

Art looting in France during the Occupation far-reaching and concerted actions

On 1 September, 1939, the German army invaded Poland. Faithful to their treaties of alliance, Great Britain, and then France, declared war on Germany. On 28 September, Warsaw fell, and the Polish army capitulated on 5 October. On 9 April, 1940, Germany invaded Denmark, then Norway. The Western Front, however, remained immobile ; it was the period known as "the Phoney War". On 10 May, the German forces entered the Netherlands while French aerodromes were heavily bombed ; Belgium was invaded in turn. The Netherlands capitulated on 15 May, Belgium on 28 May. The Germans entered Paris on 14 June, and the armistice between France and Germany was signed on 22 June, 1940.

France, the Netherlands and Belgium lived under the German Occupation until 1944. In France, the army was demobilised and the country was divided between an occupied zone - north of the Loire river and along the Atlantic coast - and a non-occupied zone, where the government installed its headquarters in the spa town of Vichy (this division ended on 11 November, 1942, when the German army installed itself in the former "free zone"). Alsace and Lorraine were annexed to the Reich. On 10 July, Marshal Pétain obtained from the French Senate and Chamber of Deputies the enactment of a law - one that was unconstitutional under the 1875 Constitution - giving him complete power; he thus instituted "the French State".

The German military commander in France (*Militärbefehlshaber in Frankreich, MBF*), who was installed in Paris, was in principle the supreme representative of the German power in Occupied France but the German embassy was responsible for all political matters in the occupied zone, as well as for relations with the Vichy government. It is in the context of the Occupation that German appetites for works of art found their outlet and many protagonists were involved, including the embassy and those acting on behalf of Alfred Rosenberg and Goering who played a leading part. Furthermore, the aryanisation and sequestration policies introduced by the Vichy regime also had diverse consequences on the fate of art objects and works of art.

1. Looting by the Reich embassy, june-october, 1940

On 6 february, 1946, on the fifty-second day of the Nuremberg Trials, Charles Gerthoffer, representing France, began his speech concerning the looting of works of art, emphasising the crucial role played by the Reich's Minister of Foreign Affairs in the summer of 1940. As from 23 June, 1940, Otto Abetz drew up a report raising the question of the expropriation of private property belonging to Jews and persons considered to be responsible for the causes of the War; Hitler then ordered that French private collections belonging to Jewish families should be placed under German control. Keitel, commander-

in-chief of the Wehrmacht transmitted the order 30 June, 1940 to the governor of Paris, General von Bockelberg; it specified that the works should be marked with the name of their owner so they could be used as collateral during peace negotiations. Otto Abetz, ambassador of the Reich in Paris immediately took the initiative and on 1 July, 1940, sent a note to Bockelberg, declaring that he had been made responsible for their safekeeping and that the most valuable works should be deposited at the embassy, located in the Hôtel de Beauharnais in the Rue de Lille. Karl Epting, one of Abetz's collaborators and future director of the German Cultural Institute, had drawn up an initial list of 80 dealers and collectors, of whom 15 were chosen for initial action. All that remained was to find the means to make the necessary material arrangements.

The *Devisenschutzkommando* did not wish to be associated with these seizures. Group 540 of the *Geheime Feldpolizei* performed the first seizures on 6 and 7 July but after 8 July, the head of this police force, Oehme, sent a report indicating that he did not wish to pursue the operations, on the one hand because they were technically too difficult to perform and on the other hand because he feared that they might harm the reputation of the Wehrmacht. Private property was actually protected in wartime under the Hague Convention of 18 October, 1907, whose article 46 provided that "private property may not be confiscated" yet these so called "safe-keeping" operations looked very much like confiscation. The situation remained at a stalemate in July and August, Abetz meeting with resistance from the military administration and the *Kunstschutz* (Service for the Protection of Works of Art), directed by Count Wolff Metternich, which favoured a ban on the removal of collections.

Finally, Abetz was only able to operate his seizures for four days, between 27 and 30 August, with the support of the *Feldpolizei*, on the orders of Oehme. Although the action was short-lived, its scope was considerable, and was used against the leading collectors and dealers. The Rothschilds and the fabulous collections they had assembled at the Hôtel de Pontalba, in the Rue du Faubourg Saint-Honoré were prime targets. The Jean A. Seligmann gallery at 23, place Vendôme, a specialist in the Art of antiquity, the galleries belonging to Jacques Seligmann and André Seligmann, both of whom were antique dealers with an international reputation were also targeted, as was Georges Wildenstein, whose gallery at 57 Rue la Boétie displayed ancient objects, paintings by old masters and priceless illuminated manuscripts. Paul Rosenberg, Picasso's dealer who later also represented Matisse also had a gallery on the Rue La Boétie. The Bernheims, dealers in nineteenth- and twentieth-century French painters, and Alphonse Kann, great collector of the Impressionists and modern painters and who lived at Saint-Germain-en-Laye was also a victim. Epting's list had been carefully compiled and the booty was considerable.

Abetz, however, was frustrated in his activities by conflicting interests of the other services, both in Paris and in Berlin, and could not continue when he was no longer allowed to pursue this operation.

2. ERR activities

The installation of the ERR in the Louvre and the Jeu de Paume

On 17 September, 1940, responsibility for the safekeeping of works of art was assigned to the Einsatzstab Reichsleiter Rosenberg (*ERR*), in charge since July 1940 of looting of

cultural works belonging to Jews and Free-Masons in the territories occupied by the Reich. The first aim of the *ERR* was to extract from the embassy those works that had already been seized. This task was allotted to Hermann Bunjes, an officer of the *Kunstschutz*. He therefore needed to find a storage area that was sufficiently spacious, practical and secret. Bunjes got the idea of using for the purpose the Louvre Museum, partially evacuated at the beginning of the war. He knew Paris well, since he had lived there during his studies, taking history and sculpture courses at the Louvre School. On 5 October, accompanied by two officers, he visited the office of Jacques Jaujard, Director of the Musées Nationaux. Jaujard could only accede to the demands of the Occupier. He suggested making three large rooms available which had formerly been occupied by the Département des Antiquités orientales. They were situated on the ground floor at the northern end of the ground floor of the West Wing of the Square Courtyard, with a door leading into the courtyard, thus enabling consignments to be delivered discreetly and conveniently. The rooms had large windows but they could easily be obscured from the inside. The Germans moved in very quickly and the first crates began arriving from the embassy on 6 October. Bunjes had informed Jaujard that works would be arriving from the Edouard de Rothschild collections in particular. The crates delivered on 6 October, 1940 indeed contained works belonging to Edouard de Rothschild as well as to Maurice and Alphonse de Rothschild. The subsequent consignments, arriving on 18, 19, 21 and 22 October brought crates of items belonging to the collector, Alphonse Kann and seized from his property in Saint-Germain-en-Laye. In the fifth consignment which arrived on 22 October, the Director of the Musées Nationaux was able to identify several works from the Kann collection : *La Douleur [Pain]* by Cézanne, a Degas, another Cézanne, a torso and the statue of a man both by Rodin.¹

Very soon, by the end of October, the premises at the Louvre proved to be inadequate and on 1 November the Jeu de Paume was placed at the disposal of the *ERR*. The building is an isolated building in the heart of Paris, just beyond the Place de la Concorde, in the Tuileries gardens ; its relative isolation ensures safety and discretion. The first crates sent from the Louvre arrived on 30 October. The Jeu de Paume had yet another advantage, in that it had been used in the interwar period for staging exhibitions by foreign artists. The exhibition rooms on the ground floor were immediately used by the *ERR* : the paintings were attached to the picture rails and there were carpets, furniture and statues. All of these preparations were designed for Marshal Goering who, coming from his headquarters in Normandy, visited the Jeu de Paume on 3 November and returned for a long visit two days later.

Goering brought positive support for the *ERR*. In less than four years, he paid twenty-one visits to the Jeu de Paume, in order to choose works to enrich his personal collections. Each of the visits gave rise to intense preparations designed in particular to prove efficiency of the department. In an ordinance dated 3 November, 1940, he determined the recipients of the confiscated works, mainly Hitler and himself.

Organization and working methods

In 1940, Kurt von Behr became director of the *ERR*. The organization of the service was very carefully studied by the Allies thanks to archives discovered after the fall of the Reich and interrogations of the main protagonists conducted by the staff of the Art Looting Investigation Unit in 1945. The main conclusions are contained in the report about the *ERR* produced at the time.²

Most of the activity of the *ERR* consisted in drawing up an inventory of the items seized. Items stored in the Louvre were brought to the Jeu de Paume, where they were processed by art historians. Each work of art was listed in inventories. Most of these lists were drawn up by name of owner.³ The Germans used pre-printed forms with spaces for the name of the owner, address from which items were seized, date of the seizure, date of entry into the Jeu de Paume, date of compilation of the inventory and name of the compiler. The list of works then provides the fullest possible details, including the name of the artist, the title of the work and the description, dimensions, and serial number in the list ; each owner was indicated by initials (Ka for Kann, R for Rothschild, PR for Paul Rosenberg). Individual files were also created for each work, reproducing the same information. The works were labelled on the back with the inventory number thus allocated, either directly in ink or by means of a little pre-printed label.

Once processed, the items were sent back to the Louvre for packing before they were despatched. Between April, 1941 and July, 1944 the *ERR* sent 138 wagons containing 4,174 crates, a total of 22,000 lots, to German.

Once in Germany, these works were processed by professionals. Günther Schiedlausky (1907-2003) had devoted his thesis, accepted in 1934 and published in 1942, to Martin Grünsberg, an early eighteenth-century architect ; he subsequently worked in the Berlin museums.⁴ Walter Borchers (1906-1980) came from the Stettin museums. In a report dated 22 August, 1942 Schiedlausky dwelt on the difficulties of operating that he had encountered in order to establish complete inventories as the consignments arrived. Between November 1940 and February, 1941, he only had two colleagues working on a half-time basis (Dr Wirth and Dr Esser) and another who only stayed for one month (Dr Jerchel). From April, 1941, when the consignments started to be despatched to Germany, they were often accompanied by one of the specialists. Schiedlausky complained that he did not have the reference works he needed to do his work.

Even though Schiedlausky's report was probably drawn up to destabilise von Behr, and to request additional resources in order to do more systematic work, it should no less cause us to examine the lists and files with vigilance. They nevertheless constitute valuable material and enabled much of the restitution that was made in the immediate post-war period.

The *ERR* also had photographers available to it. These came at first from the *Kunstschutz* (Dr Dannehl, Dr Evers, Dr Strenger) then Karl Schloss and Rudolf Scholz, who had all the necessary equipment. Photographs were attached to the files, the same methods as are used today to classify art collections, and which were being introduced at the time in German museums. These images were also very useful for making restitution after the Liberation.

For the purpose of the seizures, the *ERR* used firms of removals (such as the Pusey-Beaumont-Crassier company) and frequently used unemployed men. The security of the building was assured by a squad of eight soldiers who were changed every two days, and who mounted guard inside and outside the building. The French employees, under the direction of Rose Valland, were responsible for the day-to-day operation of the building.

After registration, the items seized were sent to Germany. The main depot was installed in Bavaria, in Neuschwanstein castle, where a restoration workshop had been installed. Then came the Herrenchiemsee castle, again in Bavaria, as well as Kogl and Buxheim. Later Nikolsburg and Seisenegg castles were used.

A major part of the items featuring in the inventories compiled by the *ERR* seem to have come from seizures performed by the German embassy in the summer of 1940.

The looting of 1941 in the Musées Nationaux deposits

The year 1941 was marked by the seizure of crates that had been assigned by the owners for safe-keeping in the custody of the Musées Nationaux, then evacuated with the museums' own collections. From spring, on 11 April, the *ERR* seized 130 crates from the David-Weill collection housed in the Château de Sourches. This was one of the most important confiscations performed by the *ERR* during the Occupation, the inventory including nearly 2,900 items.

The other seizures performed in the evacuation repositories of the Musées Nationaux in the summer of 1941 were on a much smaller scale. On 7 July, 1941, the *ERR* seized from the château de Chambord the effects of Mrs Jacobson (3 crates containing 4 items), Maurice Leven, Mrs Roger Lévy (one crate), Mr. Loewel, Herman Reichenbach and Léon Reinach (one crate). Then from the Château de Brissac, on the following 18 August, they looted the possessions of Naoum Aronson, Renée and Léonce Bernheim, Philippe Erlanger (3 crates), Raymond Hesse (4 crates, making 15 items), Marcel Kapferer and Simon Lévy.

The *ERR* comes under the authority of the Linz Plan in April, 1943

The *ERR*'s methods were heavily criticised, but those of the Kunstschutz seem to have carried little weight. Robert Scholz on the other hand, got wind of wastage and smuggling. In August 1942, a report written on the initiative of Scholz and von Ingram with the help of Günther Schiedlausky claimed that the seizure operations were being performed in conditions of chaos, that the reputation of the National Socialist Party might suffer at the time and in the long-term if an international commission concerning the fate of the confiscated property were ever set up after the war. They suggested that the *ERR* be relieved of its tasks of conservation and cataloguing of the seized items and ought to ensure that no item of value seized as part of the *Möbel-Aktion* be sent to the territories of the East.

In a report addressed to Hitler in April, 1943, Alfred Rosenberg summarised the work that had been accomplished : 79 collections seized, including those of the Rothschilds, 10 consignments (92 wagons) despatched to Germany between 17 September, 1940 and 15 April, 1943. Furthermore, 53 works of art were sent to Hitler and 594 crates delivered to Goering. By 1 April, 1943, the inventory consisted of 9,455 items (5,255 paintings, 297 sculptures, 1,372 items of furniture, 2,224 art objects and 307 fabrics). It is this report, much more than previous criticisms, that seems to have led to a reorientation of the *ERR*. Rosenberg's adversaries did all they could to show that the *ERR* was in direct competition with the plan that the Führer had created to establish a huge museum in Linz, Austria.

In a letter dated 21 April, Martin Bormann informed Alfred Rosenberg that the *ERR* came under the authority of the Linz plan. Alfred Rosenberg replied on 4 May affirming the irreplaceable role of the *ERR* and maintaining, in particular, the need for the organization to complete the cataloguing of the works so as to be able to pursue, according to him, the discussions that were still running with the French government. An extension of activity was finally granted to the *ERR* to complete its work in France and Germany.

From this moment on, activity was considerably reduced and the *ERR* was basically

employed in cataloguing the works seized previously and preparing their transfer to Germany. At the time, most of the items in the list of works that was supposed to contain the names of the owners were supposedly of unknown ownership ; they bore the initials UNB, for *Unbekannt* (unknown).⁵ These inventories had been compiled by the art historians Walter Borchers and Annemarie von Tomforde - the latter had defended her thesis in 1941 in Frankfurt on the subject of eighteenth-century garden sculpture - and Helga Eggemann.

Due to this anonymity, the works were more difficult to return after the war. On the other hand, the lists proved that they had indeed been seized in France.

The *ERR* continued to receive works seized by the *Dienststelle Westen* and it initiated a few more operations, in particular seizures in Nice in 1944. It was also required to establish an inventory of items contained in buildings requisitioned by the German army.

3. The looting of flats : the *Dienststelle Westen* and implementation of the *Möbel-Aktion*

In may 1942, the pillage of movable property by the German authorities became much more extensive, on the initiative of Alfred Rosenberg, of the *Dienststelle Westen*, which was now directed by von Behr.⁶ The purpose of this department was to seize "all of the furniture belonging to Jews who had fled, or those on the point of fleeing, both in Paris and in the occupied territories of the West, to provide all the possible furniture for the administration in the East".⁷ The scope of the operations conducted is staggering. Several tens of thousands of homes were thus completely emptied between 1942 and 1944. A report by von Behr, dated 31 July, 1944, mentions 69,619 dwellings emptied, 38,000 of them in Paris. Property seized by the *Dienststelle Westen* in the context of the *Möbel-Aktion* was distributed depending on its nature, most of it originally being destined for German families who were supposed to be moving to the territories in the East, a plan that was later revamped to compensate those who suffered losses due to allied bombing raids. The items were sorted by prisoners interned in three depots : the General Warehouses near the Austerlitz railway station, which used up to 600 prisoners, the former warehouse of the Léviton furniture store on the Rue du Faubourg-Saint-Martin and the mansion of the Cahen d'Anvers family, on the corner of the Avenue d'Iéna, the so-called Bassano depot.

A few rare photographs taken at the time and the evidence of those who worked there make it possible to understand the implacable organization that governed the sorting process after seizure of all types of items: clothing, bedding, household linens, crockery, small equipment, furniture, lamps and even toys: nothing that could have been used in the daily and intimate life of a family was spared.

If, in the course of the seizures, certain items appeared to be of artistic interest, the *Dienststelle Westen* would transfer them to the *ERR*, which would register them in specific lists which distinguished 18 categories, each indicated by an acronym: MA-B for *Möbel-Aktion Bilder* covered paintings, drawings and graphic art, MA-A was for oriental art objects, etc.⁸ In each category, a serial number was allocated in chronological order of arrival which now makes it possible to have the quantitative data, without the possibility of being able to affirm with certainty that all the items were actually listed. Rose Valland, in

her book entitled *Le Front de l'art*, gives the figure of 2,703 paintings and 2,898 items of furniture. These items were then sent along the same path as those seized by the ERR itself, i.e., they were sent to deposits situated in Germany and Austria, where they were discovered by the Allies in 1945.

The ERR re-entered the number allocated on the back of a painting in various ways. A small label on which the words "Einsatzstab RR" and "Nr." were printed, a number written in pencil on paper [MNR 619], in black ink [ill. MNR 682, after Fragonard], directly in black paint [MNR 780], or stencilled in white paint [ill. MNR 682, after Fragonard]. The Dienststelle Westen does not generally appear to have transferred an indication of the names of the owners to the ERR, and most of the time these are not shown on the lists, making investigation difficult. Some crates reached the sorting depots bearing the simple, all-embracing acronym "M.A.B."⁹ Exceptions are rare: MA-B 467 (Philippe Péreire), MA-B 477 (Larimow), MA-B 490 (Barlach), MA-B 728 (J. Brucannier), MA-B 984 (Willy Jaeckel), MA-B 1077 (R. Eberl) or the name of "Juralides", "Rue Maubourg" in the case of MNR 708 and 709.¹⁰ Furthermore, these are items whose iconography or standard of quality does not enable any identification. They are often landscapes [MNR 615] or still lifes [MNR 677]. We have no historical information for twelve paintings, five drawings and three items of furniture identified as having come from the Möbel Aktion and retained by the MNR. Some items could nevertheless be returned at the end of the war, thanks to identification made at the time by the owners. The archives of the Dienststelle Westen, which might have provided lists of flats, were destroyed.

On the other hand, the ERR had a plan - which appears not to have been implemented - designed to return to the Dienststelle Westen certain items, mainly modern, which it was unable to dispose of. This is how a handwritten inscription "zck. an M-A. zum Verkauf" (= sent back to Möbel-Aktion to be sold) could be interpreted, and again in the same hand an inscription in respect of hundreds of typed entries concerning works on the inventory lists of the ERR. Marks shown through probing (in the lists of Alphonse Kann's property) reveal that most of the works remained in the hands of the ERR and that they were recovered and returned.

4. Application of the vichy racial laws : implementation of the aryanisation programme by the general commission for jewish questions

An essential element in the policy of the Vichy government to exclude Jews and Jewish influence from every sector of the economy and society was aryanisation, of which the inaugural act was the passing of the Jewish Statute on 3 October, 1940. Aryanisation was codified and systematised in France by the law of 22 July, 1941. The text constitutes a milestone in the process of spoliation. Prepared by the General Commission for Jewish Questions (CGQJ), which had been created in 29 March, 1941 under the direction of Xavier Vallat, the law covered the sale of all movable and immovable property belonging to persons considered to be Jews, with the exception of their main residence. These operations were to be performed by provisional administrators, appointed with the authorisation of the CGQJ, and the sums of money resulting from these sales were assigned to an account opened at the Caisse des Dépôts et Consignations in the name of the administrator.¹¹ "Through its CGQJ, through the regional directorates and local representatives of this body, through numerous officials and the handsome payments that

were made to them, through a multitude of dishonest agents, suspect police officers, paid informers, volunteer trackers and whistle-blowers who were attached to it, the Vichy government ensnared the country in a very tight net, a mesh so small that no Jew owning any property could escape [...]."¹²

The General Report of the Study Mission on the Spoliation of the Jews of France established the staggering scope of the aryanisation measures: just over 31,000 files for the département of the Seine, 11,000 files for the occupied zone and 7,000 to 8,000 in the non-occupied zone. It appears that 25% of all of the aryanised property, taking all the economic sectors as a whole, has never been returned, though this only represents 5 to 10 per cent of the total value of the property. The differential between these two percentages can be explained by the socio-economic divide. It was Jews in humble occupations, small traders and craftsmen and those who had been recently naturalised, which constituted the largest number of victims of aryanisation.

Aryanisation affected the art and antiques dealers, businesses and the personal property of collectors. As for the few eminent dealers who were considered to be Jewish under the racial laws, it appears that the impact of these provisions was limited since by the summer of 1941, when the law came into force, the major dealers and important collections had already been seized by the Germany embassy and the ERR.

Sources for studying aryanisation in France consist mainly of the files of the General Commission for Jewish Questions, currently preserved in the Archives nationales. These were the subject of a remarkable and very detailed inventory published in 1998.¹³ The same sub-series AJ38 contains documents from the Restitution of Property of Victims of the Legislation and Spoliation Measures which was established after the Liberation. It was not easy to use these files for identifying works of art due to the way in which the Commission was organised: art trading did not constitute a specific category but was included in section VI, which also covered construction, furnishing, decoration and - apparently - some second-hand items.

Furthermore, the files of the section in charge of real property also had to be consulted, since the sale of the items might be demanded by a liquidator of immovable property, often in order to be able to sell or rent the property in question. For example the sale can be traced at the Hôtel Drouot, in November 1942, of 199 works and items of furniture that had remained in Alphonse Kann's home in Saint-Germain-en-Laye after the seizures performed by the ERR; the provisional administrator of the Kann real property, Elie Pivert, obtained nearly one million francs at an auction presided over by Maître Blond, the auctioneer. In another case, the Parti Populaire Français, the new tenant of the Bacri Gallery in the Boulevard Haussmann, complained that the premises were cluttered, and Jourdan, the provisional administrator, had to disperse the furniture and objects at an auction arranged at the Hôtel Drouot on 30 January then on 19 and 21 May, 1943. The total obtained for these three removals amounted to more than 2,700,000 francs.

Whatever the difficulties of method, an examination of the files is evidence of the number of aryanisation measures taken in the world of art dealing. Out of the hundred and sixteen firms listed in the 1939 edition of *l'Annuaire de la Curiosité and des Beaux-Arts*, which listed the best-known dealers, twenty-six were subjected to an aryanisation procedure (which may not have been carried out), representing 20% of all dealers. Many very large firms were involved, including Bernheim, Rosenberg, Kahnweiler, Wildenstein,

Seligmann and Bacri.

Furthermore, antique dealers and gallery owners liable to fall under the stricture of the racial laws had already left Occupied France, made their businesses dormant and placed their stock in a secure place. The provisional administrator, Édouard Gras, indicated in October, 1941 that Joseph Hessel had left the occupied zone "with all the existing stock", although he was actually wrong, because in May, 1942 the new tenants found about a hundred pictures hidden in a little storeroom; Gras also specified that a large part of the stock of the Jacques Seligmann gallery was to be found in the United States.¹⁴

Furthermore, a thorough knowledge of finance and law and a network of relationships that were available to some of the gallery owners enabled them to find ways of evading the worst rigours of aryanisation. The Wildenstein gallery was assigned a provisional administrator, but the daily running of the business was handled by Roger Dequoy, a veteran employee of the firm. D.-H. Kahnweiler, the great dealer in cubist and Fauvist art, assigned the business to his daughter-in-law, Louise Leiris. Nicolas Landau did the same with his daughter-in-law, Viviane Bougeaux. Zacharie Birtchansky's business was sold to a company that had his approval and he confirmed the sale after the Liberation.

Finally, the aryanisation procedures were slow and heavy, and the decisions taken by the provisional administrators had to be validated by the CGQJ and the Occupation authorities. The three-year period, from the summer of 1941 to the summer of 1944 did not enable all of them to be completed, especially in the case of extensive businesses or complicated financial structures. This is what happened, for example, in the case of the Arnold Seligmann gallery, whose capital of 4 millions francs belonged to Jean A. Seligmann and Armand Seligmann. After the death of Jean A. Seligmann, who was shot on 15 December, 1941 for resistance activity, part of the business was left to his two sons, Guy and Claude, who were under age at the time, one of the points discussed in the case file was to decide whether they could be considered to be aryans. By the Liberation, the case had still not been settled.

The wealthiest businessmen, who owned share portfolios and securities, reputable dealers and industrialists, owned most of the amounts of money spoliated. Being best placed to protect themselves during the War, they were in an even better position after the Liberation to recover their property or the money that was due to them.

Gallery owners, antique-dealers and collectors, whose names featured in the *Annuaire de la curiosité* obviously belonged to this category. After the War, they were usually able to arrange the unfreezing of the amounts consigned in their name to the Caisse des Dépôts et Consignations ; as in so many other sectors of commercial activity, amicable restitution was so much easier if the provisional administrator was in the same business, so that discussion could take place between professionals.

The hardest to achieve seems to have been the recovery of premises and business names. Upon his return to New York, the dealer Paul Rosenberg, for example, had the greatest difficulty regaining possession of the building at 21, Rue La Boétie. But these obstacles were not limited to art dealers ; they involved almost all those who had to suffer seeing their real properties stolen, whether their homes or their places of business. Most of the dealers resumed their activities after the war.

The files of the CGQJ also make it possible to trace the handing over to dealers, individuals or by auction which a simple perusal of *La Gazette de l'Hôtel Drouot* does not make it possible to identify, because it is an exception if a sale is mentioned as having taken place as part of the aryansation process.

Thus the provisional administrator of the Ascher gallery, who specialised in antiques, sold the stock (some of which had apparently been stored by its owner) by selling a few valuable items to dealers and dispersing the rest by public auction ; the proceeds of the sale (24,760 francs) represented a tiny part of the income from the liquidation of the rest of the assets paid to the Caisse des Dépôts et Consignations (172,671 francs). Although certain amounts were very small, as in the previous case, others were larger, as in the case of the sale of the stock of the shop that traded as Fils de Simon Helft, which specialised in antique gold objects and which amounted to 350,000 francs. The 89 paintings found on the premises of Joseph Hessel were sold in three sales by private treaty and the proceeds from a sale at Drouot (listed in the *Annuaire* with the statement "J.H. sequestration") for a total of 120,000 francs. Aryansation sales could also occur as the result of successions and this is how the collection of John and Anna Jaffé came to be dispersed in Nice in July, 1943.

The restitution of the yields of spoliation was a fundamental principle affirmed by Free France and subsequently by the Provisional Government; its implementation, which was complex and large-scale, was carried out immediately after the war on the basis of the regulations and especially the ordinance of 21 April, 1945, and the action of the Restitution Service created at the very beginning of 1945 and run by the remarkable and very efficient Professor Emile Terroine. A very complete balance sheet was produced as part of the Study Mission on the Spoliation of the Jews of France.¹⁵

5. Museums and collections sequestered in application of the law of 23 July, 1940

Another provision passed by the Vichy government, prior to the first Statute of the Jews of 3 October, 1940 and affecting a very small number of people, nevertheless affected major collectors.

The law of 23 July, 1940 withdrew French nationality from any Frenchman who had left the territory between 10 May and 30 June, 1940 to go abroad without permission. Its article 2 provided that their property would be sequestered and it would be liquidated within six months, the proceeds from such sales being paid to the National Assistance fund.

On the basis of this law, the decree of 6 September, 1940 pronounced that Pierre Cot, Edouard, Philippe, Henri, Robert and Maurice de Rothschild, Léon and Maurice Stern, David David-Weill, Edouard Jonas, Henri de Kérillis, Mrs Geneviève Tabouis, Mr Emile Buré, Gérard known as Pertinax and Elie-Joseph Bois were deprived of their French nationality. The property of the five members of the Rothschild family were sequestered by the Ministry of Production and sequestration administrators were appointed on 10 September ; the declared challenge for the French administration was "to avoid the German authorities getting their hands on this property which was of great importance to the national economy".¹⁶

The law of 5 October, 1940 assigned the management and liquidation of the property placed under sequestration to the Administration of Estates. On 10 October, 1940, Jacques Jaujard explained to General Laurencie, Vichy's representative in the occupied zone, that an important part of the art collections of Frenchmen deprived of their nationality ran the risk of being seized by the German authorities and thus removed from the responsibility of the Estates. In fact, as far as the German authorities were concerned, "all of the measures taken after the date on which the War started in respect of transfers of ownership, expropriation, placing in storage, seizure and other arrangements concerning Jewish property are, as far as the Reich is concerned, inapplicable and legally without effect", as the order from Hitler stipulated on 17 September, 1940. The solution adopted was to consider that the museums could consider the works of art to have been sold to them and paid the corresponding amounts to the National Assistance Fund.

Jaujard was able to convince the French administration that the takeover by the Direction of the National Museums of art collections that had been sequestered was the best means of saving art assets from the clutches of the Occupier; for this purpose he served on the Sequestration and Liquidation Committee and obtained major loans in this capacity in January, 1942. The Ministry of Finance unblocked an exceptional load of 66 million francs, an amount whose size can be gauged by comparing it to the museums' acquisitions budget which was fixed for 1941 at 7 million francs. Yet, in the long run, the results obtained appear to be seriously limited.

The 60 million francs finally spent are divided among seven collections, three of which belonged to members of the Rothschild family¹⁷, and to the Bonne-Foi masonic lodge in Saint-Germain-en-Laye, from which the museums pre-empted five armchairs for the château de Versailles. From the other three collections, the museums performed pre-emptions for very few items and of only average quality.¹⁸

Almost the entirety of the agreed budget involved the Rothschild collections that were held mainly in the non-occupied zone, being the collections owned by Maurice (33 million francs), Henri and Robert. The collections of Maurice de Rothschild which were stored at Argelès-Gazost (Hautes-Pyrénées) were sequestered in an order dated 13 September, 1940 issued by the civil court of Lourdes. They were transferred to the Château de Lourdes before being forwarded to Mende, then to the Montauban depot and finally to Montal. Fourteen crates marked with the initials R.R. for Robert de Rothschild, discovered in a barn in Rimeize (Lozère), and fifteen crates belonging to members of his family which had been placed for safe-keeping with Monsieur Aiguillon, general counsellor of the Lozère département, at Saint-Chély-d'Apcher (Lozère) were first assembled at Mende then in April 1941 they were transferred to Montauban, to one of the repositories of the National Museums, finally reaching Montal in March 1943.

Restitution to the legitimate owners was made after the war in application of the order of 21 April, 1945 that nullified the acts of spoliation, although the owners had to pay the costs of the sequestration procedure. Some restitution was made quickly, such as that of the Mai collection, returned to its owner in July, 1945, others took longer to settle (restitution of the sequestration of the Bois collection, for example, did not happen until 1954, apparently due to a dispute between the heirs). In the case of the Rothschilds, certain crates were quickly returned after the Liberation, and the restitution of part of the collections occurred gradually between 13 February and 10 April, 1946. The loss of a crate of china was covered by the payment of compensation.

In one way, and despite the exceptional nature of the Rothschild property, their fate is typical of the various orientations of the policy of the Vichy State and the action of the administrations: on the one hand, the regime of racial discrimination introduced by the Pétain government had the incidental effect of providing considerable economic and financial benefits and on the other hand, there was a desire to preserve the "national" heritage when it was or had been in private hands.

Footnotes

1. Notes from Jacques Jaujard to Count Wolff Metternich on 7, 21, 23 October and 2 November, 1940 (Paris, Archives des Musées Nationaux, R2 "Correspondence between the Director of Museums and the Kunstschutz").

2. Office of Strategic Services, Art Looting Investigation Unit, Consolidated Report no. 1, 15 August, 1945: Activity of the *Einsatzstab Rosenberg* in France (consultable online at www.lootedart.com).

3. These lists are now preserved in the Bundesarchiv in Koblenz (B323/266 à B323/292).

4. Günther Schiedlausky spent several years in prison after the war then went back to his old career at the Germanisches Museum in Nuremberg (see Ralf Schürer, "Zum Tode von Günther Schiedlausky (1907-2003)", in *Anzeiger des Germanischen Nationalmuseums*, 2004, p. 169-171).

5. Bundesarchiv, Koblenz, B323/293.

6. For information about these operations that affected tens of thousands of apartments, see Annette Wieviorka (Annette) and Azoulay (Floriane), *Le Pillage des appartements et son indemnisation, rapport de la Mission d'étude sur la spoliation des Juifs de France*, Paris, Documentation française, 2000, 111 p. ; Jean-Marc Dreyfus and Sarah Gensburger, *Des camps dans Paris, Austerlitz, Lévitane, Bassano, juin 1943-août 1944*, Paris, Fayard, 2005, 324 p.; as well as the documentary by Antoine Perreaux-Forest, *Des camps dans Paris*, 2005, 52.; and finally the exhibition entitled *La Spoliation des Juifs à Paris: retour sur les lieux* [*The Looting of the Jews in Paris: a return to the site*] organised by Sarah Gensburger in the spring of 2007 in the former Lévitane stores (no catalogue was produced for the exhibition). There is also an excellent source of information about Belgium in *Les biens des victimes des persécutions anti-juives en Belgique, rapport final de la Commission d'étude sur le sort des biens des membres de la Communauté juive de Belgique spoliés or délaissés pendant la guerre 1940-1945*, Brussels, July 2001, 2 vol., p. 119-133.

7. Note sent to Hitler by Alfred Rosenberg on 18 December, 1941, which received an affirmative reply, signed Lammers, on 31 December, 1941.

8. These lists can be consulted at the Bundesarchiv in Koblenz and in the Archives of the Ministry of Foreign Affairs (BAK: 323/298 vols. a and b, MAE copies: C 97 A 18, C95 A 13 and C 98 A 19).

9. Based on a note by Rose Valland dated 10 April, 1943.

10. According to Anja Heuss, *Kunst-und Kulturgutraub*, Heidelberg, 2000, p. 128

11. On this subject, see the report of the Mission d'étude sur la spoliation des Juifs de France, *Aryanisation économique et restitution*, edited by Antoine Prost, Rémi Skoutelsky and Sonia Étienne, Paris, Documentation française, 2000. Pioneering work on the subject is thanks to Billig.

12. Pr. Emile Terroine, statement made on 29 December, 1944.

13. *Inventaire des archives du Commissariat général aux questions juives (CGQJ) et du Service de restitution des biens des victimes des lois et mesures de spoliation, sous-série AJ38*, [Inventory of the archives of the General Commission for Jewish Questions (CGQJ) and the Service for the restitution of the property of the victims of the spoliation laws and measures, sub-series AJ38] by M.-Th. Chabard and J. Pouëssel, Paris, Centre historique des Archives nationales, 1998, 325 p., index. The collection contains 60,000 files contained in 3,640 boxes

14. A letter from Gras to the CGQJ dated 14 February, 1944 (Paris, Archives nationales AJ38/2799/329).

15. Antoine Prost, Rémi Skoutelsky, Sonia Étienne, *op. cit.*

16. Summary Report of the Prefects, 4 October, 1940 (Paris, A.N., AJ41/397, consultable online at the site of the Institut d'histoire du temps présent, www.ihtp.cnrs.fr).

17. The files for the handling of these cases by the museums are preserved in the Archives des Musées Nationaux, in sub-series R32B.

18. Two paintings (by Boucher and Rouault), 3 watercolours, 19 drawings, 12 engravings, 1 album of 10 lithographs by Matisse and a facsimile for the sum of 39,000 francs in June, 1941 among the property of Élie-Joseph Bois, former editor in chief of the newspaper, *Le Petit Parisien*; the items belonging to the antique dealer Edouard Jonas included one painting and three watercolours by Le Fauconnier, 1 watercolour by Jean Dufy, 2 chairs by Jacob, 2 gilt bronze appliqués, books, photographs and miscellaneous documents sold for the sum of 30,500 francs in June 1941; 1 sarcophagus cover from the Gallo-Roman period in marble, one drawing signed C. van Loo, 4 chairs stamped with Jacob's markings, 2 eighteenth-century awnings and 2 pairs of silk curtains sold for the sum of 65,000 francs in 1942, from among the property of the industrialist Paul-Louis Weiller.