

Interview with Frédérique Dreifuss-Netter, President of the Commission pour la restitution des biens et l'indemnisation des victimes de spoliations antisémites in France

Frédérique Dreifuss-Netter / Florian Schönfuß 

Keywords: restitution; anti-Semitic spoliation; France; World War II; national collections

Florian Schönfuß (FS): Ms. Dreifuss-Netter, before we start, would you like to briefly introduce yourself?

Frédérique Dreifuss-Netter (FDN): After a doctoral thesis on contract law and more than 30 years as a university professor in Strasbourg, Metz and Paris-Descartes, teaching civil, criminal, medical law and bioethics, I successfully applied to become a 'conseillère' (judge) at the *Cour de cassation* (Highest Court in the judicial French System), an exciting and rewarding challenge. In the meantime, I fulfilled several public functions, becoming a member of the *Comité consultatif national d'éthique* (National Ethics Committee) until 2016, then a member of the deliberating panel of the CIVS in 2017, a position I kept after retiring from the Court in 2018. When the president of the *Commission pour la restitution des biens et l'indemnisation des victimes de spoliations antisémites* (CIVS), Michel Jeannoutot, who had chaired the Commission for 13 years, decided not to stand for another mandate, I accepted to be his successor, the president having to be, according to the implementing decree, a judge or a former judge at the *Cour de cassation*. It was impossible to decline such an honor and responsibility, as my parents, in Saint-Étienne, suffered from the Vichy anti-Semitic politics during the Occupation. They owe their survival to the courage and the generosity of non-Jewish French citizens, now honored as Righteous among the Nations.

FS: Until summer 2025, the French Commission for the Restitution of Property and the Compensation of Victims of Anti-Semitic Spoliations (CIVS) holds the presidency

of the European Network of Restitutions Committees. The CIVS works closely together with its counterparts in Austria, the UK, the Netherlands, and Germany, it shares many of the aforementioned institutions' responsibilities, approaches and organizational structures. Regarding its scope, however, the CIVS seems to cover a far larger field of property losses resulting from anti-Semitic spoliation than the other restitution commissions – which are all exclusively focused on the restitution of art and cultural property. How is it that the CIVS, on top of this also deals with the spoliation of real estate, bank assets, movable property, insurance policies, unlawfully deprived copyrights, to name just a few? Is it considerably larger than the other European restitution committees? Does it apply different proceedings to individual cases? To what extent does the CIVS in France have a distinctive character?

FDN: The CIVS differs from other commissions in Europe in that its work does not consist solely of returning looted works exhibited in museums. There are historical reasons for this. The CIVS was created following president Jacques Chirac's 1995 speech at the commemoration of the Vel d'Hiv roundup and the work of the commission chaired by Jean Mattéoli, which was tasked with assessing the state of spoliation suffered by Jewish families in France and the reparations already conducted. This commission concluded that it was necessary to compensate for any looted property that had not yet been compensated for. However, the Nazis in occupied France had systematically looted homes that had been vacated due to the flight or

deportation of their former Jewish occupants, sending their property to Germany. Meanwhile, the Vichy government put into place a policy of “Aryanization” of all Jewish interests, from the smallest workshop to large companies, in order to exclude Jews from economic life and to deprive them of any means of subsistence, a prelude to their extermination. Bank assets were also confiscated.

The Mattéoli Commission discovered that a huge proportion of these disposessions had not as yet been subject to restitution or compensation, neither by France (war damages) nor by Germany (Bundesgesetz zur Regelung der rückerstattungsrechtlichen Geldverbindlichkeiten des Deutschen Reichs und gleichgestellter Rechtsträger). The issue of cultural property had not yet been considered separately, which is why the CIVS compensated for the loss of furniture and objects paying lump-sums, according to the category of housing formerly occupied by the respective family. Only MNR property (National Museums Recoveries), repatriated by the Allies and entrusted to the care of French museums, was returned to the victims or their beneficiaries, but often without the intermediary of the CIVS.

When, in 2018, following the development of provenance research and increased awareness among collection managers, the restitution of looted works became a matter of public policy, the CIVS was the natural choice to recommend restitutions, given its undisputed independence and impartiality. However, this responsibility was added to its mission of compensating for ordinary material property and bank accounts, a task which is far from being accomplished yet. For example, in 2024, the CIVS processed 217 claims, 176 of which concerned material property while 85 concerned bank accounts, and only 74 concerned cultural property.

It should also be noted that among the claims concerning cultural property, although there are currently around 100 cases relating wholly or partly to cultural property, the CIVS only issued three restitution notices in 2024 and three in 2025. The other claims are compensation claims. This constitutes another fundamental difference between the CIVS and other commissions in Europe: for any cultural property for which there is proof of ownership during the Nazi German occupation and

subsequent spoliation, and which has disappeared or cannot be restituted, the Commission will recommend compensation. In cases where the owner was a notable collector, the financial stakes can be considerable, involving representatives and lawyers and sometimes triggering litigation.

FS: It is apparent that the CIVS has already quite a long and, as it seems following your prior remarks, a rather eventful history since its creation in 1999, at that time still under the name ‘Commission pour l’indemnisation des victimes de spoliations intervenues du fait des législations antisémites en vigueur pendant l’Occupation’ – a title notably stressing the period of Nazi German occupation in France, i.e. from 1940 to 1944. Why has this former specification of the occupation period been removed? Was the CIVS created as a direct consequence of the proclamation of the Washington Principles in 1998? Have there been any precursor institutions or role models in other countries? Perhaps you could give our readers a brief outline of the main phases of existence and noticeable changes the CIVS underwent until today.

FDN: Firstly, it should be noted that the geographical and period-specific limits of the CIVS’s remit have only been modified in cases involving the restitution of works held in public collections. Compensation, including in cases relating to cultural property, always concerns spoliations that took place in France during the Nazi German occupation. Similarly, the 1998 Washington Principles were introduced to raise awareness among all countries, particularly European countries, of the importance of provenance research in their collections. The Washington Principles may have inspired the creation of other commissions in Europe, which we work together with in a network, but the creation of the CIVS has a different origin, which I have already mentioned. The situation in Europe is far from ideal since the agreement of the Washington Principles in 1998. While Switzerland has recently set up an *ad hoc* corporation, some other European states have still to be reminded of their agreed commitments.

For the CIVS, I pointed out that its specific role regarding cultural property was first established only in 2018. The new decree, which created the M2RS (*La Mission de recherche et de restitution des*

biens culturels spoliés entre 1933 et 1945), provided for the possibility of self-referral in such cases, whereas ‘ordinary’ requests still have to come from the rightful owners. This allows us to follow up on reports made to us by the Ministry of Culture or by museum institutions throughout France or even abroad.

However, it was primarily the law of 22nd July 2023 that necessitated a reorganization of our services and methods. The opinion of the CIVS has become a prerequisite for the release of looted property from collections, providing the possibility of an exception to the principle of inalienability, forbidding to dispose of any national property without a vote from the Parliament. Although these cases remain in the minority, they require significant special knowledge on the part of the reporting magistrates, who have received training for this, and this has led to stronger relations with the M2RS and the ministries concerned. The extension of the geographical scope is likely to cause language and legal problems in the future, since the identification of beneficiaries will no longer be exclusively determined by French inheritance law.

FS: You mentioned the Framework Law for the Restitution of Cultural Property, enacted on 22nd July 2023, which now makes it possible to circumvent the principle of inalienability of French cultural property in public collections to enable restitutions. Before this, special laws for individual cases were necessary. The principle of inalienability of the public domain is deeply rooted in French history, established already during the French Revolution to protect against appropriation by private individuals. A firm legal base allowing the principle to be circumvented for the purpose of restitution appears like a milestone, not only regarding anti-Semitic spoliations but also considering colonial contexts of acquisition. When we think of the 2017 speech given by president Emanuel Macron in Ouagadougou addressing the restitution of cultural property to countries formerly colonized by France or the 2018 report by Felwine Sarr and Bénédicte Savoy,¹ was it the debate about France’s colonial past which finally paved the way for the framework law? Do you see synergies,

or possibly even competition for resources, between restitution schemes related to anti-Semitic spoliation on the one hand and colonial injustice on the other? Additionally, are there any plans to extend the CIVS’s responsibilities to also cover colonial contexts?

FDN: You raise a complex issue here: the CIVS has acquired experience in documenting spoliations, and the composition of the Panel, which guarantees its impartiality and competence – consisting of representatives of the highest courts of law and recognized experts – could indeed inspire a mechanism for dealing with unlawfully acquired property, particularly in colonial contexts. That said, the current procedures and methods cannot be conveyed as they stand now. The CIVS’s approach is essentially based on private law: it seeks to restore to the heirs the property rights that their ancestors were unjustly deprived of. Moreover, applicants may also, if they prefer, apply to the courts on the basis of the Order of 21st April 1945, which allows them to obtain, without any time limit, the annulment of all legal acts of ownership transfer of the spoliated property and thus to obtain its restitution regardless of the current owner’s good faith. One of the CIVS’s essential tasks is to determine the ownership of the works at the time of their spoliation and to decide to whom they should be returned in accordance with the rules of French inheritance law.

However, in the colonial contexts, restitution is only considered for the benefit of the state whose territory the cultural property originated from. This necessitates a process of cooperation with France that is covered by public law and diplomacy, rather than by a quasi-judicial procedure in which magistrates play a key role. Our research department staff and various experts cannot be expected to have the necessary knowledge of sources relating to different countries and periods. A draft bill is currently being discussed by the Law Committee of the French Senate.

FS: There is no doubt that the key to revealing, tracing and assessing all those potential cases for restitution, or other forms of ‘just and fair solutions’, can only lie in intense and systematic provenance research. Does the CIVS itself conduct the necessary provenance research for those potential cases of anti-Semitic

1 Felwine Sarr / Bénédicte Savoy: Restoring African Heritage – Towards a New Relational Ethics (Restituer le patrimoine africain – Vers une nouvelle éthique relationnelle), submitted to the President of the Republic on 29th November 2018.

spoliation which it has to decide on? Are there any dedicated positions for provenance researchers at the CIVS? What exactly is the role of the M2RS vis-à-vis the CIVS? And what about provenance research at public museums and other art and cultural objects holding institutions? These being key institutions for the CIVS to cooperate with, how would you describe the current situation of provenance research in France? Is there sufficient funding?

FDN: Although the investigation of cases under the 2023 law is conducted jointly by the CIVS and the M2RS, particularly with regard to documenting the circumstances of spoliation, it is primarily the responsibility of the latter to trace the history of the respective work. In practice, the CIVS's research department, composed of permanent staff who are not specifically assigned to cultural property, conducts an initial review of the file using the archives to which it has access in France and Germany through its Berlin office, and then forwards it to the M2RS.² Once the M2RS has studied the respective file, its director sends a summary note to the CIVS. The research is further supplemented to determine the rightful claimants, and the file is then entrusted to a reporting magistrate, who works on the basis of all the documents forming part of the investigation. The relationship between the CIVS and the M2RS is specified by an agreement and there is regular exchange between the two institutions which, effectively, share the archives related to their common cases. A file may thus go back and forth between the two committees several times before it is complete, which is satisfactory but can also delay its examination by the deliberative body. Officials of the Ministry of Culture are also entitled to call on specialized provenance researchers. Provenance research as an academic discipline is currently developing in France, particularly at the university level. Examples include the work of the INHA and the university degree program at the University of Paris Nanterre's law school,³ whose supervisors work in close exchange with the CIVS and the M2RS.

2 On the M2RS, also see <https://www.culture.gouv.fr/nous-connaître/organisation-du-ministère/le-secretariat-général/mission-de-recherche-et-de-restitution-des-biens-culturels-spoliés-entre-1933-et-1945>, <27.10.2025>.

3 For further information on the Paris Nanterre degree program, see <https://cprprovenances.eu/>, <25.09.2025>.

FS: Let's dive a bit deeper into practicalities. How does the application process for reparation, restitution or other compensation measures for victims of spoliations, their heirs or authorized representatives work? Does the applicant have to proof his or her claims, or can he or she expect compensation as long as the CIVS cannot provide evidence that the claim is unjustified (reversal of evidence)? Is it also possible for private persons or public institutions holding, or assuming to hold, spoliated property to approach the CIVS? Are there any charges for the claimants or other costs to provide for, e.g. for legal representation by a lawyer? If I see this correctly, the CIVS is by now also responsible for anti-Semitic spoliation in other countries under Nazi-German occupation or political influence. Does this imply that the limitation to the 1940-1944 period has also been waived for cases within France itself? Does the CIVS lend support to French citizens assuming that there are looted artworks formerly possessed by their descendants in other European countries? Maybe you could provide our readers with a short step by step description of the workflows and evaluation phases a typical claimant's case would pass through?

FDN: The CIVS is not a court of law. It offers victims of spoliation and their descendants a completely free means of obtaining compensation, which can be accessed by simply completing a questionnaire on the website.⁴ If they wish to employ representatives, particularly lawyers, the costs for this are not known to the commission.

Applicants are only asked to provide a minimum amount of information relating to the names, families, places, and occupations of the victims, as well as the type of the looted property and the circumstances surrounding the looting. All that is required is sufficient information to base the research on, for example, in the case of business property, using the commercial register or the "Aryanization" archives of the respective companies. Some applicants know very little, either because their ancestors just disappeared in the turmoil of war and persecution, or because they survived but remained silent about events that were too painful for them.

The added value of the CIVS lies in its ability to investigate based on scant information and to meticulously reconstruct the circumstances of a

4 <https://www.civs.gouv.fr/>, <27.10.2025>.

spoliation. The files can be consulted at any time by the claimants, many of whom express their gratitude to the Commission for enabling them to reconnect themselves with their family history.

As I explained, the investigation is carried out by the research department, with or without the involvement of the M2RS, depending on whether cultural property is concerned, and the file is then handed over to a rapporteur, who may contact the claimants to supplement the information at his disposal. The report proposes reparation measures to the deliberative body, not only for the spoliations documented in the questionnaire, but also for any others that may have emerged during the investigation. For example, smugglers' fees are often mentioned when people crossed the demarcation line (between Nazi occupied France and, until November 1942, Vichy France) as are the last remaining belongings being confiscated during arrestation, which are compensated for on a lump-sum basis.

Once the report has been completed, approved by the Rapporteur Général, and sent to the petitioners and members of the Panel, the session service schedules a hearing before the Deliberative Panel. This is an important moment when, after the report has been read and questions have been raised, the applicants, or their representatives, are given ample opportunity to speak. Not only can they express themselves on the harm that they suffered and the proposed reparation, but also recount their life story as well as their emotions and feelings, sometimes for the first time.

The panel then deliberates. The multidisciplinary nature of the panel ensures that the discussions are very rich, with lawyers, historians, and art specialists shedding light on each situation on the basis of their individual expertise. The Panel issues a recommendation which is sent to the Prime Minister or the owner of the art work. Until now, more than 99% of our recommendations have been followed by the Prime Minister. His decision can be appealed before an administrative court.

FS: Following this, the decision whether a claim is accepted or will be rejected is taken by the Deliberative Panel. In preparation of the decision process, the Rapporteurs are tasked with the investigation of the individual claims submitted. Are the number of members of these two groups and their terms of office fixed? Who

is authorized to appoint new members? What qualification is required to become either a member of the Deliberative Panel or one of the Rapporteurs? There is also a Government Commissioner. What is the scope of his or her responsibility within the CIVS?

FDN: The Government Commissioner, appointed by order of the Prime Minister, is a member of the *Conseil d'Etat* (government adviser and highest administrative court) who expresses his or her position during meetings and ensures the transmission of notices in preparation of ministerial decision. The members of the Deliberative Panel hold positions defined by decree. It is composed primarily of six senior magistrates, either active or honorary: two members of the *Cour de cassation*, including the president, two members of the *Conseil d'Etat*, including the Vice-President, and two members of the *Cour des comptes* (Auditing Commission). They are appointed by decree of the Prime Minister. The same applies to the two university professors and the two qualified individuals – highly-qualified experts in law, history, and sociology of the Nazi German occupation of France – who are joined, if the case includes cultural property, by four other qualified individuals in the fields of art history, the art market, the history of World War II, and heritage law. In practice, the CIVS management team can make proposals according to its needs. For example, when one of the qualified experts left, we decided to bring in a notary to advise us on the delicate issues of civil inheritance law.

The functions of the *Rapporteurs* are performed by magistrates from the judicial, administrative, or financial courts, under the authority of the *Rapporteur Général*, who distributes the cases among them. They are appointed by order of the Minister of Justice. Their report, based on the information obtained during the investigation phase, is communicated to the parties and includes proposals for compensation, which are then deliberated upon by the Panel.

FS: Ms. Dreifuss-Netter, it is now about one year since you have been appointed president of the CIVS. Before this and beginning already in 2017, you have been a member of the Deliberative Panel. What is your personal interim conclusion of these years? What has been achieved so far, especially since in 2018, when

commemorating the 1942 Vél' d'Hiv' roundup in Paris, former Prime Minister Édouard Philippe made his open call for 'better efforts' regarding looted art from Jewish families in France? Moreover, is there an individual restitution case which particularly affected you or which for other reasons you would like to report on in more detail?

FDN: Each successful restitution is a significant moment in the history of the Commission. The object, whether it be a painting or a book, embodies the personality of the collector who chose it. Its return to the collector's heirs reconnects the broken threads of generational transmission. This is why, in June 2025, we decided within the framework of the European network of restitution commissions to organize a conference in Paris focusing on the reunion of an object with a family, with each country presenting an emblematic case and giving the floor to the rightful claimants. On this occasion, two hundred books were returned to the heirs of Jewish lawyer Henry Torrès (1891-1966), which various libraries in Germany had identified in their collections thanks to dedications by their authors. The official restitution ceremonies, organized by the Ministry of Culture, lend these events a certain solemnity.

However, the spectacular and media-friendly nature does not, at least not for me, overshadow the emotion that grips the members of the college during sessions, sometimes devoted to modest compensation payments, like for a tailor's workshop or a sewing machine, a piano that fell silent forever after the murder of its owner, a few pieces of furniture or some jewelry. The applicants often express to us the pain of loss, or the silence in which the survivors have kept them. I still have a vivid memory of the image of a beautiful young woman, a model at the famous fashion boutique Lanvin, posing for photographs in the Bois de Boulogne at the beginning of World War II, knowing that she would eventually be denounced and deported, never to return.

FS: Last but not least, we would like to risk taking a glance into the near future. Where do you see the CIVS in about five years? Are there any measures for further improvement, any extensions or specialization efforts you would like to see implemented until about 2030?

Are you content with the financial and human resources currently at the CIVS's disposal? Do you perhaps also see potential dangers, e.g. regarding political vagaries or legal uncertainties, or other specific difficulties for CIVS's future work?

FDN: Of course, as its Chair, I can only hope for more resources for the CIVS, because the main problem we currently face is the excessive delay in processing cases, particularly those involving cultural property, where provenance research requires meticulous investigation. However, we must not forget that the claimants, even those of the second generation, are getting older, and it is difficult to accept that some of them may pass away while the proceedings in their case are pending, as sometimes happens.

One might be tempted to think that, in the coming years, claims will dry up in an ideal world where all spoliations have been compensated. Yet this is not the current trend, because with each generation, the number of beneficiaries and therefore potential claimants increases, and there is no limit for great-grandchildren or great-grandnephews to take action. Furthermore, when it comes to cultural property, museums, libraries, and auction houses are becoming increasingly aware of the importance of provenance research.

For the moment, there is political consensus on restitution, and the 2023 law, like the one concerning the restitution of human remains, was passed unanimously. However, my fear is that, in a context of growing divisions, where political life is based more on what separates us than on what unites us, the legitimacy of the CIVS's mission may come up against extremism comparable to that which once led to the injustices it is trying to redress.

FS: Ms. Dreifuss-Netter, thank you very much for the interview!

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