

Chapter 5: The French Zone

Although the French restitution law, Ordinance No.120 was issued on the same day as American Law No.59, the establishment of a Jewish successor organization similar to that of the American Zone had to wait another four years. Why the delay? What were the factors which determined the position of the French authorities on the heirless property? How did the political philosophy of the French nation affect the discussion about a distinctively Jewish successor organization? Did the relationship between the Jews and the French nation – which had granted the Jews equal rights in exchange for giving up their ethnicity – undergo changes as a result of this issue? This chapter casts light on the background of the creation of the French successor organization and its relations with the local Jewish communities in Germany, which up to the present has yet to be studied.¹

5.1. The Common Funds

The French attitudes towards the treatment of the heirless Jewish property were “paradoxical.”² France, as one of the signatories of the Final Act of the Paris Conference on Reparations in December 1945, and of the subsequent Five Power Agreement in 1946, acknowledged the special needs of Jewish victims. By being cognizance of the fact that the heirless assets were overwhelmingly (95 percent) Jewish in origin,³ it led the

¹ The records of the French successor organization at the CAHJP in Jerusalem were not available at the time of this writing (2003). In addition, the postwar records of the Jewish communities in the former French Zone were also very limited due to the numerical weakness of the Jewish population there, while the records of the *Israelitische Religionsgemeinschaft Baden* (Oberrat) and the community of Mainz were deposited at the Zentralarchiv in Heidelberg. For these reasons, this chapter shall be considered a preliminary study to be supplemented when more records become available. For an overview of the work of the French successor organization, see, Kapralik, *Reclaiming the Nazi Loot*, pp.121-132, and its sequel, *The History of the Work of the Jewish Trust Corporation, vol.II*, pp.45-62.

² Memorandum on the restitution of Jewish heirless property in the French Zone, July 5, 1949, NACP, RG260/390/44/20/0.

³ Art. E of the “Agreement on a Plan for Allocation of a Reparation Share to Non-Repatriable Victims

negotiations with the neutral countries to obtain such assets to be used for the rehabilitation and the resettlement of the stateless Jews. The uniqueness of the Jewish situation required extraordinary measures – this was the principle argument of the French government to urge the wartime neutrals to participate in the heirless funds. When dealing with the same problem in its zone of occupation in Germany, however, France failed to recognize the same principle. It also failed to adhere to the same policy at home. As seen in chapter 1, neither a successor organization was established in France, nor was the heirless and unclaimed Jewish property vested with the local French communities.

The argument of the French authorities – which was shared ironically by Anti-Semites – was that the differential treatment of the Jews equaled the continuation of Nazi racial theory by creating “special victims.” The egalitarian doctrine was so embedded in the thinking of French officialdom that the obvious disadvantages of the Jews as a group, which had been subjected to the worst form of persecution for longer period of time, were not taken into account. They firmly believed that the preferential treatment of Jews would eventually work against their own good. This position was advanced during the quadripartite discussion on the Allied restitution law inside the Control Council, where the French representative Leroy-Beaulieu opposed a successor organization of the “confessional character” proposed by the Americans on the grounds that it would feed Anti-Semitism in Germany.⁴ He thought that the Americans were too much in favor of the Jewish interests.⁵ With the breakdown of the Allied discussion largely due to the disaccord on this issue, the French opted for a unilateral solution by creating funds to

of German Action,” June 14, 1946, MAE, AEF-AAA 53, A21 bis 3-21.

⁴ Leroy-Beaulieu to the directeur des finances, August 29, 1947, CAO, AEF 4498, restitutions internes 1945-1953, (box) 183, (file) 224-11-01. Also, see, Rainer Hudemann, “Anfänge der Wiedergutmachung: Französische Besatzungszone 1945-1950,” in *Geshichte und Gesellschaft* 13(1987), p.202.

⁵ Leroy-Beaulieu to General Noiret, September 18, 1947, CAO, AEF 4498, 183, 224-11-01.

compensate all of the Nazi victims. Article 6 of the French restitution law provided that a *Fonds Commun* (Common Fund) be created in each Land (Rhineland-Palatinate, Württemberg-Hohenzollern and South Baden) for the indemnification of victims. Property, rights, or interests whose legitimate owners had disappeared without leaving heirs would accrue to the fund (Article 9).⁶

When a despoiled person or his heirs were absent, the public prosecutor (*Oberstaatsanwalt*) at the court to which the competent restitution chamber was attached filed the claims at the order of the Land Ministers of Finance (Article 14). After the establishment of the Common Funds in each Land, they took over such claims, and the funds themselves submitted the claims before December 21, 1949. The administration of the Common Funds was entrusted to the Länder governments.⁷

The American and French restitution laws created an irregularity in the treatment of the heirless property. To the Americans, the French legislation was not only morally problematic, but also politically detrimental to their interests. First of all, it fundamentally departed from the underlying principles of the international accords reached in 1945/46 in Paris. Secondly, it would weaken the position of the American Military Government vis-à-vis the Germans, since its harsh restitution policy was increasingly under attack, and the JRSO was especially unpopular in the U.S. Zone. It was probably no coincidence that the organized opposition toward restitution led by the *Vereinigung für loyale Restituiton*

⁶ Ordonnance No.120, *Journal Officiel du Commandement en Chef Français en Allemagne (Journal Officiel)*, No. 119, November 14, 1947. It was not, however, only the heirless property which accrued to the funds. For instance, the proceeds from liquidated Nazi properties and the income generated by the “Aryanized” properties from the moment of wrongful deprivation to the successful restitution (such as rent), were also vested in the funds.

⁷ The Common Funds in Rhineland-Palatinate and Württemberg-Hohenzollern were administered by autonomous organizations under the Land Ministries of Finance. In Baden, the Ministry itself administered the funds. (Statistique des demandes en restitution déposées par la Branche Française, May 18, 1953, CZA, L47, 172-II.)

(Association for Loyal Restitution) started from Baden-Baden in the French Zone.⁸

To the Jews, the French legislation was a violation of fundamental morality and justice. It was absolutely unacceptable that the German governments be allowed to put their hands on the assets of victims to compensate other victims of persecution. It meant that the German victims (who survived) would become the unintended profiteers of the properties of Jews (who were no longer alive). The Common Funds supplied the source for indemnification for the Länder, which they themselves as the successors of the Reich had to shoulder, even though it did not imply that the burden should be borne collectively by the German population. As one Jewish observer noted, “the Länder were indirectly rewarded for the crimes committed by National Socialism through the Common Funds, and indeed, the more the Jews were robbed and murdered, the more they were rewarded.”⁹

The French and foreign (mainly American) Jewish organizations had been criticizing Ordinance No.120 from the time of its publication, and their objective was set on its amendment and the abolishment of the Common Funds. The approaches to the French authorities were made through French and American channels. The French Jewish organizations around the *Alliance israélite universelle* (hereafter AIU) and the *Conseil représentatif des institutions juives de France* (Representative Council of the Jewish Institutions of France, hereafter CRIF) appealed to the French Ministry of Foreign Affairs. The CRIF, created in 1944 clandestinely as the central representation of the Jews residing in France, was a symbol of a shift in the political orientation of French Jewry. Since the establishment of the Central Consistory by Napoleon at the beginning of the nineteen

⁸ In its organ *Die Restitution*, which appeared from 1950, the JRSO was often the target of criticism. See also, Rainer Erb, “Die Rückerstattung: Ein Kristallisationspunkt für Antisemitismus,” in *Antisemitismus in der Politischen Kultur nach 1945*, ed. Werner Bergmann and Rainer Erb (Opladen: Westdeutscher Verlag, 1990), pp. 238-251. See also chapter 6 of this work.

⁹ Memorandum, March 13, 1953, CZA, L47, 172-II.

century, there had officially been only *israélites*, not *juifs*, where the latter implied not only religious but also an ethnic (or national) definition of Jewish identity. Being declared Frenchmen of Jewish faith, their “Jewishness” became strictly a private matter. The creation of the CRIF, which spoke out as Jews, signified a newly emerging identity of the Jews in France after the Holocaust.¹⁰ Moreover, the CRIF represented the native French Jews and the recent East European Jewish immigrants alike, which signaled a break in the French Jewish tradition, where the clear division existed between the French Jewish establishment and the newcomers. The involvement of the CRIF along with the AIU, the old French Jewish establishment and the personification of Franco-Judaism, in this explicitly “Jewish” issue was symbolic.

On the American side, the Four Organizations (the American Jewish Conference was disbanded in 1948), tried to move the State Department and the American Embassy in Paris to exert pressure on the French government.¹¹ Yet, they actually needed to work on the two fronts: the British needed to be brought into line to accept the establishment of a Jewish successor organization as a basis to persuade the French.¹² Jerome J. Jacobson, General Counsel to the JDC Paris, who had already been greatly involved in restitution matters with the JRSO and the JTC as the liaison between the U.S., Israel and Europe, assumed the task of coordinating the French and non-French Jewish groups.

When the Jewish organizations commenced serious approaches to bring about new legislation, the French Military Government was in the process of being succeeded by the civilian High Commission. Contrary to the American and British successor organizations,

¹⁰ Ester Benbassa, *The Jews of France: A History From Antiquity to the Present* (Princeton, Princeton University Press, 1999), p.180.

¹¹ Procès-verbal de la réunion, May 10, 1949, Centre de documentation juive contemporaine (CDJC), CRIF, Assemblées plénières 1944-1950; Notes on the meeting of the Four Organizations, May 3, 1949, CAHJP, JRSO-NY, 596a; Draft letter to the secretary of state, May 12, 1949, CAHJP, JRSO-NY, 596a.

¹² J.J. Jacobson to M.W. Beckelman, December 22, 1949, CAHJP, JRSO-NY, 426a.

which were called into being under the aegis of the military authorities, strong engagement of the higher authority was lacking. The CRIF, the AIU and the Four Organizations asked the French High Commissioner to Germany, François-Poncet, to grant them an opportunity to discuss the matter.¹³ Instead, the Jewish delegation was received by André Jacomet, the legal advisor to the High Commissioner, in the fall of 1949 in Paris.¹⁴ The delegation requested the creation of a Jewish successor organization. Jacomet, in his report to the High Commissioner on the problem of Jewish heirless property, pointed out that the guiding idea behind the creation of the Common Funds was to “avoid a distinction between Aryan [*sic*] victims and Israelite victims, which conform little with the democratic principles that exclude all discrimination based on the reasons of race and religion.”¹⁵ He added that non-discrimination did not mean an injustice toward Jews. His remarks showed how deeply Republicanism had taken root in the *Weltanschauung* of the French officials, which actually bordered with rigorism. Nevertheless, Jacomet admitted that the vast majority of heirless property was of Jewish origin, and therefore the system of the Common Funds would result in the indemnification of a non-Jewish majority by the Jewish property. Although François-Poncet favored the separation of Jewish property from that of non-Jews inside the framework of the Common Funds, and the Länder on the other hand preferred the reservation of a certain proportion of the heirless property to the Jewish victims, Jacomet concluded that the demand of the Jewish organizations should be accepted. Rigid adherence to the democratic principles (à la française, of course) should give way to the

¹³ Joseph Fisher to the Haut-Commissaire de la République française en Allemagne, October 21, 1949, CZA, L47, 228 II.

¹⁴ Joseph Fisher to the Haut Commissaire, November 3, 1949, CDJC, CRIF, Correspondances officielles 1945-1949.

¹⁵ A. Jacomet to the Commissaire général aux affaires allemandes et autrichiennes, December 5, 1949, CAO, Ambassade Bonne, XS 123, XS 9 (victims du Nazisme).

consideration on equity, he commented.¹⁶ When Jacomet again met with the Jewish delegation which consisted of French, American and German Jews in Bad Godesberg on January 26, 1950, he conveyed the official consent of the French authorities on the amendment of Ordinance No.120 to provide for the creation of a Jewish successor organization.¹⁷ From the beginning of 1950, an amendment was being prepared by the JDC office in Paris in cooperation with the team of Jacomet.

Meanwhile, the move to amend Ordinance No.120 prompted the Länder governments to take action. The Land parliament of Rhineland-Palatinate unanimously adopted a motion in February 1950 to appeal to the French High Commissioner in order to retain the heirless Jewish property at its disposition.¹⁸ The parliament of Baden adopted a similar motion in April, and pleaded not to modify Article 9 of Ordinance No. 120. Its appeal commenced with its deep regret to “give up the solidarity of all victims of Nazism,” but ended with the apparent fiscal concern of losing the source of compensation for the Nazi victims. It even implied that the transfer of the assets to an international Jewish organization would affect the German reserve of foreign currency.¹⁹ The German governments opposed the creation of a Jewish successor organization on the grounds 1) that it was an attack on the “solidarity” among the Nazi victims and therefore signified the continuation of racial discrimination, 2) that it caused juridical insecurity, by putting the court decisions already rendered in the past three years in jeopardy, 3) that it deprived the

¹⁶ Ibid.

¹⁷ Memorandum by J.J. Jacobson, January 30, 1950, JDC-J, Geneva IV, 10/1A, file 15. The delegation consisted of the following persons: Eugène Weil of the AIU, Herzfelder of the Association pour la défense des droits et intérêts des victimes de l’Axe (ADIVA), Max Isenbergh of the AJC office in Paris, Jerome. J. Jacobson of the JDC office in Paris, Nathan Rosenberger, the head of the Freiburg community, and Karl Marx, the publisher of the German Jewish newspaper, *Allgemeine Wochenzeitung der Juden in Deutschland*.

¹⁸ Beschluß, Landtag Rheinland-Pfalz, February 2, 1950, CAOF, AEF 4498, 183, 224-11-01.

¹⁹ Badische Landesregierung to the Commissaire de Land, June 19, 1950, MAE, AEF-AAA 217 (AAA 1375).

Länder of an important source of indemnification for the victims.²⁰ Meanwhile, Prime Minister (*Staatspräsident*) of Baden, Leo Wohleb, raised the crucial issue in his attempts to dissuade the French authorities from amending the law. He remarked: “The individual Jews as such were not directly related to the despoiled properties of other Jews, and they did not have visible [i.e. legal] rights on these properties.”²¹ In fact, this was exactly the point. Legally, potential beneficiaries of the heirless property which was to be made available by the activity of a successor organization possessed no rights on such property. Strictly speaking, nobody possessed any right on such property. This was the very reason that the property was heirless and should be handed over to the state. Wohleb (knowingly or unknowingly) ignored the fact that by the same reasoning, the German victims of Nazism had neither moral nor legal rights to be compensated by the property of murdered Jews. He was right to point out that granting the Jews extraordinary rights was a “return to collectivism,”²² which was, for him, reminiscent of the collective torts committed by the Nazis. However, he was wrong in his assumption that the French authorities tried to solve the issue legally. The essence of the successor organization was in the collective treatment of Jews, which, the French authorities were ready to accept.

The gradual shift of French attitudes was the result of the tenacious approaches made by the Jewish organizations, but it was also influenced by the position of two Allies. First, the British restitution law of May 1949 was more in the line with the American law. After the British gave approval to the creation of a Jewish successor organization in the summer of 1949, and after the formation of the JTC in June 1950, it became increasingly difficult

²⁰ Fiche pour monsieur l’Ambassadeur, October 27, 1950, CAO, Bonne, XS 123, XS 9; François-Poncet to Diplomatie Paris, M. Parodi, November 2, 1950, CAO, AEF 4498, 183, 224-11-01; Ministère des affaires étrangères, note pour le President, November 30, 1950, CAO, AAA 1396.

²¹ Staatspräsident des Landes Baden to the commissaire de Land, September 30, 1950, CAO, Bonne XS 123, XS 9.

²² Ibid.

for the French to defend their policy.²³ Secondly, based on the uniform Berlin restitution law for the three Western sectors issued in July 1949, the JRSO was admitted to the French sector as the successor organization with effect from June 1, 1950.²⁴ Accepting a Jewish successor organization in one place of its jurisdiction and rejecting it elsewhere could not be consistent. Thirdly, the projected revision of the Occupation Statute would reserve the restitution to the Allied authority, and therefore the harmonization of the Allied policies in the restitution was indispensable.

On September 1, 1950, Secretary General of the AIU, Eugene Weil met with Jacomet at Bad Godesberg, where an amendment of Ordinance No.120 was elaborated. A serious disagreement surfaced as to whether the Common Funds should reconstitute the successor organization (to be created) the properties and the proceeds which accrued to them. Jacomet opposed giving the retroactive claims to the successor organization on the grounds that it would provoke extremely negative reactions from the Germans.²⁵ On the other hand, the Jewish organizations placed a great value on receiving the properties of the Common Funds. Almost three years had elapsed since the promulgation of the restitution law, and what had devolved to the Common Funds was not negligible. The question of retroactivity became the subject of the following discussions with the French High Commission. For political reasons, the French felt that they could not invite German attacks.²⁶ The Allies were increasingly pulling out from the public life of Germany. The Federal Republic was on the way to its rehabilitation among the family of nations, while

²³ Fiche pour monsieur l'Ambassadeur, October 27, 1950, CAO, Bonne, XS 123, XS 9; François-Poncet to Diplomatie Paris, M. Parodi, November 2, 1950, CAO, AEF 4498, 183, 224-11-01.

²⁴ Weismann, *op. cit.*, p.745.

²⁵ A. Jacomet to Ministre des affaires étrangères, October 5, 1950, MAE, AEF-AAA 217 (AAA 1375).

²⁶ J.J. Jacobson to M.W. Beckelman, October 30, 1950, CZA, L47, 172-II.

the influence of the Allies was visibly waning.

Despite the protest of the Jewish organizations, the decision was taken at the higher level that the successor organization would not benefit from what had already been transferred to the Common Funds, but only from what could be claimed after the publication of the amendment.²⁷ In October 1950, the representatives of the French High Commission and the groups of Jewish organizations finally agreed on a draft amendment of Ordinance No.120.²⁸ A successor organization with limited capacity was better than no successor organization at all. With the decision not to give the future successor organization retroactive claims, swift promulgation of the amendment was most imperative. The more the amendment would be delayed, the less the property would amount to.²⁹ Waiting meant time lost for the interests of the Jews. To their chagrin, Ordinance No.268 which modified Ordinance No.120 was not issued until September 29, 1951. The power of the Common Funds was abrogated with effect from October 31, 1951.³⁰ Its Article 7 stated that the ordinance possessed no retroactive effect.

5.2. The Creation of French Branch of the JTC

Several problems needed to be ironed out in order to establish a French successor organization. According to the French law, a non-profit organization was restricted from acquiring immovable properties other than those which were strictly necessary for their functioning. It was not possible for an organization to acquire and dispose of the properties with the purpose of dividing the proceeds, while at the same time being a

²⁷ Ministère des affaires étrangères, note pour le President, November 30, 1950, CAOOF, AAA 1396.

²⁸ Notes sur la restitution en zone française, April 1951, CAOOF, AAA 1376.

²⁹ René Cassin to Ciappier, Directeur du Cabinet, January 12, 1951, CAOOF, AAA 1376.

³⁰ *Official Gazette*, No.67, October 24, 1951.

non-profit organization.³¹ There were two possibilities to overcome this obstacle. One was to establish a German corporation in the form of GmbH (limited company) under German law, and the other was to affiliate the French organization with the existing successor organizations – the JRSO or the JTC. Being subjected to the German supervision was unacceptable, and so it opted to create a branch of the other successor organization.³² Quai d’Orsey too, had its preference: affiliation with the British organization rather than the American one, for political reasons.³³ It was therefore decided to create a French branch of the JTC, which would be subjected to the judicial concept of the British, but would act as an instrument of the policies of the French.

As far as the French interests were concerned, Quai d’Orsey presented several conditions for the successor organization to be established. First, the administrative body of the French branch should consist, in its majority, of the French Jewish organizations.³⁴ Its concern was that the organization not be directed by foreign, i.e., American, Jewish organizations. Secondly, the Jews in the French Zone of Germany and in France should be given special considerations in receiving the allocation of the restitution proceeds, preferably by a fixed proportion of the proceeds.³⁵ This was to prevent the flowing of most of the money into Israel. Quai d’Orsey even asked the Jewish organizations to change a part of the projected statute of the French branch, as it referred to the equal treatment of Jewish survivors regardless of the places of their domicile, contrary to its

³¹ Memorandum concerning the establishment of a Jewish successor organization in the French Zone of Germany, May 19, 1950, JDC-J, Geneva IV, 10/1A, File 15.

³² Minutes of a meeting, October 24, 1951, CZA, S35, 205.

³³ Preliminary report to the chairman regarding the successor organization in the French Zone, June 19, 1950, CZA, S35, 205. Also, see, Weismann, *op. cit.*, p.730-731.

³⁴ André Jacomet to Robert Schuman, *Ministre des affaires étrangères*, March 24, 1951, CAO, AAA 1375 (2); Schuman to Bonn Cabinet, April 26, 1951, CAO, AEF 68.

³⁵ Agence Juive pour la Palestine, Paris to Georg Landauer, March 27, 1951, CZA, S41 (Office of Berl Locker), 461. The ratio of 20 percent of the proceeds to the Jews residing in the French Zone of Germany, 45 percent to the Jewish organizations in France, and 35 percent to the non-French organization was proposed by the French authority. (L. Favereau to Rodocanachi, June 27, 1951, CAO, AAA 1375(2).)

wish that those in France and in the French Zone of Germany be privileged.³⁶ At this moment in time, however, there were only about 350 Jewish families living in the French Zone of Germany, and about 40,000 Jewish victims in France. The greatest majority of the survivors, approximately 600,000, lived outside of Germany and France.³⁷

Interestingly, the French did not insist that the German Jews living in France receive preferential treatment. These were destitute Jewish émigrés of former German nationality in France who decided to stay following the war. In fact, the French authorities were well aware that the beneficiaries of the restitution proceeds would be, in the greatest majority, Jews of non-German origin.³⁸ This demonstrated that the French authorities were in fact not concerned with the territorial origin of the property. If they had adhered to the principle of nationality, the German Jews, especially those who had lived in the area of Germany which was then the French zone, would benefit from the proceeds first. Contradictory to its “French” interpretation of nationality, the French authorities adopted the notion of Jewish victims defined by ethnicity, or precisely, by the racial notion imposed by the Nazi regime.

On March 6, 1952, a meeting was held by the French Jewish organizations, the JTC, and the non-French international Jewish organizations which had their offices in France, to set up the *Branche française de la société juive de gestion pour l'Allemagne* (French Branch of the Jewish Trust Corporation for Germany, hereafter French Branch).³⁹ The French branch was to consist of eleven French and non-French Jewish organizations: the AIU, the CRIF, the *Fonds social juif unifié* (FSJU), the *Association pour la défense des droits et intérêts des victimes de l'Axe* (ADIVA), the Jewish Agency French Section, the

³⁶ Ibid.

³⁷ Eugene Weil to Henri Beyer, July 18, 1951, CAOOF, AAA 1376.

³⁸ See, for example, Note sur les biens en deshérence ayant fait l'objet de spoliation, April 29, 1952, CAOOF, AEF 4498, 183, 224-11-01.

³⁹ Règlement intérieur de la Branche française, YIVO, 347.7, FAD 41-46, Box 31.

WJC French Section, the JDC, the AJC, the Council of Jews from Germany, JTC, and the Jewish communities in the French Zone of Germany. The request of Quai d'Orsey was met by giving six French organizations eleven representatives on the board of directors, and the foreign Jewish organizations including the Jewish communities in the French Zone – nine seats. The ADIVA and the AJC had one representative respectively, while the rest had two. In addition, the allocation of the proceeds was fixed as follows: 7 percent to the Jews in Germany, 43 percent to those in France, and the rest, 50 percent – to the Jews residing outside of France and the French Zone of Germany.⁴⁰

With the legal and political obstacles removed, Decree No.171 was issued on March 18, 1952 designating the French Branch as the sole successor organization of the heirless and unclaimed Jewish property in the French Zone.⁴¹ An official agreement was entered between the British JTC and the French Branch on May 9, 1952, marking the birth of the French Branch final and official.⁴² At the first general meeting of the French Branch on May 12, 1952, Guy de Rothschild (President of the FSJU) was elected as the president, Marc Jarbrum (the Jewish Agency) as the vice-president, and Moses Beckelman (the JDC) as the treasurer.⁴³ The French Branch had its headquarters in Paris, while the main office in Germany was opened in Mainz in July 1952, followed by a branch office in Freiburg im Breisgau in August 1953.⁴⁴ The post of the general manager of the operation in Germany could not be occupied at the start. Ernest Mezger, who had worked for the

⁴⁰ Eugene Weil to Henri Beyer, July 27, 1951, MAE, AEF-AAA 218 (AAA 1376); Organisation successorale en zone française d'occupation to Rodocanachi, September 17, 1951, COAF, AAA 1375(2).

⁴¹ *Official Gazette*, No.79, April 8, 1952.

⁴² Kapralik, *Reclaiming the Nazi Loot*, pp.189-194.

⁴³ Compte-rendu de la premiere reunion de la Branche française, May 12, 1952, YIVO, 347.7, FAD 41-46, Box 31.

⁴⁴ Kapralik, *Reclaiming the Nazi Loot*, p.124.

JRSO in Munich for three years, was named as the head of the legal department.⁴⁵ When Mezger left, Henri Meyrowitz, who had been the general secretary of the French Branch since its inception, took up the management of the operation in Germany and continued until the office was closed in 1962.

At the moment of the promulgation of Ordinance No.268 which abolished the power of the Common Funds, the heirless Jewish property had either devolved to them or the claims were still pending. If the claims were not settled, the French Branch could take over the claims which belonged to the Common Funds and also file new claims until May 1, 1953. The Branch took over 1,606 claims of the Common Funds and submitted 1,295 new claims on its own.⁴⁶ The value of the heirless Jewish property was estimated to be DM 522, 000 in Baden and DM 73,300 in Württemberg-Hohenzollern. Of them, DM 172,000 and DM 34,500 respectively were already devolved to the Common Funds, leaving DM 350,000 in Baden and DM 38,800 in Württemberg-Hohenzollern for the French Branch to claim.⁴⁷ In Rhineland-Palatinate, the total value of the heirless property which the Common Fund had received prior to Ordinance No.268 amounted to DM 643,301.⁴⁸ According to a German estimate, the French Branch was to recover DM 1,888,800 in the entire French Zone.⁴⁹

5.3. Jewish Communities in the French Zone

The French participation in the occupation of Germany was decided only at the very last phase of the war. The area assigned to France from the planned American and British

⁴⁵ Procès-verbal de la troisième reunion, September 25, 1952, CZA, S35, 205.

⁴⁶ Kapralik, *Reclaiming the Nazi Loot*, p.126.

⁴⁷ Favereau to Branche française, July 24, 1952, CZA, L47, 172-III.

⁴⁸ Procès-verbal de la quatrième reunion, December 17, 1952, CZA, S35, 205.

⁴⁹ Ibid.

zones was therefore small. Accordingly, the German Jewish population in the French Zone was much smaller, and was concentrated in key cities such as Mainz, Koblenz and Freiburg. The northern part of the zone – Rhineland-Palatinate – was inhabited mainly by German Jews, and the southern part – South Baden and Württemberg-Hohenzollern – was inhabited by Jewish DPs from Eastern Europe. According to the JDC report, there were 640 German Jews in the French Zone in April 1947, of which 80 were in Koblenz, 75 in Mainz, 155 in Saarbrücken, 35 in Trier, 22 in Kreuznach, 21 in Neuwied, and 135 in Landau. These communities constituted the *Landesverband der jüdischen Gemeinden Rheinland Pfalz* (Land Federation of Jewish Communities in Rhineland-Palatinate, hereafter: Landesverband in Rhineland Palatinate), and Addi Bernd, the head of the Koblenz community, was the president of the federation. In the southern zone, Freiburg was practically the only community of German Jews, which numbered around 100 persons.⁵⁰ The Freiburg community was led by Nathan Rosenberg, who was also the head of the *Oberrat der Israeliten Südbadens* (Supreme Council of Jews in South Baden, hereafter Oberrat in South Baden). The Jews residing in the Württemberg-Hohenzollern formed the *Israelitische Kultusvereinigung Württemberg-Hohenzollern* (Jewish Religious Association of Württemberg-Hohenzollern).

The legal situations surrounding the local Jewish communities and the restitution of the communal properties were different from those of the two other zones. Unlike the private heirless property, the communal and institutional property of the defunct Jewish communities and organizations were not claimed by the Common Funds. Immovable property which had belonged to the prewar communities was in its majority given to the newly constituted communities in accordance with the Länder laws. For instance, prior to

⁵⁰ JDC report on the situation of Jews in the French Zone, April 28, 1947, ZfA, YIVO-DPG, Reel 166, Folder 1635.

the restitution law, Nathan Rosenberger of the Oberrat was personally entrusted with the administration of the communal properties in Baden.⁵¹ After the Oberrat was recognized as a corporation of public law and the successors of the previous communities, it recovered about 120 pieces of communal properties.⁵² In Rhineland-Palatinate, the Land law of January 19, 1950 on the Jewish religious communities recognized the communities' total succession of rights (*Gesamtrechtsnachfolge*) from the prewar communities which had existed in the respective districts.⁵³ Accordingly, the postwar communities were vested with the rights to claim all the communal properties, including those which had belonged to the nearby defunct communities. In its capacity as a corporation of public law and as the legal successors to the previous communities, the Mainz community claimed the properties of Bingen, Partenheim, Alzey, and Niederwiesen, the Koblenz community that of Ahrweiler, and the *Israelitische Kultusvereinigung der Rhein-Pfalz* (Jewish Religious Association of Rhine-Palatinate) in Neustadt an der Weinstraße – that of Rodalben. The restitution chamber officially recognized the amicable settlements between these communities and the spoliators.⁵⁴

The returned communal properties were greatly out of proportion to the actual size and needs of the communities, and some were factually resold by the communities. The JDC and the Jewish Agency tried to persuade the Jewish community leaders to hand over the administration of the properties to the successor organization which was in the process of being created. After the designation of the French Branch in March 1952, it came forward

⁵¹ Attachment, Kurt Wehle to Eli Rock, April 15, 1949, AJA, WJC, C276,5; Memorandum, Durchführung der Restitution des ehemaligen jüdischen Kultsvermögens im Bezirk Baden, n.d., CZA, L47, 172-II.

⁵² Memorandum by J.J. Jacobson, January 30, 1950, JDC-J, Geneva IV, 10/1A File 15. At that time there were only approximately 120 Jews in Baden.

⁵³ Landesgesetz über die Wahrnehmung von Rückerstattungsansprüchen ehemaliger Personenvereinigungen, 1950, CAO, AEF 4498, 183, 224-11-01.

⁵⁴ "Rechtsnachfolge bei den jüdischen Gemeinden in der französischen Zone," *AUFBAU*, February 5, 1954; Saul Kagan to the executive committee of the JRSO, January 18, 1954, AJA, WJC, C278.3.

as the rightful claimant of all the communal properties, including the claims which were filed by the communities and which were still pending in court.

Duplication of the claims by the French Branch and the local Jewish communities in Rhineland-Palatinate was the result of overlapping German and French jurisprudence. The parties involved tried to break the impasse not by legal means but by inner Jewish talks. A meeting was held between the French Branch and the representatives of the Jewish communities in Rhineland-Palatinate on June 4, 1953, with the secretary general of Zentralrat van Dam presiding the meeting.⁵⁵ It was proposed that the entire communal properties be administered by a fund, from which the needs of the communities should be met. The fund would be administered and the disposition decided by a special committee consisting of the representatives of the Landesverband Rhineland-Palatinate and the French Branch on the basis of parity.⁵⁶

The agreement was signed by the community leaders, however, they could not secure the approval of the boards members. While the communities of Koblenz, Trier, Kreuznach and Neuwied ratified the agreements, two communities, Mainz and Neustadt, refused.⁵⁷ In a letter addressed to the French Branch, the Neustadt community expressed its concern of losing its independence (political as well as financial) by the common administration of the communal property. The community proposed to pay the French Branch DM 100,000 in exchange for the latter waiving all claims on the communal properties, including those for indemnification, and recognize the present community as the legal successor of the properties.⁵⁸

⁵⁵ Procès-verbal de la cinquième reunion, June 9, 1953, CZA, L47, 172-III.

⁵⁶ Vergleich zwischen der Branche française und den Vertretern der jüdischen Gemeinden von Rheinland-Pfalz, June 4, 1953, CZA, L47, 172-III.

⁵⁷ Procès-verbal de la sixième reunion, October 16, 1953, YIVO, 347.7, 41-46, Box 32.

⁵⁸ Jüdische Kultusgemeinde der Rheinpfalz to the Branche française, September 15, 1953, CZA, L47, 172-III.

A breakthrough was again brought by the decisions of the Allied court, the *Cour supérieure pour les restitutions* (Higher Court of Restitution) at Rastatt.⁵⁹ As mentioned above, the claims of the communities of Mainz, Koblenz and Neustadt on the properties of the defunct communities in the vicinity, and the amicable settlements reached with the acquirers, were recognized by the restitution chambers. This, however, took place after the promulgation of Ordinance 268 in September 1951, which opened the way for the creation of a Jewish successor organization. The French High Commissioner therefore brought the petition to the court to set aside the decisions of the restitution chambers and remand the cases, on the grounds that it would be an infringement of its authority over the restitution provided in the Occupation Statute.⁶⁰ On October 16, 1953, the court handed down six uniform judgments and ruled that only the French Branch possessed the rights on these properties.⁶¹ It further pointed out that no German Land law could abrogate the provisions of the restitution law.

Following the judgments, the communities of Neustadt and Mainz signed individual agreements with the French Branch. Since their claims on the communal property had been already adjudicated in favor of the communities before the promulgation of Ordinance 268, the communities were to pay an appropriate cash amount to the French Branch to retain the properties. Neustadt would pay DM 200,000, approximately 40 percent of the communal property in Rhine-Palatinate which had been recovered by the

⁵⁹ According to French law, court documents are subjected to a hundred years of closure. Special permission (*dérogation*) from the French Ministry of Justice is required to consult the records. The names of the individual persons shall remain anonymous.

⁶⁰ Reunion du conseil d'administration du 16 Octobre 1953, rapport du secrétaire général, CZA, L47, 172-III.

⁶¹ See, for example, *Israelitische Kultusvereinigung der Rhein-Pfalz vs. Gemeinde Rodalben*, October 16, 1953, CAO, AEF 261 (*Decisions de la cour supérieure pour les restitutions, Rastatt*), 250; *Jüdische Gemeinde Mainz vs. Bürgerliche Gemeinde Partenheim*, October 16, 1953, CAO, AEF 261, 251; *Jüdische Gemeinde Mainz vs. X (anonym)*, October 16, 1953, CAO, AEF 261, 268.

community.⁶² Likewise, the Mainz community settled with the French Branch on March 8, 1954, according to which DM 120,000 was to be paid to the latter.⁶³

The communities in Württemberg-Hohenzollern concluded an agreement with the French Branch on July 5, 1953.⁶⁴ It was agreed that the restituted communal properties as well as indemnification claims be divided in half between the French Branch and the communities. The last agreement was reached with the Oberrat in South Baden, which in meantime reunited with the communities in North Baden and became the *Oberrat der Israeliten Badens* (Supreme Council of Jews in Baden). The Oberrat kept the ownership of the communal properties against the payment of DM 160,000.⁶⁵ Agreements were entered with all the Jewish communities or the associations of the communities in the French Zone before the end of September 1954.⁶⁶

The balance of the French Branch as of September 30, 1959 shows that that the net proceeds of restitution in the French Zone, excluding the French Sector of Berlin, amounted to more than DM 4 million.⁶⁷ Given the delay in appointing the French Branch, the amount recovered from the properties was not negligible. The operation of the French Branch was almost completed before the end of 1960 and the office in Mainz was closed in 1962.⁶⁸ In France, the money the French Branch received was spent for the assistance of Jewish victims through the established institutions such as the FSJU, although the beneficiaries in old age homes and convalescents must have had little idea that the money originated from the property of their murdered brethren and their destroyed communities

⁶² JTC general secretary's report, January 20, 1954, ZA, B1/15, 495.

⁶³ Vereinbarung zwischen der Branche française und der Jüdischen Gemeinde Mainz, March 8, 1954, ZA, B.1/18, 52.

⁶⁴ Abkommen zwischen der Branche française und der Israelitischen Kultusvereinigung Württemberg und Hohenzollern, July 5, 1953, CZA, L47, 172-III.

⁶⁵ Procès-verbal de la neuvième reunion, October 21, 1954, YIVO, 347.7, FAD 41-46, Box 32.

⁶⁶ Balance sheet, September 30, 1954, YIVO, 347.7, FAD 41-46, Box 32.

⁶⁷ Total restitution to date September 30, 1959, ZA, B1/15, 369.

⁶⁸ Kapralik, *The History of the Work of the Jewish Trust Corporation for Germany*, Vol. II, p.48.

in Germany.

Returning to the initial question of the impact of the French Branch in the French-Jewish relations, it is safe to say that its influence was very minor. When the French Military Government opposed the creation of a distinctly “Jewish” successor organization in 1947, it truly believed that it would be another form of discrimination. Yet, consideration concerning equity and the need of cooperation with the two Allies outweighed the formality. Once the exception was made to the French principle of non-differentiation and the French Branch was actually established, the French authority seemed to have cared less about the relations among Jewish groups, as long as the initial accord with the French government – that the French Jewish organization possess the majority vote on the board of directors and that the Jewish victims in the French zone and in France be given the fixed percentage of restitution proceeds, was kept.⁶⁹ The judicial intervention by the High Commission regarding the claims of the Jewish communities in Rhineland-Palatinate was more to maintain the French authority in restitution, than to disapprove the decisions of the restitution chambers on the grounds that it would result in an unfair enrichment of the small communities. Reclaiming the Jewish property in the French Zone of Germany was not the issue which crucially concerned the French Jewish organizations either, which were occupied with the reconstruction of French Jewry and the integration of the refugees. In brief, the French Branch remained in the periphery of the French-Jewish relations politically as well as geographically.⁷⁰ This may be exactly why an organization of a non-French nature was allowed to operate in the first place.

⁶⁹ The obligation of the fixed percentage concerned only the restitution and not the indemnification or other payments by the Bonn government.

⁷⁰ In the series of studies recently published by the French Mattéoli Mission on the spoliation of the Jewish assets in France, there is no reference to the activity of the French Branch, although the nature of the problem was the same in Germany and in France.