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An Unconcluded Microhistory of Compensation: The Unfinished Recognition of the Racial Discrimination Endured by Jewish Prisoners of War in the French Army During Their Captivity in Germany


<https://doi.org/10.1515/eehs-2023-0044>

Received November 1, 2023; accepted September 3, 2024; published online October 2, 2024

Abstract: During the Second World War, several thousands of Jews from France were detained on German territory as prisoners of war. Although many endured racial discrimination, they survived. This article will deal with this exceptional as well as largely unknown micro-history through the thorny issue of the recognition of their status as racial victims in the aftermath. On their return to the bloodless France of 1945, these survivors who had remained on the bangs of the genocide faced great material and moral difficulties. Although they were excluded from the legislation governing war victims in both France and the FRG, some of them tried to assert their rights on the grounds of antisemitic discrimination at the end of the 1950s. Their perseverance in the face of an initially hostile German administration enabled some prisoners of foreign origin to obtain compensation under the BEG Act. However, this recognition was not only imperfect, but also incomplete: their comrades of French origin remained excluded from French compensation legislation.

Keywords: French Jewish soldiers; Jewish prisoners of war; Jewish veterans; Jewish volunteers; Oflag; Stalag

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Abbreviation list

BARCH-MA	<i>Abteilung Militärarchiv des Bundesarchivs, Freiburg</i>
CDJC	<i>Centre de Documentation Juive Contemporaine</i>
DAVCC	<i>Division des Archives des Victimes des Conflits Contemporains, Caen</i>
DM	Deutsche Mark
FNPG	<i>Fédération Nationale des Prisonniers de Guerre</i>
FRG	Federal Republic of Germany
GDR	German Democratic Republic
ICRC	International Committee of the Red Cross
MACVG	<i>Ministère des Anciens Combattants et des Victimes de Guerre</i>
UEVACJ	<i>Union des Engagés Volontaires et Anciens Combattants Juifs</i>
URO	United Restitution Organization

During the Second World War, several thousands of Jews from France were detained on German territory as prisoners of war. Despite their presence under close German control in the *Lebensraum*, the Reich did not threaten their lives. Although many suffered racial discrimination, these Jews survived their wartime captivity in Germany. This destiny proves to be quite unique within the tragic history of Jews in occupied Europe at the same time, especially since many of these survivors captured in France originated from Eastern Europe. Their story also represents a particular case in the history of prisoners of war held by the Germans. Indeed, among the French prisoners, soldiers of color from the colonies were also discriminated against for racial reasons. But this racism led the German authorities to refuse their presence on Reich territory. Indigenous prisoners thus experienced separate captivity on French territory, which ultimately proved rather favorable for two-thirds of them, later released for propaganda reasons, but also due to a certain lack of interest from Germans (Mabon 2010; Scheck 2015). Furthermore, other Jewish soldiers from the Polish, British, Yugoslav, Soviet, and American armies found themselves in German captivity as the battles unfolded. However, the treatment of these 200,000 soldiers was far from identical and unequivocal: a form of racial and national hierarchy of Jewish POWs emerged over the course of the war. While the Soviets were exterminated, the Nazi regime generally maintained the statutory protection of Jews from other armies (Streit 1978). But the Poles and Yugoslavs were released in large numbers before being persecuted, and those who remained in captivity were particularly mistreated. Rarely discriminated against, Anglo-American Jews were treated the most correctly: considered racially assimilable, their armies were still at war and held German soldiers, so the issue of reciprocity played a role in their

relatively privileged treatment. This was not the case for French Jewish POWs, who, with the establishment of the Vichy regime, became the citizens of an anti-semitic state, which collaborated with Nazi Germany, making their survival almost paradoxical.

This article will examine this exceptional as well as largely unknown microhistory through the thorny issue of the recognition of their status as racial victims during the post-war period.¹ Like all other French Jews who were victims of Aryanization and dispossession, restitution laws allowed them to obtain compensation for damage to their property, albeit not without difficulties. On the other hand, the legal framework that was gradually implemented in France and then in Germany did not enable them to obtain recognition of the racial prejudice they suffered from. Like all war victims struggling to assert their rights at the time, this recognition had an essential symbolic value for them, far beyond its financial aspects. Therefore, a laborious and patient struggle began to overcome this blind spot in personal injury legislation designed exclusively for civilian victims of war. As unacknowledged minority cases that were never thought about, they met with numerous legal and historical obstacles. Still, thanks to their persistence, some Jewish POWs managed to be recognized as racial victims of Nazism. Only some though, as this microhistory of compensation remains incomplete, and even quite arbitrary.

In order to grasp the theoretical issues and practical difficulties involved in recognizing the rights of these few thousand Jewish survivors in the post-war period, it is first necessary to understand the singular and complex aspects of the historical epiphenomenon they went through. Shedding light on this issue will help us to show that it is connected to the history of Jews from Eastern Europe. In particular, it will present the specific difficulties they encountered on their return from captivity, in a context where their marginal experience remained a blind spot in the history, memory and legislation of war victims as they were defined at the time. This will then be a way for us to understand why these Jews first defined themselves and fought for the recognition of their rights as prisoners of war, and why it was not until the end of the 1950s that a struggle was launched in respect of the racial persecution they suffered in captivity. Finally, we will analyze the challenges, ways and means, and the limits of this recognition, which still leave some of them out.

¹ For a long time, historiography rarely mentioned, and only in a few short lines, the particular case of Jewish prisoners of war. Finally, after seven decades this microhistory became the subject of a PhD, first with Janine Doerry in Germany (2016) and then in France with the author of this article (2022).

1 Post-captivity: Preserved Lives but Devastated Lives

1.1 Thousands of French Jews Survived Wartime Captivity on Nazi Territory

When the French army was defeated in the spring of 1940, the *Wehrmacht* captured a phenomenal number of soldiers. Nearly 1.6 million of these prisoners of war were transferred to Germany where they were detained in over a hundred military camps throughout the country. It is estimated that among them was a small group of around 13,000 Jewish soldiers, half of them French and half foreign. Like all other French citizens, the former were regularly called up to serve their country whenever a war broke out. The latter – immigrants in France for a more or less recent period of time – were voluntary recruits to the Foreign Legion regiments. The overwhelming majority came from Eastern Europe, particularly Poland. Fleeing antisemitism, they found refuge in France. Grateful to their host country, they chose to enlist in its defense against Germany. This massive commitment of Jews from Eastern Europe illustrates their fierce patriotism and willingness to integrate, and remain a lesser-known aspect of the history of Eastern European Jews who emigrated to France between the wars. As Charles Golgevit still testified 50 years later, volunteering to fight was not an easy thing, but his tumultuous journey had prepared him to take this risk: “Enlisting in 1939 as a volunteer for the war at the age of 29, leaving behind a wife and a two-year-old child, is neither an easy nor a simple thing....It is not something you do light-heartedly....Yet, for me, it was self-evident. It was the logical continuation of my life: in Poland, poverty, discrimination, working as a laborer at the age of 11, strikes, demonstrations, clashes with the police, and arrests filled my daily life....” (Golgevit 1989, 34).² Blending in with the stream of French POWs, this small minority of French Jews, native from France or various regions of Eastern Europe, began a five-year wartime captivity in Germany.

By the time of the armistice, and in anticipation of a peace treaty, France agreed to hand over all the prisoners of war held by its army to Germany. Subsequently, the Vichy regime in France embarked on a policy of collaboration with the Nazi regime. But as the Reich’s victory remained elusive, and as the war continued, it held hundreds of thousands of French soldiers hostage in German hands. Some of these prisoners managed to escape or be repatriated, but a million of them had to

² To learn more about the history of Jewish volunteers in World War II, see Douvette (2009), Lalieu (2015), Landau (1992), Leroy (2013), Lévy (1995), and Szajkowski (1975).

wait until the end of the war to be finally liberated by the Allied troops who invaded Germany in 1945. Living in the heart of Germany under the close surveillance of the *Wehrmacht*, they endured harsh living conditions marked by hunger, cold, and deprivation, but remained protected overall by their status as prisoners of war as defined by the Geneva Convention of 1929, and under the supervision of the International Committee of the Red Cross (ICRC) which was responsible for ensuring its proper observance. As authorized by the Convention, the huge number of troops detained in the Stalags was put to work in kommandos serving the Reich's war economy, while the officers, who were not required to work, remained idle in the Oflag – camps specially reserved for them.³

Despite looming threats, the Jews among these French POWs remained protected by their military status. Pending its victory, the Nazi regime no doubt continued to respect this status out of pragmatism, fearing media and diplomatic complications should it subject them to the common fate of Jewish civilians: its defeat certainly saved the lives of these Jews who had been on death row throughout the war. Nevertheless, those identified as Jews suffered racial discrimination.⁴ From June 1941, the Wehrmacht High Command officially ordered their segregation at a local level.⁵ Within each camp, Jews were progressively housed separately. Forced to work, the men were placed in work kommandos reserved for Jews, where conditions were often very harsh, while the Jewish officers were gradually grouped together in the same reprisal camp, Oflag X C in Lübeck. What is more, some local authorities displayed an obvious antisemitic zeal, as this segregation went along with bullying and violence that reflected the racial hatred held by the National Socialist regime. Although official orders forbade the marking of Jewish POWs' clothing, some of them were nevertheless forced to wear a discriminatory badge on their military uniforms. Living with the feeling that their protection by uniform was never definitively enshrined, they nonetheless remained outside the systematic persecution that was then descending upon every Jew in a Nazi-ruled Europe, more particularly upon their relatives who had remained in occupied France (Kaspi 1997; Klarsfeld 1993;

3 Stalag is an abbreviation of *Kriegsgefangenen-Mannschafts-Stammlager*, which can be translated as main camp or ordinary camp for prisoners of war. Oflag is the abbreviation for *Offizierslager*, which means officers' camp. On the general history of French POWs, the reference remains Durand (1980).

4 Strictly speaking, there was no census of Jewish POWs on a captive scale. To enforce segregation, local authorities relied mainly on prisoners' entry declarations: the registration form included a question on religion. During this formality, some Jews declared themselves as such, while others did not, in a proportion that is difficult to estimate. According to our sources, foreign Jews tended to declare themselves in large numbers, even when they were not practicing: their Jewishness was a greater mark of their identity than that of French people educated in the French secular framework.

5 BARCH-MA, RW6/270, Sammelmitteilungen no. 1, 16/06/1941, Blatt 4, 7/.

Poznanski 2012). Although it remained precarious, the protection that their status as prisoners of war implied was the key to their survival, as the tragic fate of those who managed to bring their captivity to an end before the outcome of the war shows. On their return to occupied France, these escapees or freed prisoners became Jews like any others, subjected to persecution by the occupying authorities with the complicity of the French state: many were arrested and deported.

1.2 The Return to France in 1945: A Singular past and a Future to be (re)constructed

Those who remained in captivity until the end of the war survived, but their lives had been devastated. On their return to France – a wasted country in 1945, they discovered the full extent of the tragedy from which they had escaped by having to face family tragedies as well as material emergencies. Released from Stalag I B, Chalom Malak, a Polish volunteer, experienced an irreparable tragedy upon his arrival in Paris. Despite not receiving any letters from his wife since 1943, he still held onto the hope of reuniting with her after the war. Discovering his empty apartment, he went to the police station where he was informed that his wife and young son had been deported. They suggested he should spend the night on the bench where he learnt the sad news. He then felt profound despair: “My commitment could not save my family, and my health problems stemming from that time are still here.” (Malak 1989, 39). His compatriot Szmul Klejman, on the other hand, experienced the joy of reuniting with his young son, whom he barely knew due to his captivity, but he did not find his wife Golda. For weeks, he went daily to the Hotel Lutetia which served as a reception center for deportees. Managing to retrieve some of Golda’s personal belongings from their pillaged apartment, now occupied by a French family, he decided to settle in a small room in the same building, waiting in vain for her return. It took him several months of grueling efforts to learn that she had been deported to Auschwitz in 1943 and immediately sent to the gas chambers, but he continued to hope for her return throughout his life, keeping the small room rented “just in case” (Klejman 2020).

After their liberation, Jewish POWs faced profound and complex moral difficulties. While many of them mourned the loss of their loved ones, their unique story was found hard to believe in the troubled memory that France was experiencing at the end of the dark years of war. The collective memory of the war was skewed by the political concerns on the restoration of the Republic: there could be no question of undermining a still-fragile national unity. As a result, the Resistance took center stage, while the Vichy government’s collaboration with Nazi Germany and the persecution of French Jews tended to

be overshadowed (Azéma and Bédarida 2000; Roussio 1990). A form of hierarchy thus took hold in the public distribution of the roles of hero and victim. The small minority of Jewish POWs found themselves confined to a kind of memorial blind spot, both in the sphere of veterans and in that of the Jewish world.

On the one hand, the return of prisoners of war was met with widespread indifference and even some mistrust. Upon their long-awaited return to France, they bitterly realized that their country had not missed them as much as they expected it to. On the contrary, their return revived public opinion's inglorious memories of defeat and the Vichy regime which they had been constantly associated with through Pétain's propaganda (Dalisson 2020). In the shadow of the Resistance, those who had been defeated in 1940 were frequently criticized for not being heroes. What's more, their suffering was hardly recognized: compared with the huge numbers of civilian victims of forced labor and, above all, the deportees, they were not, of course, those French people who had suffered most during the war.

However, it should be remembered that the return of Jewish survivors took place in a pattern of invisibility: the racial specificity of their persecution was largely ignored, as many other categories of French people had suffered "too." The Jewish memory that was then discreetly emerging remained for a long time confined to the intimate realm and within the community (Wieviorka 1992). Within this wounded Jewish world, the prisoners who remained shifted to the margins of the Shoah considered themselves as miracle survivors. They thus tended to construct an introverted, even guilty memory of their singular survival. Indeed, some seemed to have experienced a form of survivor's syndrome, in the manner of Emmanuel Levinas who alluded to "the unjustified privilege of having survived six million deaths." (Levinas 1966, 1). Be that as it may, their story is, at the very least, a difficult one to share in public.

But on the other hand, these survivors also had to rebuild, as best they could, what they had lost in material terms. Of course they benefited from state aid designed to help repatriated prisoners reintegrate into society. But given the scarcity of resources in France at the time, this support often proved insufficient (Cochet 1992). The material situation of repatriated Jewish prisoners was particularly precarious. As victims of antisemitic policies during their absence, many had lost everything and were deprived of resources: they simply had no job to return to, no place to live, no means of survival, not even relatives to turn to for help. This position of extreme insecurity hit foreign Jews particularly hard: living in a material situation that was often already very fragile before the war, they used to live and to carry out their craft and commercial activities in the

Yiddishland of Paris, which had by then disappeared.⁶ State support was not enough to help them cope with the emergency, so they had to cope with it on their own or call on the support network of the Jewish associations that were reviving. In fact, many Jewish volunteers returning from captivity declared the various refugee centers in the capital as their registered address when they joined the *Union des Engagés Volontaires et Anciens Combattants Juifs* (UEVACJ). Founded in 1944, this association helped these destitute men return to life, assisting them with all administrative formalities concerning their residence permits, their right to work, and the spoliation of which they had been victims. The legislation then being drawn up on the subject of “Jewish property” required them to master the intricacies of French bureaucracy, and its enforcement was met with many restrictions and difficulties. While some Jewish POWs managed to recover their homes, stores, and furniture after lengthy restitution procedures, many others were unable to regain their possessions.⁷

On their return, these men faced serious difficulties as Jews. But it was primarily as prisoners of war that they set out to assert their rights. Apart from the financial aspect, what was at stake was the recognition of their status as combatants, both in French society and in the Jewish community, who each honored their Resistance fighters.

1.3 Participating in the Fight for Recognition of the Rights of Prisoners of War

As true heroes of the war, Resistance fighters were held at the top of the hierarchy of combatant legislation, while prisoners of war struggled to have their rights recognized. Political leaders, mainly from the Resistance, did nothing to make the rights of POWs a national priority, and scarcely ever disguised their disregard for a group perceived as the remains of defeat and collaboration. For their part, veterans of the First World War were even reluctant to grant them combatant status (Gayme 2019). Suffering from this general lack of material, symbolic, and social recognition, former prisoners of war nonetheless felt that the hardships they had endured gave them rights. Their demands were the driving force behind the *Fédération Nationale des Prisonniers de Guerre* (Lewin 1986). Founded in 1945, the FNPG had over a million members by 1946. Like the vast majority of

⁶ This term *Yiddishland* refers to the Jewish quarter of Paris during the interwar period, located in the *Marais*, Belleville, and the 20th arrondissement.

⁷ For a clearer understanding of this policy of reparation for Jewish property spoliated, its stakes and its limits, see in particular the very clear summary by Grynberg (2018).

their fellow prisoners, repatriated Jewish prisoners joined the FNPG in significant numbers and took part in its struggle. After many debates and reversals, the Federation won its first victory in 1949: a decree enabled almost 90 % of prisoners of war to obtain a combatant's card. All that remained was to obtain the attribution of their allowance which they had also been demanding since liberation. After years of struggle, they were finally granted 400 francs per month of captivity in 1952. This victory was more symbolic than material: the amount was still very small in a depreciating currency.⁸ What is more, the public authorities kept postponing the payment of these pensions. The Federation therefore remained mobilized for several years to finally obtain the effective payment of this allowance in 1958. The UEVACJ was actively involved in this struggle, and also supported former Jewish volunteers in their efforts. We know from its up-to-date lists of applications that at least 700 of its members applied for the payment.⁹ Despite the nominal amount, it clearly represented a significant material benefit for these former prisoners more than a decade after their return. On the other hand, the recognition of their voluntary commitment to the defense of France made it easier for them to acquire French nationality to which they aspired. As early as the autumn of 1945, legislation on naturalization was restored and naturalization was granted to foreigners who had voluntarily enlisted in the French army without needing to have lived in France.¹⁰ Benefiting from more flexible acquisition rules than other foreigners, a great number of former volunteers obtained citizenship during the immediate post-war period.¹¹

On their return, Jewish POWs struggled to (re)build their lives, first and foremost by trying to secure the rights that all POWs had struggled to obtain. To a certain extent, sharing their wartime experiences with their former fellow prisoners in the public sphere was no doubt a less delicate issue than with the Jewish community. Be that as it may, this self-identification, which wiped away their unique identity in the world of veterans, was also the only one that could give them official recognition in society and a status that they could share, beyond the diversity of their origins and their detention paths.

⁸ The sum was significantly below the average minimum wage of that time.

⁹ **CDJC, Fonds UEVACJEA, MDLX/4/4/4**, Prisoners of war, pecuniary allowances.

¹⁰ Ordinance No. 45–2441 of October 19, 1945, establishing the French Nationality Code.

¹¹ Files mediated by the UEVACJ are kept in the association's archives (**CDJC, Fonds UEVACJEA, MDLX/4/4/1**, Naturalizations).

2 Prisoners of War Excluded from Legislation for Victims of Racial Persecution

Indeed, the legislation in force at the time in France and Germany did not allow for the recognition of the antisemitic persecution they had suffered, at least during their wartime captivity.

2.1 In France...

Gradually defined from 1945 onwards, the French law on *réparations* also reflected the troubled national memory.¹² In 1948, two distinct statuses of victims were officially introduced: resistance fighters and political prisoners, and each one was divided into two sub-categories: of interneés and deportees.¹³ Considered to be volunteer combatants, Resistance fighters were included in the beneficial military invalidity pension scheme, their rights being unrestricted by nationality. Including all individuals arrested for reasons other than an act of resistance, the second category was composed of political prisoners both as victims of racial persecution and as those arrested for their political opinions, provided they could prove their French nationality at the time of the events. Considered to be civilian victims, these political interneés and deportees were included in the less favorable pension scheme for war victims. This legislation, which organized the victims into a hierarchy by order of race and tended to erase the racial specificity of the Jews' persecution, left out entire categories of victims such as the great numbers of forced laborers, or the quite marginal case of our Jewish prisoners of war. What is more, certain restrictive conditions quickly proved problematic. Of all the Jews deported from France, only around 25 % were French: the vast majority of Jewish victims were therefore actually excluded from this right. Gradually, however, a succession of agreements and laws allowed foreign Jews to benefit from this status. In addition, a

¹² The term *réparation*, used in France, has a moral connotation not found in the German word *Wiedergutmachung* or its English translation *compensation*. This memory trouble situation was bound to create a stir among victims' associations, and quarrels broke out, but they were mainly brought to public attention by the powerful Fédération nationale des déportés et internés politiques, which defended Communist resistance fighters. Regarding these disputes, see in particular Nord (2022). More generally, for the legal definition of the term 'deportee' and its memory-related issues, see Bruttman, Joly and Wieviorka (2009).

¹³ Law No. 48-1251 of August 6, 1948, concerning the status of interneés and deportees of the Resistance; Law No. 48-1404 of September 9, 1948, concerning the status of political interneés and deportees. For an overview of this legislation and its development, see Mission interministérielle d'étude sur l'indemnisation des victimes de la deportation (2000).

law dated August 13, 1953 extended political status to deportees of foreign origin who had served in the French army, which was the evidence of a will to take military participation into account in the law governing war victims. As can be seen, however, this legislation was designed only for civilian victims of racial persecution on French territory: prisoners of war who were victims of antisemitic discrimination during their wartime captivity in Germany were therefore excluded.

That said, Jewish POWs could still benefit from this right given to war victims. First, many received compensation as heirs of their persecuted families. In a smaller number of cases, others were entitled to compensation directly. These are those who, having escaped or been liberated, suffered racial persecution on their return to occupied France, and who were able to therefore obtain the status of internee or political deportee. Many of them applied for this status. When we look at their files, we can see that their wartime experiences include their captivity, but there is no indication that they were racially persecuted during this period. The same logic applies to the small minority of Jewish POWs persecuted for acts of resistance on their return from captivity who could claim the more favorable status of resistance fighter, provided they met the very selective criteria defined. If you read their files, it is noticeable that their possible resistance activities during their captivity in Germany were not considered by the awarding commissions either, which shows the extent to which resistance in the Stalags and Oflags also struggled to gain legal recognition after the war. In this respect, it should be added that the status of Resistance internee was finally granted to prisoners of war, albeit under very restrictive conditions.¹⁴ Those concerned had to prove that they had been punished for their acts of resistance by being transferred to one of the four officially recognized reprisal camps, i.e. the Rawa-Ruska and Koblitz Stalags on Polish territory, or in the case of officers, to the Colditz and Lübeck disciplinary Oflags. However, all Jewish officers were progressively grouped together with other “Reich undesirables” in the Lübeck Oflag, but on racial grounds, which meant that they could not assert any rights within the restricted framework of this status that was designed solely for resistance in captivity.¹⁵

In the end, nothing in the hierarchical and rigid status of war victims defined by French laws granted Jewish POWs the ability to obtain legal recognition for the racial discrimination they suffered in captivity. When all is said and done, this

14 DAVCC, 22P3012, Note from MACVG on the situation of prisoners of war with regard to the Resistance, June 15, 1955.

15 During the 1950s, an attempt to obtain recognition of the rights of Jewish officers in respect of their detention for racial reasons at the Lübeck camp seems to have been considered, then abandoned for lack of documentary evidence (**DAVCC, 22P 3012**, Summary of the Activity of the Oflag X C Veterans Association, March 20, 1967).

discrimination took place on German territory and under the responsibility of the *Wehrmacht*. So let us see to what extent the German legislation allowed recognition.

2.2 ...And in Germany

On the German side, against a backdrop of Cold War divisions and issues, only the FRG implemented a policy of compensation for the victims of Nazism (*Wiedergutmachung*); the GDR being hostile in principle.¹⁶ Under pressure from Western countries, which had determined its reintegration into the community of “civilized” nations conditional on this compensation policy, the young federal government took into account the moral dimension and political stakes of the issue. In spite of the reluctance of public opinion, the FRG committed itself to implementing federal legislation for victims of Nazism in Germany and occupied Europe. A first step was taken in 1951 when the Conference on Jewish Material Claims Against Germany was created following negotiations between Chancellor Adenauer and the State of Israel with indirect involvement from the World Jewish Organization. In 1952, under a bilateral agreement, West Germany was to pay Israel DM 3.5 billion, plus DM 450 million to the Claims Conference. Subsequently, the FRG undertook to maintain its policy of compensating the victims of Nazism on the basis of a state-to-state settlement with the countries of Western Europe; the Warsaw Pact countries being excluded from the negotiations.

First of all, the FRG began to legislate for the German victims of Nazism. In 1953, the BEG (*Bundesentschädigungsgesetz*) defined the framework for compensation for personal injury.¹⁷ This law acknowledged the right to compensation over a relatively broad period and on relatively broad grounds. Any individual persecuted between January 30th, 1933 and May 8th, 1945 by National Socialist violence on racial, religious, or ideological grounds, and who had been prejudiced in their life, limb, health, professional interests, or property as a result, was entitled to the status of “persecuted person.” In 1956, this federal system was supplemented by the so-called BEGSG Act which extended part of its scope to refugees and stateless

¹⁶ Refusing to see itself as a successor state to the Third Reich, the GDR rejected the idea of owing compensation to Israel or the Allies, with the exception of the USSR. The USSR subsequently renounced all war reparations from the GDR, as did Poland. Although a number of measures were taken in the Eastern Bloc countries to give limited recognition to the rights of certain racial victims, it was not until reunification that a real policy of compensation began. On the issue of this compensation blocked in Eastern Europe, see Hockerts, Moisel and Winstel (2006).

¹⁷ To understand the framework of this legislation and its evolution, see also the above-mentioned report by the Mission interministérielle d'étude sur l'indemnisation des victimes de la deportation (2000).

persons, defined in accordance with the 1951 Geneva Convention.¹⁸ Many victims whose status prevented them from obtaining compensation from their own government were thus included in the scheme. This is notably the case for the vast majority of Jewish victims in France. As foreigners during the hostilities, Jews from Eastern Europe were treated as refugees or stateless when they were naturalized. Two of the five compensation schemes under the BEG Act were therefore open to them. The first was the injury to body or to health: assessed by a medical expert, this entitled the victims to a monthly disability pension. The second was the harm to freedom. Although this primarily applied to the deprivation of freedom caused by internment in camps or ghettos and deportation, it also related to the restriction of freedom within the borders of the Reich, i.e. living in similar conditions to detention or unworthy of human condition, or having to wear the yellow star. Compensation for loss of liberty was paid in the form of a total lump sum 150 DM per month of liberty lost.

Like the French law, the German law therefore allowed foreign Jewish prisoners of war who had suffered personal harm on racial or political grounds on their return from captivity to be compensated directly and individually by the FRG. But unlike the French law, this relatively broad framework also seemed to provide the possibility of compensation for the small minority of Jews who had suffered racial discrimination during their wartime captivity. This was in any case what the interested parties themselves considered. As early as 1957, files were submitted to the Land of North Rhine–Westphalia, which was responsible for processing claims from France.¹⁹ Like many others, Kopel M.'s application highlighted the persecution he had suffered as a Jew during his captivity: first his segregation, then his sending to a disciplinary kommando reserved for Jews where he was mistreated and forced to wear the yellow star. However, his claim was rejected: the Cologne court considered that his deprivation of liberty was due to military action, not racial persecution. Following the same logic, all the cases of Jewish prisoners of war were rejected by the German courts on this principle. Indeed, the German administration considered that the persecution suffered during their military detention was solely a matter of Geneva law, and that they could not therefore be included in the BEG Act. In addition, all French Jewish prisoners of war who applied to the German authorities under the BEG Act were immediately returned to the French authorities, who reminded them that only the

¹⁸ Although the subject of this article is not compensation for looted material assets, the first federal law on the subject, the BRÜG (*Bundesrückerstattungsgesetz*), was passed in 1957. Finally, in 1965, the definitive BEG law was passed, but it was subsequently refined and amended.

¹⁹ Files mediated by the UEVACJ are kept in the association's archives (CDJC, Fonds UEVACJEA, MDLX/4/4/5, Prisoners of war, compensation).

bilateral agreement between the FRG and France would allow compensation to be paid to French victims of Nazism.

Negotiations finally got underway in 1959 after many years of difficult and heated discussions on the amount, the moral principle, and categories of the beneficiaries. As it proved impossible to reach any agreement on the definition of victims, neither the victims' associations nor the Ministry of Veterans' Affairs had a seat at the table for the negotiations. These were conducted between German and French diplomats, and essentially concerned the amount of the overall budget paid by the FRG, with the French being given free rein to deliver the money as they saw fit.²⁰ Finally, an agreement signed in Bonn between the FRG and France on July 15th, 1960 allocated DM 400 million to the French state, which was then responsible for distributing the compensation among the French victims of Nazism.²¹ The inter-ministerial commission set up to carry out this task agreed that the agreement primarily concerned "attacks on the freedom and integrity of persons suffered during internment and deportation."²² Except in the case of victims of medical experiments, the agreement covers the same categories of victims as under French law. In other words, all Resistance and political internees and deportees were eligible for compensation from the FRG, provided they were French citizens during the war. Jewish prisoners of war who were French at the time of the war and who applied to the French authorities for compensation for the persecution they had suffered in captivity were also rejected, as the FRG compensation was only distributed by France among the civilian victims of Nazism.

3 The Struggle for Recognition of Racial Persecution Suffered in Captivity

In the early 1960s, a laborious and patient struggle began for recognition of the rights of Jewish prisoners discriminated against in captivity. Generally speaking, the context was more favorable for the expression of their particular claims. The rights of deportees and veterans had finally been acquired, and Jewish memory was

²⁰ On the issues and conditions of this agreement, see Dreyfus (2015) and again this reference work which provides a comparative perspective on the various legislation concerning compensation for European racial victims: Hockerts, Moisel, and Winstel (2006).

²¹ On the issue of this compensation blocked in Eastern Europe, see also Hockerts, Moisel and Winstel (2006).

²² AN, F/9/6847. Dossier 4: Compensation for Victims of Nazism. Sub-file concerning Decree No. 61–971 of August 29, 1961, concerning the distribution of compensation for victims of Nazism as provided for in the 1960 Franco–German agreement.

slowly awakening, gradually spreading in the public sphere. Allowing a form of freedom of speech, this context undoubtedly made the singular story of these few thousand Jewish survivors more audible. Be that as it may, this struggle was part of a collective dynamic. It was supported by both the POW community and the URO, and was carried forward by the relentless efforts of the UEVACJ, whose president Isi Blum was himself a former Romanian volunteer.²³ Born in 1910 in Odessa, he moved with his family to Bessarabia during his childhood, which was marked by antisemitic violence. After emigrating to France in 1930 to continue his studies, he got involved with the French Communist Party and managed to regularize his situation shortly before the war. Discriminated against at Stalag III B, he became a French citizen upon his return from captivity and devoted his life to supporting former Jewish volunteers (Khayat 2008).

3.1 A Victory in Germany for Foreigners...

Faced with the German justice system's principled refusal to include Jewish prisoners of war in the BEG Act, the UEVACJ rallied around, accusing Germany of shying heavily away from their responsibility for the "countless violations of international law" it was guilty of with regard to prisoners of war in general, and Jewish prisoners in particular.²⁴ Since German justice maintained that the cause of captivity was originally military and therefore could not be linked to racial persecution, the aim was to defend their legal claims in principle by demonstrating that these POWs were not treated in accordance with the provisions of international law for antisemitic reasons, which made them victims of racial persecution.²⁵

In cooperation with the association, the lawyers supporting their cases embarked on the patient task of documenting the antisemitic discrimination they had suffered. They faced major difficulties. Sources from captivity are patchy, scattered, and often inaccessible. Besides, the traces left by the ill-treatment suffered in captivity as a result of racial discrimination are particularly rare: very little was written at the time of the events. Although the Vichy government and the ICRC – the official bodies responsible for protecting captives – were alerted to their plight, they remained cautious and even passive on the issue. Thus, beyond a few occasional

²³ In 1948, the United Restitution Organization was established to assist victims of Nazi persecution living outside Germany in making restitution and indemnification claims against Germany and Austria. An office opened in Paris to aid victims in France.

²⁴ "Les PG juifs proclament leurs droits aux réparations." *Notre Volonté* (UEVACJ newspaper), October 1960.

²⁵ The sources for our discussion come from the association's archives concerning this struggle (CDJC, Fonds UEVACJEA, MDLX/4/4/5, Prisoners of war, compensation).

interventions concerning local situations or individuals, neither of them ever directly approached the German authorities to defend the Jewish POWs as a point of principle on the subject of the treaty violations they were suffering. ICRC delegates did mention their “separation” from other prisoners in some visit reports, but usually in a neutral tone without making it clear that this racial segregation could be considered a breach of the Convention.²⁶ Finally, on the German side, most of the local archives of the Stalags and Oflags were destroyed as the Allied armies approached. Furthermore, with the exception of officially ordered segregation, most antisemitic discrimination was the result of local, unofficial, and arbitrary decisions. This discrimination against Jews is therefore a historical phenomenon that is difficult to define on the global scale of captivity.²⁷ Having left only very few institutional sources, this discriminatory treatment also varied greatly from camp to camp and was not automatic, affecting only those Jews identified as such. Under these conditions, documentary research became a central issue in legal decisions. Working with the ICRC, the French Ministry of Veterans’ Affairs (MACVG), and the *Centre de Documentation Juive Contemporaine* (CDJC), the UEVACJ made considerable efforts to identify and locate the various forms of antisemitic discrimination perpetrated.²⁸ For its part, the German administration also investigated, but to a much lesser degree, essentially contenting itself with interviewing former guards of the reported camps, who initially denied the existence of racial measures against Jews.

In parallel with this vast documentary venture of gathering evidence of racial persecution, the lawyers of rejected plaintiffs filed appeals and deployed legal counterarguments. For example, in the case of damage to health, they endeavored to demonstrate that it was the result of racially motivated mistreatment in violation of the Geneva Convention. In the case of damage to liberty, they emphasized that the compensation for wearing the yellow star as an affront to human dignity did not impose any additional conditions: the fact was sufficient in itself, without the need to take into account the context of the persecuted person’s living conditions. The Union constantly exerted pressure on the German restitution authorities, holding hearings at the German Embassy and the North Rhine–Westphalia Ministry of the Interior. Taking advantage of the slight advances in legal

²⁶ See, for example, the report on the Hohenfels disciplinary camp, which concentrated foreign Jewish prisoners and elided their ill-treatment on racial grounds (DAVCC, 22P3008, report on an ICRC visit to Stalag 383, March 11, 1943).

²⁷ To understand the challenge of gathering sources on these acts of discrimination, the methods used to trace them, and for a general overview of the various forms they take on a scale of captivity, see Richard (2022).

²⁸ See the list summarizing this research (CDJC, Fonds UEVACJEA, MDLX/4/4/6, Prisoners of war, list of names and Stalags).

precedents made possible by the documentation it had unearthed, it seized upon the contradictory decisions of the various regional courts to work towards harmonization in the claimants' favor.

This mobilization met with initial success in the case of prisoners who should have been repatriated as sick, but who had been struck off the lists because they were Jewish. In their case, case law eventually recognized that their continued captivity was indeed a racist measure. Still, they had to be able to prove it. Documentation on this point was particularly non-existent, so this avenue often proved to be a dead end. At the end of 1961, Jewish POWs who had suffered racial persecution in captivity succeeded in obtaining broader recognition of their rights: with each passing judgement, the German administration finally recognized that the fact of being a POW did not exclude the possibility of compensation under the BEG Act at first glance. Nevertheless, this triumph of principle continued to be met with legal and historical obstacles in practice. First of all, there was the problem of debarment. By April 1st, 1958 the deadline set by the BEG law for filing applications had well past. Only applicants who had registered their applications before that date were therefore eligible for the scheme. Many of them, however, had enquired about their eligibility within the required timeframe, i.e. at a time when they were not yet eligible. Thanks to the UEVACJ, which was working hard to find evidence of their good faith with the help of the URO, latecomers were able to have their applications taken into account.²⁹ In addition, this integration into the BEG law took place within a very narrow framework. Segregation and ill-treatment were only taken into account under the heading of prejudice to liberty on the sole condition of discriminatory identification of the Jews, which had to be proven, and this proved highly problematic given the state of the documentation. As a result, the Union and the lawyers defending the persons concerned requested sworn statements from Jewish and non-Jewish prisoners who could testify to acts of discrimination, and who in most cases were considered sufficient proof by the German administration. That is how Mayer Z. – born in 1904 in Warsaw, settled in France since 1925 as a tailor and a volunteer – registered a declaration of honor to testify to the mistreatment he suffered as a Jew during his captivity. Initially detained at Stalag VII A, he had to “live in a barrack reserved for Jews” before being transferred to the disciplinary camp of Hohenfels: “There too I was placed

²⁹ In 1957, the URO office in Paris informed the numerous former prisoners of war who came seeking information that they were not generally eligible for compensation under the BEG law, except in rare exceptions. In 1962, it provided the UEVACJ with a certificate to justify the inaccurate information provided to latecomers at the time, and then supported them in the individual monitoring of their files with the German administration. Information about this cooperation can be found in the archives of the Union (CDJC, Fonds UEVACJEA, MDLX/4/4/5, Prisoners of war, compensation).

in a Jewish barrack where I had to wear the letter 'J' on my clothing until I left the camp. I worked hard, 12 h a day without sufficient food, enduring brutality and insults from the guards. I was not entitled to any Red Cross parcels." Transferred to the retaliatory Stalag Rawa-Ruska in the spring of 1942, he experienced "a real hell": "From morning to night I had to do dirty and hard work; I was hungry, freezing, and constantly mistreated and brutalized. I had no days off and led an inhumane life." Transferred a few months later to Stalag II A, he found himself again in a Jewish barrack where he wore the yellow star and worked very hard in a Jewish Kommando. His captivity there was unbearable: "Very hard work, insufficient food in intense cold against which I had no protection, under the brutality, hatred, and mistreatment of the guards. I was physically and morally broken; I lived without care and hygiene. I led this life until May 1945 at the time of the liberation. My health suffered enormously."³⁰ Technically, it proved less difficult to obtain a favorable decision on the basis of damage to health assessed by medical expertise. In practice, most of the cases that were settled positively fell into this category.

In the end, the association's sources tell us that almost 1,500 of its members benefited from compensation under the BEG Act.³¹ Several hundred other Jewish prisoners of war whose cases were defended individually by lawyers without going through the association's mediation must be added to this. Despite considerable difficulties, this perseverance enabled the vast majority of prisoners of foreign origin to obtain the status of victims of Nazism. That said, this recognition was imperfect, both in principle and in practice. While their segregation was both the most widespread form of discrimination and the only one to have been officially ordered, it was not in itself recognized as a loss under the compensation framework for infringements of freedom. The latter was only open to victims of identifying markings, a prohibited measure nevertheless practiced unofficially in some camps, and by its very nature difficult to prove. The moral damage caused by antisemitic discrimination was therefore only acknowledged for a minority of prisoners who were victims of racial measures. On the other hand, the physical harm caused by such discrimination was more widely recognized. It was under the more flexible framework of damage to their health that most mistreated Jewish prisoners of war obtained compensation. In fact, some of them were Jews who had not been identified as such during their captivity. This is not to call into question the mistreatment suffered, but simply to emphasize that it was not always motivated by racial logic. Finally, this recognition was also incomplete since it left out their French comrades.

30 CDJC, Fonds UEVACJEA, MDLX/4/4/5, Mayer Z.'s statement of honor.

31 Individual compensation files are available from the CDJC (Fonds UEVACJEA, MDLX/4/4/6).

3.2 ...But a Dead End in France for the French

Many former French POWs turned to the UEVACJ: because although they had lived “under exactly the same conditions and suffered the same discriminatory measures as their comrades who were still foreigners at the time,” they were excluded from the benefits of both the BEG law and the FRG’s compensation scheme for French victims of Nazism.³² Although the Ministry of Veterans’ Affairs had been contacted by the UEVACJ about Jewish POWs even before the agreement with the FRG was signed, their particular situation did not hold the attention of either the French authorities or other victims’ associations that mainly represented deportees. Subsequently, their case still did not seem to have been discussed by the commission which met again when the question of including new categories of victims in the scheme³³ arose. Although the entire sum had already been distributed in 1963, the Union did not intend to stop there, building on its success in Germany. Still buoyed by the support of POW and Jewish veterans’ associations, its representatives obtained an audience with the Ministry of Veterans’ Affairs in the spring of 1964. On this occasion, a note summarizing the complex situation regarding the recognition of the rights of Jewish POWs was sent to the Minister. To make up for the injustice suffered by the French among them, the Union argued that it would be fair for them to obtain the same rights as prisoners who had spent time in internment camps. Finally, it stressed that if the sum paid by the FRG was insufficient to take them into account, a new agreement should be concluded to “take into account these forgotten categories of Nazism.”³⁴ As the issue remained unresolved, a new request was sent to the Ministry in March 1966. The Minister refused: he could not accept their request to assimilate Jewish prisoners of war to the status of internees, as the distribution of the DM 400 million had already been completed. He added that their losses could only be compensated within the framework of a new agreement, which was not planned at the time, and which could only be reached during the work on the establishment of a Peace Treaty with Germany.³⁵ It was not until 1990 that the reunification of Germany made it possible to clear the peace treaties with the victorious Allies, and a major new phase in German and French compensation policies began. Nevertheless, as far as we know, by the time most of them were at the end of their

32 CDJC, Fonds UEVACJEA, MDLX/4/4/6, memorandum concerning the rights of Jewish prisoners of war who had acquired French nationality prior to their captivity.

33 AN, F/9/6847, dossier 4.

34 CDJC, Fonds UEVACJEA, MDLX/4/4/6, note to the Minister dated April 10, 1964.

35 CDJC, Fonds UEVACJEA, MDLX/4/4/6, letter from the Minister of Veterans’ Affairs to Isi Blum, May 31, 1966.

lives or already dead, the question of compensation for Jewish POWs never arose again.

In conclusion, this microhistory of compensation seems in many ways symptomatic of the challenges and imperfections of legislation in favor of the victims of Nazism in Western Europe. Despite numerous obstacles, almost 2,000 Jewish prisoners of war were granted compensation by the FRG as victims of Nazism, a recognition that undoubtedly covers a large majority of foreign Jews who were victims of antisemitic discrimination while in German war captivity. Significant as it may be, this recognition remains both incomplete and imperfect, and reflects the law's difficulty in grasping historical reality in all its complexity. Conceived in a context of competition for civilian victims, the French legislation set out a rigid, narrow framework that excluded in principle any consideration of the racial prejudice suffered by this small group of Jews as a result of their status as prisoners of war. The authorities – and even the associations of deportees – were indifferent, and their minority and marginal condition never benefited from an opening or even more flexible laws, and continued to leave out the victims of French nationality during the hostilities. On the German side, a more favorable provision for their foreign comrades was only achieved through relentless legal tenacity, but it gave only limited and almost arbitrary recognition to the racial measures perpetrated by the Germans against them, and this only took place 20 years after the injustice happened. That said, even if this recognition is partial and approximate, the mere fact that rights were recognized for Jewish POWs seems quite remarkable, especially when this microhistory of compensation is put into perspective with the struggle of other categories of victims of Nazism attempting to have their rights recognized. One thinks in particular of the interminable struggle of the great number of French victims of forced labor who have never been compensated and only obtained symbolic recognition of their victim status from France in 2008 (Bories-Sawala 2010). While the relative success of the Jewish POWs' struggle is largely due to the dedication of the association supporting their cause, it is undoubtedly not the only factor. First, the financial stakes involved in this recognition did not carry much weight given the very small number of victims concerned, which certainly worked in the favor of their gradual integration into West German legislation. Second, the fact that the victims were Jewish also undoubtedly played a part in the attention that the German administration eventually paid to them. In any case, it is primarily the Jewish victims from Eastern Europe who were recognized for rights in France: this astonishing micro-history thus contributes to completing the unfinished history of compensation in the East.

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Research funding: FONDATION POUR LA MEMOIRE DE LA SHOAH PARIS.

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