

CONCLUDING REMARKS

While carrying out this work, the Commission always felt the need to reflect both the quantitative and qualitative aspect of the spoliation that took place. Although aware that any historical-political analysis, any simple though exhaustive reconstruction of the legislation, any analysis no matter how minute of the spoliation mechanisms, would certainly have been both useful and important, this would have been of only limited sufficiency if it did not also help show the dimensions and extent of the damage suffered by a group of Italians and foreigners who were distressingly affected by the Italian "racial laws."

The need for a quantitative verification of the phenomenon was also demanded by the staggering extent of the spoliation. This took place over a good seven years as a result of clearly differentiated legal directives in the two periods 1938-1943 and 1943-1945, of which the latter were considerably more serious.

In the brief analysis of the different typologies of spoliation and the series of economic repercussions of the persecutory legislation, the Commission considered the following points to be relevant in their studies:

- the various restrictions regarding property as specified by the 1938-1939 legislation and the consequent expropriation of the "excess" quotas by the State;
- the seizure that took place on the basis of ruling No.5 of 30 November 1943 by Buffarini Guidi;
- the confiscation of all real estate and assets as a result of Mussolini's decree of January 1944;
- the theft, plundering and looting that took place in various parts of the country and along the border;
- the dire economic damage to the Jews who were forced to live in hiding to avoid being deported;
- the incalculable damage that resulted from the progressive restrictions regarding employment and professional and entrepreneurial activities.

During this research it was both right and proper that the overall outline of the damage that resulted from this persecutory system should be kept in mind.

While various chapters in the Report go into some of these significant aspects in greater detail, it was nevertheless considered appropriate that an essential outline should be given.

Documentation from the EGELI was the sufficiently accurate source of information on assets exceeding allowed limits in accordance with the 1939 law. The balance of Jewish property management in 1939, enclosed with the 1945 report, stated that the overall balance of the account of the property transferred to the EGELI came to L. 55,454,680.44.

Quantification of the property taken in accordance with the decrees issued by the Provincial Heads following the ruling of 30 November 1943 was more difficult. In many cases – with the exception of the assets that were assigned in some cities to the banks delegated by the EGELI and therefore managed as sequestration – the assets were managed directly or indirectly by the Prefectural authorities, and very frequently using procedures that were anything but precise. This phenomenon took place in various provinces and is dealt with in detail in the chapter on Florence in particular.

From this point of view, the quantitative references found in the archive series of the Ministry of Finance's Jewish Property Service is of particular importance, and is mentioned in both the chapter "Archive sources" and "Databanks set up within the Central State Archives". On the basis of the analysis in that chapter there are valid grounds to believe, as can be seen from an EGELI report, that there were at least 7,847 confiscation orders. Analytical filing of the 7,187 decrees showed that acts

of confiscation involved 46 provinces, no less than 8,000 Jewish citizens and 230 businesses. The quantitative data from the 660 decrees which could not be found is missing.

Very few decrees contain precise references to the value of the property, thus making any sound quantification of the property that was confiscated and the damage that ensued impossible. Indeed, the 1945 EGELI financial report does not include the value of the assets, but only the relative calculations of the management costs and revenue. In this regard, the report from the Ministry of Finance to Mussolini dated 12 March 1945 might also be important. It included data on the value of the assets that had been confiscated as at 31 December 1944, when the decrees had not yet been issued, but many of the most important provinces in terms of their numbers of Jews and the property they owned were still missing "due to the complexity of certain verifications which are, however, being seen to with the greatest haste and foresight". It stated that, as far as the value of the confiscated property was concerned, it could only be clarified for certain categories, while for others, although it was possible to add up the considerable amounts (furnishings, valuables, linen, various kinds of goods), reliable figures would only be possible when it was liquidated.

Limited to the confiscations carried out to the end of 1944, the bank cash deposits came to an overall total of L. 75,089,047.90, government securities to L. 36,396,831 (nominal value); industrial and other kinds of securities, evaluated on the basis of the list at the end of December, came to L. 731,442,219. Real estate was assessed on the basis of the criteria stipulated for property taxation, resulting in a total of L. 855,348,608 for land and L. 198,300,003 for buildings.¹

On the other hand, the damage that ensued from theft and plundering cannot be quantified. The Report also includes a chapter on this subject, but without any pretence of reaching a quantitative evaluation, which is objectively impossible. Taking into consideration the various testimonies gathered, the fact that nearly all the Jews were forced to abandon their homes, and in view of the fact that certain fiduciaries proved to be just the opposite, aiding and abetting the plundering, it is realistic to believe that this phenomenon was of vast dimensions.

Apart from the reference to legislation regarding the prohibition of employment, the Commission was unable to quantify the economic repercussions from the directives on this subject, also because, in particular, it was not a form of property spoliation in the narrower meaning of the term. On the other hand, while it would have been difficult to reach an overall quantification of the damage, it is totally obvious that this was considerable since it meant the primary sources of income were reduced.

The Commission believed it correct to conclude its work with the formulation of indications regarding the successive phase of property restitution. While the spoliation phase was both complex and difficult to reconstruct, the complete reconstruction of the restitution phase was even more arduous. Indeed, in comparison to the incredible amount of confiscation orders discovered, there are actually extremely few restitution records. Restitution took place as a result of individual annulment orders or on the basis of directives of a general nature. However, a complete archives series that documents the restitution of confiscated or sequestered property is missing. According to the legal directives, this should have taken place once the person in question had presented a claim.

Documentation from the EGELI was the source of general information regarding the restitution of property. This issue was dealt with in the chapter "Abrogation of the racial laws: the EGELI and restitution of assets." One of the appendices in the Report includes a list of the restitution of active

¹ It should be pointed out that the report includes 6,768 decrees "divided as follows: real estate and assets - 2,590 decrees; bank deposits - 2,996 decrees; businesses - 182 decrees" that is, a total of 5,768 decrees (there is obviously a difference in the totals).

management balances which, although incomplete and therefore by way of illustration, was still believed to be of use.

However, in order to discuss the subject of restitution in full, the situation of the property that was sequestered ought to be reconstructed, for which the sources identified do make such a study possible, albeit one that is partial. To find out what happened to the property that was taken by force or stolen, light should be shed upon the painful events surrounding the property of those who were deported, victims of massacre and those who had no possibility of making a direct claim for restitution. More studies should be carried out on the difficulties with which the legitimate owners were able to regain possession of their property in the presence of a public organisation and bureaucracy that did not always comprehend the exceptional nature and gravity of the spoliation. On the other hand, further studies should be carried out into the part played by reparations of a general nature, such as war damage compensation.

The restitution, reparation and compensation legislation immediately after the War was introduced relatively quickly; however, it was not without serious restrictions, for example in the case of the dcps 364/1947 of 11 May, ("Succession of deceased persons following acts of racial persecution after 8 September 1943, without heirs"), which proved extremely difficult to apply. In 1955 the provisions stipulated for victims of racial persecution were extended to victims of political persecution, while law 17/1978 of 16 January ruled that the "qualification of former victims of racial discrimination also applies to Italian citizens of Jewish origins who, by law or on the basis of the administrative directives and provisions, also those of the RSI, intended to implement racial discrimination, led to physical, financial or moral damage. Moral damage is also substantiated in the case of 'Jewish race' being written on personal certificates"; furthermore, this concerned the person and not their property.

Despite the difficulties mentioned, despite the delays, despite the interpretations of the legal directives by the advisory bodies that were all too often too restricted, despite the inevitable legal disputes in the cases in which real estate had been sold, there is reason to believe that the work concerning the restitution of property in favour of beneficiaries who did not disappear after deportation was almost always completed for any former victims who made the necessary claims, while it was limited for property that was not plundered, lost or destroyed.

The cases in which property was not restituted mainly occurred when it was not claimed by either the legitimate owners or their heirs. Factors that were probably of influence were: lack of knowledge about property belonging to relatives who died when deported; expulsion or emigration of Jews who no longer had either the chance or reason to look after their own interests, the burden of the tragedy suffered had a negative influence on any attempt to recover property. The cases in which property was not restituted is certainly no secondary issue but, in any case, no matter how many restitutions could have taken place, they would never have cancelled out the financial consequences of property restrictions and spoliation, and even less so the moral suffering this was accompanied by.

However, there is no doubt that, as a result of the work carried out by the Commission and after studying certain more specific lines of research, a more careful identification of the facts and circumstances that have remained in the dark until now, might make it possible to discover sounder and more definite facts on the subject.

For this purpose, while referring to the General Report for a more detailed overview, the Commission believes it is useful to give a summary by way of illustration.

Property that was expropriated in accordance with the law of 1939 was either returned to the owners or a definition of legal dispute was reached.

As far as property sequestered and confiscated in 1943-1945 is concerned, whose restitution was entrusted to the EGELI, further studies should be carried out on sequestered property not managed by the EGELI. Overall, it was ascertained that a certain group of assets was not restituted (jewellery, savings books, stock certificates, etc.) for a total value of at least L. 2,095,498 (1943-1944), and then appropriated by the State or, if no longer of any value, destroyed. The analysis in the chapter "Abrogation of the racial laws: the EGELI and restitution of assets" and the chapter "The investigation into the banking sector" highlighted another issue - concerning confiscated property that had remained in bank deposits. In the very limited documentation of the EGELI mention is made of a sum of "around L. 4,000,000" in deposits in cash and government securities and "No. 6,550 Industrial shares of unspecified value" that had been confiscated and "not claimed" (it would appear in reference to 1950) by the Jewish owners and kept by the banks. This should be studied further if a complete reconstruction of the developments that followed is to be possible.

Still on the subject of real estate and assets that were sequestered and confiscated in 1943-1945, it was impossible to quantify the extent and value of the incompleteness of the restitutions - houses restituted without furnishings, furnishings restituted without contents, objects of all kinds that disappeared, either destroyed or deteriorated, property sold at the time at prices that were considerably lower than the market price, etc.

For all the property it managed after the war, the EGELI asked the victims of persecution to pay the management costs borne by the administering bodies, thus provoking the most spirited grievances from the victims.

An auction held by the ARAR (Company for the Acquisition of Remaining War Materials) of silverware weighing several hundreds of kilograms with the proceeds going to the State was ascertained, including at least one group of objects that had been stolen from a Jew.

A general scarcity of any documentation concerning property sequestered from Jews leaving the country at the customs was apparent.

Evidence shows that no insurance policies were obligatorily or definitively liquidated in favour of the EGELI (whether for their total value or their redemption value) or any other RSI organisation. The chapter on "The investigation into the insurance sector" deals with the issue of life-policies that were not paid out to the legitimate beneficiaries in detail.

No systematic study was carried out on the possible presence of works of art stolen from Jews in public and private museums. The Inter-ministerial Commission for the Recovery of Works of Art has guaranteed that they have absolutely no documentation of such an event ("Siviero archive").

In addition to the hope that further studies in these areas will be carried out, two more particular situations remain to be investigated: that of the deposits in the Cassa depositi e prestiti, "unclaimed" by Jews or their heirs, who were either deported or emigrated, and that of the postal savings.

In close relation to the aforementioned points, and in the awareness that this work needs to be continued and followed up, the Commission hopes that the Government, and also through it, public and private institutes, will supply further facts to the events surrounding spoliation and the historical and moral meaning it had.

In particular the Commission recommends:

a) Archive materials

1. That the Archive that has been created in the Commission is preserved intact in the Central State Archives and made accessible to the public as soon as possible, so that those involved and scholars may consult the material.
2. That the archive Superintendencies make sure that those in charge of public and private Archives do not discard any documentation regarding aspects, no matter how minor or simply administrative, of the persecution of the Jews, or documentation regarding other minorities, even if they were not persecuted, and thus encouraging consultation in the spirit of the new directives on the protection of personal information.

b) Research projects

Given that the Commission has tried to create an extensive and extremely detailed overview, it is to be hoped that further studies in the individual fields of interest are carried out along the lines of research the Commission has already opened. The following are suggested in particular:

1. That the Government commissions an office in the President's Office to continue the Commission's work:
 - gathering documents, correspondence and anything else that should come to the Commission's attention once its work has officially been closed;
 - maintaining relations with the State administrative bodies and with public and private institutions that have already shown interest in the Commission's work, to add to the information that has been acquired (public administrations, banks, insurance companies) or rather by carrying out additional studies that have already been seen to be necessary (war damage compensation, postal savings and deposits in the Cassa depositi e prestiti, share investments);
 - promoting a more circumscribed study on what happened to Jewish property in the various regions of the Mediterranean under Italian control between 1938 and 1943.

c) Individual compensation

1. In the light of the results of the Commission's work and in the manner believed to be the most suitable, that the Government proceeds as quickly as possible with individual compensation for the victims of sequestration, confiscation and theft during the years 1938-1945 and as a result of anti-Jewish persecution.

And this should be done together with the rightful beneficiaries and the institutes representing them.

d) Preservation of memory and educational promotion

1. That the public and private institutions operating in the cultural and scientific sector develop historical research on the Fascist and Nazi anti-Jewish persecution in Italy;
2. That, also availing itself of the public and private structures that are already working in this field, the Government:
 - supports educational and promotional activities on the subject, and expands these to the issues of genocide and racism in the contemporary age;
 - supports any initiatives that, also through the preservation of the memory of Holocaust victims in Italy, strive to create a common awareness and permanent, conscious attitude regarding the respect of personal and social rights.