



# Newsletter

April 2021 – N°9



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# Dear Reader

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This year the Netherlands is delighted to take over the chair of The Network of European Restitution Committees on Nazi-Looted Art from Austria. Our period in the chair coincides with the Restitutions Committee's twentieth anniversary.

This milestone is important in several respects.

Prompted in part by the work and report - 'Striving for Justice' - of the Kohnstamm Committee, we have looked back very explicitly at the last twenty years, we have reflected on our recommendations and the considerations they were based on, and on our own procedure. At the same time, we have contemplated how to implement the recommendations of the Kohnstamm Committee for the future and we have amended our procedure in line with a new Decree Establishing the Restitutions Committee. The Restitutions Committee remains just as committed to contributing to restoration of the rights of the individual victim.

In our Newsletter contribution 'Restitutions Committee: A New Assessment Framework in the Netherlands' we explain the new assessment framework.

On the occasion of our twentieth anniversary, we are now also working on a documentary that focuses on the Restitutions Committee's work. Through this documentary we want to contribute to increasing awareness of the history of the looting of art in the Second World War and at the same time improve the Restitutions Committee's outreach. If the COVID-19 situation allows, we hope to bring the members of the network together physically in November 2021 so we can watch the documentary together. We hope to tell you more about this shortly.

We look forward very much to further cooperation with and within the European network and we hope you enjoy reading this issue.

Els H. Swaab  
Acting Chair, Restitutions Committee

# Restitutions Committee: A New Assessment Framework in the Netherlands

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The Dutch government has adopted a **new assessment framework for restitution applications on the basis of the recommendations issued by the Kohnstamm Evaluation Committee on 7 December 2020.**

Previously the assessment criteria were described in many documents published over the last twenty years. The new assessment framework is now in one document, namely the appendix to the new Decree Establishing the Restitutions Committee from the Minister of Education, Culture and Science. This transparent assessment system contains three criteria.

## The Three Criteria for Assessing Restitution Applications in the New Decree Establishing the Restitutions Committee

The new system no longer provides scope to weigh up interests when addressing the question of whether restoration of rights should take place. From now on, the Restitutions Committee answers this question solely on the basis of three criteria, which are applied in sequence.

**1** The Restitutions Committee's first step is to investigate whether it is highly likely that the applicant or his legal successor pursuant to inheritance law was the original owner.

**2** If this criterion is met, the Restitutions Committee's next step is to investigate whether it is sufficiently plausible that the original owner lost possession involuntarily as a result of circumstances directly related to the Nazi regime. This is assumed as a matter of course (*unless* there is express evidence to the contrary) if the original owner belonged to a persecuted population group and lost possession during the Nazi regime in the Netherlands, Germany or Austria. If the original owner was an art dealer, this is also assumed if the item of cultural value belonged to his private collection. In other cases, the Restitutions Committee does not assume involuntariness as a matter of course and always investigates whether it is sufficiently plausible that the loss of possession was involuntary, for example even if the loss of possession did not take place in the Netherlands, Germany or Austria.

## In exceptional circumstances the Restitutions Committee may depart from one or more elements of the foregoing if that is necessary in order to achieve a just and fair solution

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**3** If it emerges that the criterion of involuntary loss of possession has also been met, the Restitutions Committee's third step is to investigate whether the current holder acted in good faith when the acquisition was made.

If the acquisition was not made in good faith, there is unconditional restitution. Even if it was in good faith, some restoration of rights is nevertheless always required, either unconditional restitution or a more mediated form of restoration of rights provided that it is just and fair in the light of principle 8 of the Washington Principles. The Dutch State will not plead good faith. This means that if the item of cultural value is in the possession of the Dutch State, and the requirements of original ownership and involuntary loss of possession have been met, it is restituted unconditionally.

In exceptional circumstances the Restitutions Committee may depart from one or more elements of the foregoing if that is necessary in order to achieve a just and fair solution as referred to in principle 8 of the Washington Principles.

### **Possible Reassessment of Rejection**

If an application was rejected in the past on the basis of weighing up interests, upon request the Restitutions Committee may assess that case on the basis of the new assessment framework. If it concerns an item of cultural value in the possession of a party other than the Dutch State, this is only possible if both the applicant and the holder submit a request for a reassessment.

### **Intensify Contact with Parties and New Regulations for Restitutions Committee's Procedure**

The Restitutions Committee will maintain more intensive contacts with parties. From now on, in addition to the handling in writing, there will in principle be a hearing in each case. Parties will furthermore receive a draft, to which they are entitled to respond, before the Restitutions Committee reaches its final conclusion. The Restitutions Committee has spelled out its new procedure in the form of new regulations.

JAN VAN KREVELD, COMMITTEE MEMBER

# Programme INHA

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Since 2019 the National Institute for Art History INHA has been organising seminars on *"Heritage looted during the period of Nazism (1933-1945)"*, devoted to provenance research in various countries, museums, or collections. In 2020 the seminar studied a few specific cases, approached new countries, and looked at the situation of certain galleries. During this second year, disrupted by the health crisis, the seminar (in conjunction with the National Heritage Institute and the Ministry of Culture's Mission for Research and Restitution of Cultural Property Looted between 1933 and 1945 M2RS) broadened its field of investigation to the context, significance and consequences of provenance research and the restitution of Artworks. In 2021, the seminar is continuing these reflections.

## **"Kunstschutz" and the art market in occupied France**

12/05/2021, 6:30 PM, TIME ZONE IN FRANCE, ONLINE

The German Commission for the Protection of Cultural Heritage ("Kunstschutz") in occupied France has been given special treatment and recognition in French historiography in regard to its efforts to save public collections. This has overshadowed many of its other activities.

### **What is the status of these presumptions today, in the light of new research and available archival sources?**

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As early as March 1945, the Allies suspected the men of the "Kunstschutz" of having played a significant role in the many German museum directors and art dealers who had come to buy on the Parisian art market, strengthened by, among other things, looted works of

art. Christina Kott, germanist and historian, teaching at Panthéon-Assas University Paris 2, will try to give answers to many questions, such as 'What is the status of these presumptions today, in the light of new research and available archival sources?'

If these art historians of the Kunstschutz were involved, to what degree and at what level? And 'What can the study of the "Kunstschutz" contribute, both to provenance research and to our understanding of cultural policy in times of occupation, between protection, spoliation, and propaganda?'

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<https://agenda.inha.fr/events/kunstschutz-et-marche-de-lart-en-france-occupee>

All past seminars can be viewed on the INHA's Youtube channel [https://www.youtube.com/playlist?list=PLsl8NWzVv6T1Vs\\_eafbgQS3UzDcF7HIOQ](https://www.youtube.com/playlist?list=PLsl8NWzVv6T1Vs_eafbgQS3UzDcF7HIOQ)

## National Archives and National Library under the Occupation in France: a comparative institutional itinerary (Prometheus project)

15/04/2021, 6:30 PM, TIME ZONE IN FRANCE, ONLINE

'Prometheus - "Protecting the memory of the Nation during the Occupation" studies and uses: National Archives and National Library in the shadow of history (1940-1994)' - is a prefiguration project which brings together several partners (National Archives AN, French National Library BNF, Institute for the History of the Present IHTP, National Institute for Art History INHA) and aims to examine the history of the collections and the acquisition policies of the National Archives and the National Library in light of their activities and functions during the Occupation.

**The Occupation is generally presented as an interlude in the history of the two institutions but has had a lasting impact on their structure**

These two regalian institutions of "written heritage" did not have an identical attitude during the period. The Occupation is generally presented as an interlude in the history of the two institutions but has had a lasting impact on their structure and considerably modified the professional practices implemented since then, both on the question of provenance and that of the accessibility of the collections.

The discussion will be led by (heritage curator, Bibliothèque nationale de France) and Yann Potin (archivist, historian, National Archives and Université Paris-Nord).



Go to: <https://agenda.inha.fr/events/archives-nationales-et-bibliotheque-nationale-sous-loccupation-en-france-itineraire-institutionnel-compare-projet-prometeus>

All past seminars can be viewed on the INHA's YouTube channel.

[https://www.youtube.com/playlist?list=PLsI8NWzVv6T-1Vs\\_eafbgQS3UzDcF7HIOQ](https://www.youtube.com/playlist?list=PLsI8NWzVv6T-1Vs_eafbgQS3UzDcF7HIOQ)



## Restitution of four graphic works to the legal successors of Moriz Grünebaum

At its 91st session in January 2019, the Austrian Art Restitution Advisory Board recommended the restitution of four graphic works from the former collection of Moriz Grünebaum. The items in question are a drawing by an unknown artist in the Albertina purchased on the Vienna art market in the 1950s and two etchings and a copper engraving given to the Graphic Collection of the Academy of Fine Arts in Vienna around thirty years later by a Viennese collector.

The stamp on the back (see photo) identified the four graphic works as having been part of the former art collection of the jurist and librarian Moriz Grünebaum (1873–1942), member of an ennobled Viennese Jewish family. After the annexation of Austria to the Nazi German Reich, he was persecuted as a Jew and deported to Theresienstadt, where he died in December 1942. Much of his extensive graphic art collection, consisting of drawings, commercial art and paper theatre sheets – including the four works at the Albertina and the Vienna Academy – was sold on the Viennese art market in the 1950s. The Jewish Community of Vienna (IKG), which



was commissioned to identify possible heirs, completed its search in 2020. On 25 February 2021, the four sheets were handed over to the representative of the legal successors of Moriz Grünebaum in the presence of Johan F. Hartle, rector of the Academy of Fine Arts, and Pia Schölnberger, administrative director of the Austrian Commission for Provenance Research.

Further information on the decision of the Austrian Art Restitution Advisory Board

For details of Moriz Grünebaum, see the corresponding Lexicon entry (an English version will be appearing soon)

For information on the IKG inheritance research on behalf of the Republic of Austria, see Mathias Lichtenwagner's Field Report in Newsletter no. 6, pp. 17–18: Seeking Heirs for Austrian Art Restitution.





THE MARRIAGE FEAST AT CANA

# Recommendation in the case of The Marriage Feast at Cana

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On 25 November 2020 the Restitutions Committee advised the Minister of Education, Culture and Science to grant the application for restitution of the painting *The Marriage Feast at Cana* by the Austrian artist Johann Georg Platzer (recommendation RC 1.184). The Minister accepted this advice.

In 2007 heirs of the German businessman Wilhelm Mautner (1889-1944) submitted an application for restitution of the painting. In 2009 the Restitutions Committee recommended rejection of this application (recommendation RC 1.89-A Mautner) because no indications were found that the work had been the property of Wilhelm Mautner. The Committee concluded that 'this work was probably owned by someone with the same surname, namely Franziska (Fanny) Mautner and/or her husband Alfred George Mautner'.

In April 2020 an heir of Alfred (1887-1958) and Fanny Mautner (1909-2003) asked the Minister to restitute the painting. With her restitution application she enclosed a report about the lives of Alfred and Fanny Mautner. Taken together with information from the earlier provenance research, it was possible to reconstruct the fate of the painting before, during and after the Second World War. Before the war it was the property of the married couple Alfred and Fanny Mautner, who lived in Vienna. In 1939, after the Nazis had come to power in Austria, the Mautners fled to Paris via Amsterdam. The painting was stored along with other household effects in Amsterdam and it was sold in 1941 to pay for the storage costs. After that it was sold on to a museum in former Czechoslovakia. After the war the painting was returned to the Netherlands and was taken into the custody of the Dutch State with the express instruction to

**It is furthermore sufficiently plausible that Alfred and Fanny Mautner had to sell the painting as a result of fleeing from the Nazis.**

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return it – if possible – to the rightful claimants or their heirs.

The Minister asked the Restitutions Committee for advice about the request of the heir of Alfred and Fanny Mautner. The Committee concluded that no further research was required because, on the basis of the available information, it was highly likely that the painting had been owned by Alfred and Fanny Mautner. It is furthermore sufficiently plausible that Alfred and Fanny Mautner had to sell the painting as a result of fleeing from the Nazis. The Restitutions Committee therefore advised the Minister, on the basis of the yardsticks of reasonableness and fairness, that the request had to be granted. The Minister accepted this advice on 21 December 2020.

JAAP COHEN, COMMITTEE MEMBER

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The complete text of recommendation RC 1.184 is on the Restitutions Committee's website [www.restitutiecommissie.nl/en](http://www.restitutiecommissie.nl/en).



## #Everynamecounts

From 21 to 27 January 2021, the facade of the French Embassy in Berlin became a huge screen. Led by the Arolsen Archives and supported by Germany's Culture Commission, the French Embassy, and the French Commission for the Compensation of Victims of Spoliation resulting from the Anti-Semitic Legislation in Force during the Occupation (CIVS).

The media installation projected onto the wall was dedicated to the victims of National Socialism and appealed for support in the #everynamecounts crowdsourcing initiative. The project #everynamecounts calls for volun-

teers to enter names found on documents into the online archive to ensure that they will never be forgotten. Floriane Azoulay, Director of the Arolsen Archives, answers few questions about the #everynamecounts initiative.

### What is the idea behind #everynamecounts?

**FA:** #everynamecounts is an amazing project! We are building a digital monument to the victims of Nazism. And the special thing about it is that we are getting help from volunteers from all over the world.

## What originally inspired the Arolsen Archives to start this initiative?

**FA:** Well, one thing was clear from the start: We have a lot of documents, literally millions of documents. We are the world's largest archive on the victims of the Nazis. These documents have been photocopied, photographed. You can view them online. But not all the data they contain has been recorded in digital form. And to capture this data as quickly as possible, we need the help of volunteers. We need help from a lot of people, it is quite simple for people to join in and help.

## Why is digital commemoration important?

**FA:** Right now, digital commemoration is the only option we have if we want to join with others to remember the victims and honor their legacy. In the future, commemoration events will be hybrid, like almost every other type of social interaction today. The COVID-19 pandemic has accelerated digital transformation and has opened up valuable new opportunities for us to reach audiences that we have never been able to reach before.

## What is special about #everynamecounts?

**FA:** #everynamecounts is a crowdsourcing initiative of the Arolsen Archives that aims to build a digital memorial for the victims of Nazi persecution. The project builds bridges between remembrance of the past and civic engagement today. Young people who have no personal connection to the Holocaust are grateful for this opportunity to make a personal and lasting contribution to a



PHOTO CREDIT/COPYRIGHT: AROlsen ARCHIVES

meaningful initiative whose aim is to ensure that the names of these victims will not be forgotten, and that their stories will be told.

## What are your goals?

**FA:** We want to make all the names of the victims from our archive available online. This is a big task and we need the help of many people, to help us index all the historical documents from concentration camps and prisons that are held in our archives. We are grateful that many international partners have agreed to support the initiative. They are leading by example and are encouraging their staff and other partners to join in. We also see that many schools are very interested in participating in #everynamecounts. We will become even more active here in order to reach as many students as possible.

More about: <https://arolsen-archives.org/en/news/a-digital-introduction-to-everynamecounts/>

CASE STUDY

Marcel Homet  
 34 me desnouette - Paris xv

chargé de mission:

- Service de documentation du Ministère colonial
- 8<sup>e</sup> de géographie de Toulouse.
- Musée de l'Homme de Paris
- Ligue maritime et coloniale française
- Cinématographique ... etc ... etc ...

**L'HISTOIRE SECRÈTE**  
**DU TRAITÉ FRANCO-SYRIEN**

à Monsieur Georges Mandel  
 Ministère des colonies

ce livre qui je le pense l'intéressera en attendant que lui soit adressé

en volume "Afrique Noire terre inquiète"

qui paraîtra en librairie dans un mois, et qui je le pense, sera pour la France une aide certaine

inappréhensible des tristes faits

quel on cumule avec les faits

en A.E.F. en particulier

et qui nous prépare une

habileté grande

Marcel Homet

HANDWRITTEN INSCRIPTION FROM THE AUTHOR MARCEL HOMET TO GEORGE MANDEL  
 COPYRIGHT STAATSBIBLIOTHEK ZU BERLIN - PREUSSISCHER KULTURBESITZ

# Georges Mandel

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On the 12<sup>th</sup> of February of this year, the claim concerning the spoliations suffered by Georges Mandel was examined by the French Commission for the Compensation of Victims of Spoliation, Resulting from the Anti-Semitic Legislation in Force during the Occupation (CIVS). The recommendation adopted by the Commission will allow the restitution of three books held by German institutions.

## Georges Mandel

born Louis Georges Rothschild, was the son of a rich Alsatian entrepreneur, forced into exile to Paris in 1871. As a journalist for the newspaper *l'Aurore* and then as a deputy, Georges Mandel must be considered an influential minister of the Third Republic. His appointments included Minister of Post and Telecommunications (1934-1936), Minister of the Colonies (1938-1940) and at last Minister of the Interior (May/June 1940). On the 16<sup>th</sup> of June 1940, following the arrival to power of Pétain and the installation of the Vichy government Georges Mandel was removed from his position as Minister of the Interior. He refused the *armistice* of the 21<sup>st</sup> of June 1940. Accompanied by 27 members of the parliament, he joined the resistance in North Africa. Arriving in Casablanca on 24 June 1940, he was arrested in Morocco on 8 August 1940 along with other leading French politicians. He was sent back to France and sentenced to life imprisonment by the emergency court set up by Maréchal Pétain on 7 November 1941. Following the invasion of the free zone by the German army in November 1942, the French gendarmes opened the gates to the Germans and handed over the prisoners, who were transferred to a camp in Oranienburg, not far

from Berlin. Mandel was then incarcerated near Buchenwald in a special camp for politicians from occupied countries, where the former President of the Council Léon Blum was already being held. Georges Mandel knew, in detention, that his Parisian flat had been looted several times. He was finally repatriated to another jail in Paris, where he was handed over to the *Milice* (the French wartime paramilitary organization which collaborated with the Germans against the Resistance) on 4 July 1944 and was assassinated 3 days later in the forest of Fontainebleau near Paris.

## The circumstances of the spoliation

In Summer 1940, a few weeks after the Armistice, Otto Abetz, Ambassador of the Third Reich in France, ordered the seizure of several private collections. On 27 August 1940, he gave a written order to take possession of the contents of Georges Mandel's flat at 67, Avenue Victor Hugo, in Paris 16<sup>e</sup>. According to Rose Valland, the artworks looted from the apartment were taken directly to the German Embassy in Rue de Lille. Meanwhile, in autumn 1940, the *Einsatzstab Reichsleiter Rosenberg* (ERR) was created to collect the artworks seized in the countries occupied by the Reich at the *Jeu de Paume* Museum in Paris. Various

## Only a dozen items were returned between 1946 and 1950 to the claimants, a few paintings, a Chinese panel, tapestries, furniture, boxes of archive papers, and some books.

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types of property were looted from Georges Mandel's home, witnessed by the building's concierge, about 45 boxes of unidentified objects were removed from his flat. The remaining items were completely removed at the beginning of December 1942. 14 paintings that had been stolen from Georges Mandel's home by the occupying troops were transported to the German embassy in Paris and probably sent to Germany during the German debacle. Artworks from the collection of Georges Mandel were included in the inventories of the Rosenberg Staff (ERR).

### Restitutions and compensations proceedings

After the war, the heirs of Georges Mandel initiated a French *dossier Dommages de Guerre* (war damage proceedings) and the research carried out in Germany in the archives of the BRÜG law made it possible to initiate compensation proceedings to obtain compensation for the looted furniture and artworks.

In the BRÜG proceedings, the claimants produced a detailed inventory of the looted property, drawn up on 31 October 1944. The property consisted mainly of antique or period furniture, antique tapestries, artworks (paintings, drawings, watercolours, Chinese decorative panels, etc.), some of which were signed by leading artists (Boucher, Courbet, Utrillo, Rosa Bonheur, Pannini, Teniers, Rodin, Canaletto), sculptures, a library of

about 16,000 books, stamp collections, silverware, jewellery and a Pleyel upright piano, in addition to a large quantity of documents and archives.

Only a dozen items were returned between 1946 and 1950 to the claimants, a few paintings, a Chinese panel, tapestries, furniture, boxes of archive papers, and some books.

In 2001, Georges Mandel's daughter decided to submit a case to the CIVS. Unfortunately, in February 2002, the case had to be closed, as the claimant had not returned the form. However, the case was reopened in December 2017.

The legitimacy of the looting had been recognised immediately after the war but given the composition and the quality of the declared looted property, the CIVS decided to open a single report (Cultural Property and Furniture) due to the difficulty of distinguishing between so-called material cultural property and other kinds of property, or more precisely, the fact that almost all the looted property can be considered as cultural property. In this respect, the German authorities based on the BRÜG law did not make the distinction they usually do between "furniture" and "works of art".

A new restitution took place in January 2019. The German federal authorities returned the *Portrait of a Seated Young Woman* by Thomas Couture, found at Cornelius Gurlitt's home, to Georges Mandel's heirs and rightful owners of the work. Other research is continuing to locate remaining looted artworks.

## The library

Georges MANDEL's library contained about 16,000 books; they were probably looted by the "Sonderkommando Künsberg" in August 1940. The *Sonderkommando* had been instructed by the *Auswärtiges Amt* (German Foreign Office) to seize books, correspondences and archives found in the flats of all "enemy political representatives". Between 1947 and 1949 the Sub-Commission on Books of the *Commission de Récupération Artistique* restituted several hundred of the books looted from Georges Mandel during the Occupation. Of the 16,000 works that made up Georges Mandel's library, only a small sample (about 700) was recovered after the war from Germany and Austria.

**Between five and ten million books were taken from France during the Occupation.**

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## A German/French cooperation

In 2018, the French CIVS Berlin office began working with the cultural foundation *Stiftung Preußischer Kulturbesitz*, an organisation related to the *Staatsbibliothek zu Berlin* (State Library of Berlin), which is also administratively linked to the *SLUB Dresden* (Dresden University Library).

Both libraries in Dresden and Berlin are engaged in a research project funded by the *Deutsches Zentrum Kulturgutverluste* (DZK) and entitled "NS-Raubgut nach 1945: Die Rolle der Zentralstelle für wissenschaftliche Altbestände" (Nazi Looted Property after 1945: The Role of the Central Office for Old Scientific Collections).

**All the institutions have agreed to cooperate in order to organise the return of three books identified within the collections of the libraries to the heirs of Georges Mandel.**

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Thanks to their research, three works stolen from Georges Mandel's library have been identified:

- GILLOUIN, René (1930), *De l'Alsace à la Flandre. Le mysticisme linguistique*, Paris: Prométhée. (found in Berlin)
- HOMET, Marcel (1938), *Syrie terre irrédente. L'histoire secrète du traité franco-syrien. Où va le Proche-Orient*, Paris: Peyronnet. (found in Berlin)
- BERGERY, Gaston (1937), *Air-Afrique. Voie Impériale*. Decorated with thirteen pages out of text in heliogravure, Paris: Grasset. (found in Dresden)

The three books include handwritten inscriptions and are addressed by the authors to Georges Mandel. Two of them explicitly refer to George Mandel's activities as Minister of the Colonies. The two books from the *Staatsbibliothek zu Berlin* were added to the collection in 1960 and 1979/1980 via the *Zentralstelle für wissenschaftliche Altbestände* (ZwA) (Central Office for Old Scientific Holdings). The book from the *SLUB Dresden* was acquired in 1973 via the *Zentralantiquariat* der DDR. The path of the works before these acquisition dates is unknown.

The foundation *Stiftung Preußischer Kulturbesitz* has officially recognised the provenance of the three books and has expressed the



wish to return them to Georges Mandel's heirs within the framework of cooperation with the CIVS. All the institutions have agreed to cooperate in order to organise the return of three books identified within the collections of the libraries to the heirs of Georges Mandel.

### **The return of 3 books, a symbolic act**

Georges MANDEL was a major political figure of the Third Republic: The books that made up his despoiled library are of great historical interest, as it is a reflection of his public actions. They are specialised works, particularly on colonial history and international relations. Georges MANDEL also embodies the early resistance to National Socialism. The restitution of the looted works in his Parisian apartment is a symbolic tribute to an important figure in French contemporary history, looted as a Jew, arrested, and murdered by the Vichy police as a Resistance fighter.

**Georges MANDEL was a major political figure of the Third Republic: The books that made up his despoiled library are of great historical interest, as it is a reflection of his public actions.**

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Today the CIVS is recognising his claimants as the beneficiary of victims of spoliation committed under the anti-Semitic legislation in force during the Occupation, and they will be awarded a fiduciary indemnity. The CIVS also supports the restitution initiative of the three books by its German partners.

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