Annette Wieviorka was a famous voice and had gained an international reputation.⁴⁶ The last historian was Claire Andrieu. A specialist of the history of banking, she was the only one in the Commission who had worked previously on aryanization and despoilation.⁴⁷ She is the daughter of famous Resistance figures and had been a member of

⁴⁴It is important to remember that the Jewish organizations and institutions function in France with state money. Schools, hospitals, retirement homes, youth organizations, etc. are broadly funded by the national budget or by local authorities. The United French Jewish Appeal (AUJF) provides less than 10 percent of the amount of money needed to keep the Jewish institutions alive.

⁴⁵François Furet, *Le passé d'une illusion: essai sur l'idée communiste au XXème siècle* (Paris: Robert Laffont, Calmann-Lévy, 1995).

⁴⁶Her most famous book is Annette Wieviorka, *Déportation et génocide: entre la mémoire et l'oubli* (Paris: Plon, 1992).

⁴⁷Claire Andrieu's first book concerned relations between banks and state in the 1930s and 1940s: Claire Andrieu, *La*

the commission in charge of commemorating the bicentennial of the French Revolution. An archivist from the National Archives, Caroline Piketty, also joined the team. Her appointment showed the will, from the beginning, to achieve real historical research.

These historians and archivists were all active in Paris. Two taught at the Sorbonne, University of Paris I (Antoine Prost and Claire Andrieu). Annette Wieviorka is a researcher at the CNRS, the National Center for Scientific Research. They had all been active in the public debate. Only French historians had been appointed, showing the will of the government to deal with the spoliation problem exclusively on a national level. (Similar commissions in Europe hired foreign historians, for example in Switzerland, in Germany or in Austria). The composition of the Commission, rapidly named after its president, Jean Mattéoli, showed the will for a shared management of the question, between representatives of the state, Jewish leaders and academics.

It took in fact several months for the government to choose the members of the Commission. Elections to Parliament occurred in the spring of 1997, which stalled efforts to begin the work. After the Socialists came back into power, Lionel Jospin became the new Prime Minister. He confirmed the decision of his predecessor and asked the Commission to continue its research. They had hardly started. With little money and only a handful of researchers, the historians began to organize their work. Their first report was presented to the Prime Minister on January 12, 1998. It was a very technical work, divided into chapters by categories of despoilation: art, assets, and values stolen in the camps, bank accounts, safe-deposit holdings and Jewish-owned companies (the so-called “Economic Aryanization”).

This first report contained very little on the restitution policy; and the historians announced at a press conference that it would take them a long time to achieve any definitive results, because the subject of spoliation was very complicated and technical and because the number of files opened by the different French administrations was vast. In the meantime, the World Jewish Congress maintained its pressure on France, and especially on the Commission. Representatives of the French Jewish community were in charge of dealing with it; some debates appeared in the press, but the Jewish leadership preferred to keep a discreet attitude towards this very violent exchange of letters. Historians of the Commission did not have to deal directly with this more political side of the question. They could concentrate on the more purely historical matter. The subject of spoliation had become at that time very present in the media. Except for a few articles written in *Libération*, the French press was not critical of the Commission, which nevertheless remained extremely sensitive to any criticism. An article in *Libération* accused its members of not dealing seriously enough with the question of bank accounts and two long articles in *Le Monde* actually contended that billions in dormant accounts remained in the French

banque sous l'Occupation: paradoxes de l'histoire d'une profession: 1936-1946 (Paris: Presses de la Fondation nationale des sciences politiques, 1990).

banks, repeating in fact the argument of American organizations. Because of these articles, two sub-commissions were set up. The first one was responsible for researching the banks; it was headed by Jean Saint-Geours, a former president of *Crédit Lyonnais* and of the COB, *Commission des opérations en bourse* (the French equivalent of the Securities and Exchange Commission). The second commission dealt with the insurance policies that may have been stolen from the Jews. Headed by Jacques-Henry Gougenheim, its main work was to convince French insurance firms that it was in their interest to carry out some research, before any class action could be filed against them. Banks and insurance companies at first had been reluctant to open their archives and to conduct some studies. The Commission, and especially Claire Andrieu, in charge of this specific side of the question, had to work pedagogically with the firms to convince each of them to appoint historians or archivists in charge of answering the Commission's questions. A guidebook for those researchers was written.

The Commission also managed to convince the government of the importance of its work, as concern grew about the diplomatic issue of spoliation and the class-action suit in New York. Threats against Swiss banks of possible boycott and sanctions were instrumental in convincing the authorities that a serious and extensive work was necessary. Claims for compensation for forced laborers were heard against German firms in 1997, adding to the tense climate. The French Government increased its financial support. As many as seventy researchers were hired at the same time to help the members of the Commission. Added to the researchers in the banks and the financial institutions, as well as those active at the *Caisse des dépôts et consignations* (approximately sixteen people worked there), the number of people involved reached a minimum of 150. This created a new—and temporary—job market for young researchers in France—historians but also sociologists and statisticians. The members of the Commission hired mostly students, sometimes their own, as the salaries proposed were not very high, and as the positions offered were not stable. On an international level, the demand for services from historians of Nazism and especially of the persecution of the Jews was booming. Dozens of commissions were set up all over Europe and the United States, organized by governments, local authorities and financial institutions. In Germany, many firms wanted to have their history under Nazism written, to be prepared for eventual lawsuits in New York.⁴⁸ American law firms involved in the class actions were eager to find historians able to collect data on the cases. As some firms or official commissions wanted to hire famous historians, and especially Jewish ones, they also needed some work to be done by not so well-known researchers. All this led to a competition between the actors to gain legitimacy in the announcement of the truth. Dividing lines could be found between national and international historiographies, and between publicly and privately commissioned research. The majority

⁴⁸For example, the German insurance company Allianz, active on the American market, hired historians to write its history.

of historians met in three big international conferences of a new kind, mixing historical and diplomatic interest. Wartime neutral countries, and especially Sweden and Switzerland, now denounced as Hitler's partners or bankers, were more than willing to participate. In those conferences, diplomats in ties and suits mixed with more casually dressed historians of forty different nationalities. The first one took place in London, dealing with Nazi gold. The 1999 conference in Washington dealt with the spoils in general.⁴⁹ Sweden hosted the conference on Holocaust education, in 2000.

In France, there was very little criticism of the legitimacy of the Mattéoli Commission. Only its closeness to the Government and the administration raised some doubts about its capacity to reach its goal. Historians were suspected of being "official" (which they were not, as proved by their independence of mind). They responded to attacks by maintaining a purely academic position, lecturing the journalists, taking time to explain to them the complexity of their research. They also let the other members of the Commission deal with the more political questions, the relationship with the Prime Minister's staff, and the American organizations. The historians published a second preliminary report in February 1999.

Historians of the Mattéoli Commission also had to handle journalists. Two documentaries for television were produced, to be broadcast on prime time for the TV magazine "Envoyé Spécial" on the Second national, state-owned, channel France 2 (one documentary had been in fact commissioned by the Commission itself). Members of the Commission were widely interviewed. The spoils question was managed on a diplomatic level. The general consulate in New York and the embassy in Washington provided some information and welcomed the people in charge when they visited the United States for conferences, contacts, or negotiations. The historians did not have to deal directly with this channel. Only at one moment were they involved in this matter, when they had to testify in front of the Committee on Banking and Financial Services of the House of Representatives, on September 14, 1999. This Committee conducted several hearings on spoils in general. This very day, five panels were heard, including Holocaust survivors,⁵⁰ experts, lawyers, representatives of U. S. Jewish organizations, Stuart E. Eizenstat, American deputy secretary in the Department of Treasury, in charge of spoils matters at the highest level, and Lawrence Eagleburger, former State secretary, president of the American Commission on Insurance and the Holocaust.⁵¹ A representative of Barclay's Bank and two members of the

⁴⁹Washington Conference on Holocaust-era Assets, Nov. 30-Dec. 3, 1998, proceedings hosted by the United States Department of State and the United States Holocaust Memorial Museum, edited by J. D. Bindenagel.

⁵⁰The term « Holocaust survivor » used in the American context has a different meaning than the French "survivant de l'Holocauste." In France it defines the deportee who came back and thus experienced the concentration and/or death camps. In the United States it has a more general meaning, including Jews who spent the war in hiding or who escaped Nazi-occupied Europe.

⁵¹The United States Senate also conducted hearings on the matter: United States Congress. Senate. Committee on Foreign Relations, The Legacies of the Holocaust: hearing before the Committee on Foreign Relations, United States

Mattéoli Commission had to testify. This hearing, among others, is very interesting to consider, as it shows elements of the representation of the Holocaust in the American political life. Dealing more specifically with France on this day were the testimonies of survivors who explained that all their family property had been stolen and never returned. For example, Mister Mono, a resident of New York State, whose father was a tailor in Paris and whose family survived the Occupation in Toulouse, explained: “Our apartment in Paris was also taken over and occupied by others, and so it was impractical for us or impossible to return.”⁵² Ms. Freund from Vienna, who spent the war in France, explained that she was never given back her husband’s bank account at the Crédit Lyonnais.⁵³ Survivors expressed the feeling that there was continuity in French policy towards the Jews, even after the Liberation. What was taken by the French or the Germans has never been compensated even by the restored Republic. The whole restitution policy and procedures in post-war France were neglected. And if the French state had stolen the properties of the Jews and never subjected them to restitution, it is normal that a powerful institution such as the American House of Representatives should take charge of this problem. Some American experts also bore witness that day in Washington. They were lawyers and legal academics, who were involved in the class actions against French banks. For example, Prof. Richard Weisberg spoke. He had written a book on Vichy law.⁵⁴ They all were very critical of the French administration, repeating the low level of compensation and restitution. They criticized the French on two matters. The first was the problem of accounts and portfolios that had remained blocked in French banks until the end of the Occupation. In fact, the majority of the bank accounts and portfolios had not been confiscated in the full sense of the word; they had simply been blocked in the banks and were not subject to a proper restitution policy, as they were simply released just after the Liberation.⁵⁵ There is no proof that they had been properly subject to restitution and the process did not leave any written proof. It can be assumed (and it was by the Mattéoli Commission) that the absence of claims proved that the accounts have been given back to their Jewish owners. American specialists refused to accept this point of view and then calculated a much higher figure for the money kept by the French banks.⁵⁶ It is interesting to see that most of the questions raised at this panel by the Americans dealt with bank accounts and portfolios, which showed a kind of identification with the Swiss problem, the first country to have been attacked by the World Jewish Congress.

Senate, One Hundred Sixth Congress, second session, April 5, 2000.

⁵²Proceedings of Tuesday, September 14, 1999: Hearings, U.S. House of Representatives, Committee on Banking and Financial Services, Washington DC, p.39.

⁵³Idem, pp. 40-42.

⁵⁴Richard H. Weisberg, *Vichy Law and the Holocaust in France* (New York: New York University Press, 1996).

⁵⁵In fact, on August 31, 1944, precisely, one week after the liberation of Paris.

⁵⁶See the testimony of Professor Awi Federgruen, Charles E. Exley Professor of Business, senior vice dean, Graduate School of Business, Columbia University, Proceedings of Tuesday, September 14, 1999 Hearings, U.S. House of Representatives, Committee on Banking and Financial Services, Washington D.C., p. 73-80.

The second series of questions raised by American lawyers and academics at this hearing stressed the representation of the Jews. Which individuals and organizations were entitled to represent the French victims and their families? The Americans denied the right of the French administration to do this, as it was suspected of participating in the thefts and therefore could not act as advocate of the Jews. Fifty percent of these had, after all, been foreign nationals on the eve of the war. Elan Steinberg, executive director of the World Jewish Congress, explained this opinion: “The case of French banks is also less than satisfactory (...) The most salient fact to understand here is that while the Holocaust in France took the lives of 75,000 Jews, 70 percent were non-French Jews. This point is so central, forgive me for repeating it. Seventy percent of the Jewish victims of the Holocaust in France were non-French Jews. I emphasize this point because we have been repeatedly told by French banks and authorities that they will not negotiate or deal with international representatives of Jewish communities and Holocaust survivors, because it is a French-Jewish issue. It is indeed a French Jewish issue, and the French Jewish community must be involved, but it is also undeniably a world Jewish issue....”⁵⁷ The French Jewish organizations were also denied the right to represent the victims. Finally, the Americans found themselves entitled to do so, and even at a political level. Congressman Schakowsky, member of the Committee on Banking and Financial Services, stated that he was in charge of representing the numerous Jews and Holocaust survivors living in his congressional district of Illinois, which included the Jewish neighborhood of Skokie. He clearly made a kind of electoral statement, saying that this question of spoliation was of high priority for his office. He finished his speech in the following mood: “Please let me know if I can ever be of assistance to any of you in your efforts on behalf of victims, their families, and survivors”.⁵⁸

Numerous remarks showed that the ability of the Mattéoli Commission to represent the victims was not considered credible, because it was a State Commission, and because the French State was the same one as fifty years earlier, the one that never gave back the looted assets.

At the end of this long day, the members of the Mattéoli Commission had to justify their work. There was a staging in all this, as the French were called at the end to explain their position. The vice-president of the Commission, Prof. Ady Steg, described as a Holocaust survivor and a member of the Resistance, made a well-prepared talk, responding directly to the criticism raised in the course of the day. He stated that the French government was willing to transfer all Jewish assets that may have been retained by any French institution. He also explained that it was not possible to ignore the last fifty years, that a restitution policy had been set up in France after the War, and that Jews in France had been able to claim their properties back. He finished by ex-

⁵⁷Proceedings of Tuesday, September 14, 1999 Hearings, U.S. House of Representatives, Committee on Banking and Financial Services, Washington D.C., p. 60.

⁵⁸*Idem*, p. 7.

plaining that the French Jewish Community was responsible for the memory of the foreign Jews, and that Jews in France could work without the control of the World Jewish Congress.⁵⁹ His statement was a political one, but he explained in a technical manner that the French government wanted a precise account of the assets and properties never subject to restitution before deciding any global compensation. He maintained his legitimacy in leading the work of the Commission by repeating that he personally experienced wearing “the yellow star” and that he was a student leader in the postwar years, in charge of foreign Jewish students also.

Claire Andrieu then had to testify on Jewish assets in French banks.⁶⁰ In reality, she gave a short history course, delineating the nature of the Vichy regime, compared to the Third Reich, and also stating the historic continuity of the question of despoilation. She explained how the German and the French antisemitic policies were interwoven but also how General de Gaulle, as early as 1940, denounced Vichy policy and wrote to the World Jewish Congress to inform them that, “Decrees issued against the Jews can and will have no validity in Free France. When we achieve victory, the wrong done will be righted.” “The Liberation marked a total rupture with the period of the Occupation,” Andrieu said. And she added: “The last file documented by the French administration in the frame of the BRUG law⁶¹ is dated 1980. Thus one can’t say, ‘Why only fifty years later?’ The right question would be, ‘Why twenty years after is it necessary to verify what has been done and to correct it wherever necessary?’” She also criticized her American colleagues, saying that their speeches were full of historical mistakes.

She faced a series of questions from the Committee. The first one dealt with the credibility of research conducted by the banks and insurance companies themselves, as had been the case in France.⁶² Claire Andrieu frankly answered that she had first had difficulties with the banks, which were not willing to cooperate. She had to convince them that it was in their best interest to conduct the necessary research. She explained that it was better to convince them to undertake their true responsibility themselves, hiring their own researchers and financing the job themselves, rather than employ external auditors. It would have been awkward in any case to reproduce the authoritarian model of Vichy in this matter. She finally succeeded in obtaining some internal research from a large number of banks, if not all of them. The second question dealt with the publication of a list of dormant bank accounts. The Mattéoli Commission and the French government had refused to publish these lists, opposing American demands and Swiss practice. Claire Andrieu explained that the French legislation forbids the publication of any lists of citizens classified by their religious or racial denomination. The French Republican model was different

⁵⁹ *Idem*, pp. 118-126.

⁶⁰ *Idem*, p. 126-136.

⁶¹ *Bundesrückerstattungsgesetz*, the German law of July 1957 setting compensation for Jewish properties abroad.

⁶² In Switzerland external auditors could search bank files.

from the American one, and the historian stated it in terms of a cultural, non-negotiable discrepancy.

Claire Andrieu apparently made a good impression on the president of the Committee, as the following exchange occurred:

“- Chairman Leach: You made several observations about American banks. Are they cooperating with your investigation?”⁶³

- Ms. Andrieu: Yes, they cooperate.
- Chairman Leach. If they don't cooperate, I would like it if you would write and inform me to that effect.
- Ms. Andrieu. Yes. You can rely upon me if a bank doesn't cooperate”.⁶⁴

The interventions of both Claire Andrieu and Ady Steg were welcomed positively by the Committee on Banking and Financial Services. Claire Andrieu especially maintained an academic viewpoint and reestablished the historical continuity of the spoilationmatter.

The Mattéoli Commission succeeded completing impressive research, and the way roles were shared in the Commission worked well. Historians could remain in their role of experts, of advisors. They published their final results in April 2000, preceding any political announcement. The decision had, however, been prepared before the completion of the ten reports and announced the day of their publication.⁶⁵ A Foundation for Memory was to be created, with a huge

⁶³American banks active in France before and during the Occupation.

⁶⁴Proceedings of the Tuesday, September 14, 1999 Hearings, U.S. House of Representatives, Committee on Banking and Financial Services, Washington DC, p. 132-133.

⁶⁵Claire Andrieu, Cécile Omnès, et al., *La spoliation financière* (Paris: Mission d'étude sur la spoliation des Juifs de France, La documentation Française, 2000); Serge Klarsfeld, *La spoliation dans les camps de Province* (Paris: Mission d'étude de la spoliation des Juifs de France, La documentation Française, 2000); Isabelle Le Masne de Chermont, Didier Schulmann, *Le pillage de l'art en France pendant l'Occupation et la situation des 2 000 œuvres confiées aux Musées nationaux: les MNR* (Paris: Mission d'étude sur la spoliation des Juifs de France, La documentation Française, 2000); Mission d'étude sur la spoliation des Juifs de France, Comité de surveillance des assurances, *Contribution sur les préjudices subis en matières d'assurance au cours et au lendemain de la Seconde guerre mondiale par les personnes visées par les lois de discrimination raciale* (Paris: Mission d'étude sur la spoliation des Juifs de France, La documentation Française, 2000); Annette Wiewiorka, *Rapport general* (Paris, Mission d'étude sur la spoliation des Juifs de France, La documentation Française, 2000); Mission d'étude sur la spoliation des Juifs de France, *Rapport du Comité de surveillance du sector banker et financier* (Paris: Mission d'étude sur la spoliation des Juifs de France, 2000); Antoine Prost, Rémi Skoutelsky, Sonia Etienne, *Aryanisation économique et restitution* (Paris: Mission d'étude sur la spoliation des Juifs de France, 2000); Yannick Simon, *La Sacem et les droits d'auteurs et compositeurs juifs sous l'Occupation* (Paris: Mission d'étude sur la spoliation des Juifs de France, 2000); Annette Wiewiorka, *Le pillage des appartements et son indemnisation* (Paris: Mission d'étude sur la spoliation des Juifs de France, La Documentation Française, 2000); Annette Wiewiorka, *Les biens des internés des camps de Drancy, Pithiviers et Beaune-la Rolande* (Paris: Mission d'étude sur la spoliation des Juifs de France, 2000).

A research guide for historians and victims was also published: Caroline Piketty, *Guide de recherche dans les archives des spoliations et des restitutions* (Paris: Mission d'étude de la spoliation des Juifs de France, La Documentation Française, 2000). The legal texts have been compiled in another guide: Claire Andrieu, *La persécution des Juifs de France (1940-1944), le rétablissement de la légalité républicaine. Recueil des textes officiels* (La Documentation Française, 2000).

endowment of 2,4 billion francs (about 400 million dollars at that time), which would make it the second wealthiest foundation in France. The money was to come from the state, the Caisse des dépôts and consignations, and from French banks and insurance companies. The role and responsibility of the foundation was not precisely defined. The Mattéoli Commission finished its work at this juncture. Individual claims were to be determined by another Commission, headed by M. Draï, former first President of the French Supreme Court (*Cour de Cassation*). Eight thousands individual claims have been filed so far. The Draï Commission is using the work and archival research achieved by the Mattéoli Commission. An agreement with the American defenders against French banks could be signed in January 2001. The government has already followed one important recommendation of the Commission. The French government agreed to compensate orphans of Jewish deportees who had not received any money from the German state as reparation because they did not have French citizenship at that time. The decree was published on July 14, 2000.

In conclusion, it is possible to say that the Mattéoli Commission was able to achieve its goals because it took the time to do so. It worked for three years and became part of the political landscape in France. The published results also found their legitimacy in this long time span. The Commission could not be accused of working too fast or in accordance with governmental demands. All this work led to an institutionalization of Vichy memory in France, made possible by the declaration of Jacques Chirac in 1995. On a more practical level, it opened significant archival material to researchers and produced new inventories. Some new connections were also made between historians and archivists, who had to work together for the same cause.