

The publication of this Report marks the completion of the Commission's work.

Whilst aware that many areas for further study remain, the Commission's concern has been to avoid any undue delay in presenting its findings - a promptitude I have always held to be one of its prime duties. In performing its task, the Commission has been aware that it must answer to the expectations not only of the Italian government but also of those individuals and families who suffered the profound injustice of despoilment. At the same time, it has been conscious of the need to increase knowledge – particularly among younger generations – of the period in Italian history upon which it focuses attention.

The work as presented could naturally be improved were further time available. However, in presenting it as it stands, the Commission aims in some way to make up for the time lost – at both a European and international level – in facing the problems posed by the expropriations suffered by the Jews. That issue – or the wider question of the Holocaust – is now the focus of a good 24 Commissions world-wide: in 21 countries of Europe, as well as in Argentina, Brazil and the United States of America. And scholarly research into the Holocaust is being – or has been – carried out in a further 22 European countries.

Taken in collaboration with the Union of Italian Jewish Communities, the government's decision to set up this Commission should be seen within the context of the norms and legislation introduced to provide substantial and wide-ranging compensation for the victims of expropriation; naturally this process was most intense in the immediate postwar period, but it has continued right up until recent years.

It is a source of great satisfaction that the creation of this Commission is only one of the various ways in which government, parliament and public institutions have focused attention once more on that small but significant section of the nation's population which was so sorely tried by the events of those years. Among these measures, one I would particularly like to mention is Italy's adherence to the international "Youth and Memory" project, the country becoming part of a "task force" to stimulate research into and remembrance of the Holocaust. And very recently the Italian parliament voted almost unanimously to introduce a "Day of Memory", celebrated this year for the first time. Now, 27 January is recognised as a day for reflection upon the race laws, upon individual and collective responsibility for what happened in years when thousands of Italian citizens were stripped of their rights, despoiled of their property and expelled from school, university and work.

In these preliminary comments, it seems to me essential to stress the real importance of the government's decision to set up a Commission to explore an aspect of the persecution of the Jews that had yet to be dealt with on a comprehensive, national scale. While there might be an extensive bibliography on the historical and moral aspects of those events, the same cannot be said with

regard to the effects anti-Jewish legislation had on property rights and assets (a question that had previously been the topic of studies limited to certain specific geographical areas).

Here it should perhaps be pointed out that measures taken against Italian Jews after the Fascist State's introduction of a race policy in 1938 can be broadly divided into two periods: before and after the Badoglio armistice of 8 September 1943 (an event that led to the German occupation of part of the peninsula and the establishment of the Italian Social Republic). Before that armistice, the Italian government of the day pursued its anti-Jewish policy through laws, decrees and even ministerial circulars. However, although this material has been collected for study and publication, much less is known about how those measures were actually applied. As for the period after 8 September 1943, one must look not only at the new provisions introduced by the Republic of Salò but also at those grim measures taken by the German forces acting on orders from Berlin.

Knowledge of the moves made against property and assets is still fragmentary and incomplete; and the Commission's task in reconstructing the course of events was far from easy. Hence, there is even greater satisfaction at the role it has been able to play in casting light on a seemingly remote period of our history, which it would be wrong to leave buried away in public and private archives. And in performing its duties, the Commission was also well aware that the task before it involved not only property but lives; that objective rigour had to be combined with emotional and moral sensitivity.

The work plan followed was predicated upon a precise choice: to consult as many sources as possible in order to throw light on a complex story that involved both individuals and institutions. The fruit of a particular cultural climate, the measures to be studied resulted in the creation of bodies designed explicitly to administer sequestered and confiscated property; and those who were responsible for such organisations very often made decisions that not only flew in the face of individual rights but also revealed the clear temptation to become an accomplice of the State, or even to act for their own personal advantage.

Despite the various logistical problems mentioned in the Report itself – the actual location of archives; partial destruction of documents; incomplete cataloguing, etc. – I have no reservations in claiming that the Commission has put together a vast collection of highly interesting material. As the Summary of our work mentions, this was made possible by the active collaboration of the institutions and bodies concerned, by the commitment of the Commission's various members, by the devoted work of the Secretariat and by the contribution of its few but highly-skilled researchers, who in a short period of time managed to explore specific issues in considerable depth. It is to these people that I should perhaps voice my first heart-felt thanks.

In expressing my satisfaction at the collaboration we enjoyed and the wealth of material and suggestions we received, I do not think that I am in any way demeaning the importance of the results achieved when I point out that some information in sectors of primary importance to our work was not available to us; that some documents arrived after the present Report had been drawn up; and that there was insufficient time to explore archives which would probably have proved to be useful sources of information. Despite the scale and extent of the sources consulted, one cannot help wondering if all the public and private sources which could have made a real contribution to our work were as fully involved as they might have been.

In these introductory notes it should also be pointed out the Commission unanimously agreed that its work should focus not only on the period of expropriations but also on that of subsequent compensation and reparation. This decision was taken in spite of our full awareness that the information available on this latter question was incomplete and therefore could not be taken as representative.

So, after twenty-eight months of work, after examining numerous documents and taking part in lively – but always respectful – discussions, what thoughts and reflections may be offered regarding events that took place more than half a century ago? What questions of conscience are posed for us as we enter the third millennium?

The first thing to be noted is the very scale of the expropriations. One need only look at the hundreds and hundreds of legislative and administrative measures introduced over the two periods of 1938-1943 and 1943-1945, as well as the almost 8,000 confiscation orders issued on the basis of the laws of the Republic of Salò. No one was spared: neither rich nor poor, shopkeeper nor industrialist, shareholder nor the possessor of a modest bank account. The confiscation orders listed everything: not only silverware, real estate, land, works of art and valuable carpets, but also humble household objects and personal effects. In fact, the published lists of confiscated property were so shamelessly detailed that some authorities took measures to protect modesty and propriety!

A second point worthy of mention is the increasing severity of the measures over time. In the field of private property and assets, these ranged from the limitations on property rights introduced by the laws of 1938-1939 to the far more drastic provisions of the Mussolini decree issued in January 1944. And, of course, the action of Fascist gangs, of the Nazi and German forces active within occupied territories, must not be forgotten. Acting quite outside the law, these would simply engage in looting, or order sequestrations of material which, for the most part, subsequently proved untraceable.

A third point to be noted is the variation in behaviour of the institutions and public bodies involved. I am thinking here, for example, of certain Heads of Province, appointees who were not “Prefects”

as such and had close links with the Fascist regime. With a zeal worthy of a higher cause, these figures issued sequestration decrees even before the Police Order of 30 November 1943, thus obviously prior to Mussolini's law decree of 2 January 1944. Furthermore, there were also Heads of Province who executed sequestration orders on the basis of their own evaluation of assets, thence setting up Offices and Commissariats for the administration of Jewish property. These latter circumvented the official body that the State had set up for the task – the *Ente per la Gestione e la Liquidazione Immobiliare* (EGELI) – and certainly did not do so with the intention of better protecting Jewish property. The most glaring case is that of Florence, where Martelloni, the prefectural commissioner, was responsible for the totally arbitrary seizure of assets.

Given that the legislation on the matter of Jewish property was “pervasive”, it covered every level of the public administration, not all of which responded in the same spirit. The study of this question remains an open chapter of research. However, the following may be mentioned as further examples of variations within the behaviour of officialdom: the clash in August 1944 between the RSI's Ministry of Finance and its Inspectorate for Savings and the Provision of Credit over the question of bank confidentiality; the rewards offered by some ministries to those who provided information on where Jewish possessions were hidden; the use of persecutory methods more aggressive than those actually envisaged by the legislation then in force; acts of base servility to the powers that be; rigorous application of the letter of the law, with little show of fellow feeling. And, of course, after the War there was the absurd requirement that Jewish property owners should pay costs for the administration of assets confiscated as a result of “race” laws which had subsequently been declared null and void.

The fourth, more positive consideration concerns the scale and scope of the restitution measures. This requires some explanation. There is no doubt that the legislative mechanism for the restitutions was sufficiently rapid and wide-ranging, but this positive judgement must be tempered by the fact that many victims were unable to retrace their possessions and many of them suffered because of the lengthy, complicated procedures.

On the other hand, the real applications of the principle of equality, reinstated with the Liberation, met with considerable resistance because of the deep mark left on the nation's structures by 20 years of Fascism. It has been quite rightly pointed out that the three traditional powers of the State, the legislature, the judiciary and the executive, reacted quite differently when it came to actually applying this principle. Little resistance was offered by the parliamentary and legislative systems, where there was great pressure from anti-Fascist parties; but considerably more was apparent both in the judiciary and the administration. Part of a note issued by the State Lawyer's Office on 23 March 1960 may be cited as an example. Entitled *Gestione beni ebraici confiscati o sequestrati*.

*Realizzo beni non rivendicati* [Management of confiscated or sequestered Jewish assets. Proceeds from unclaimed assets], it stated that: “In conclusion, the writer declares that, in the ten years after 5 June 1946, when law 393/1946 of 5 May came into force, the State not only acquired ownership of previously-confiscated assets; it was also released from any obligation to return any proceeds from their sale [...]. The aforementioned assets may therefore be freely disposed of by the State.”

I will not go into the legal implications of this ruling, but the stated position is extremely questionable on moral grounds.

In the hope that this enquiry does not prove to be an end unto itself, that the useful life of the Commission’s Report does not end with its official presentation, I should now like to conclude with some final considerations regarding the future.

The Commission was faced with a far more complex situation than could have been imagined. The investigation involved material that varied both in quantity and quality, thus meticulous procedures had to be followed in order to ‘reconstruct’ the events concerned and then analyse them

Thanks to the cooperation of the government and the prime minister’s secretariat, the Commission was able to extend the extremely limited time available and so carry out detailed research into a vast amount of documentation; though some of this could not be examined as thoroughly as one would have liked.

We do not claim to have achieved comprehensive knowledge of everything. As the Commission moved toward the end of its investigation, it became more and more convinced that there are still grey areas on which light must be shed. I am referring to various questions here: the compensation paid for war damages; what happened to Post Office savings accounts; and the need for a more detailed assessment of the ratio of appropriated to returned assets.

But I think we also need to be realistic. Even if no documents had been lost, if all extant archives had been available for consultation, it is almost impossible to imagine that what took place could be reconstructed in detail some 60 or so years later. I think it must be accepted that quite a number of aspects can never be clarified in full.

With the prudence of one who has chaired the Commission for over two years, and is fully aware of the difficulties encountered, I think I speak for all the Commissioners when I say that the work was carried out with considerable serenity, thanks partly to the absence of legal problems; that the task set by the government – the study of expropriations - was carried out with a dignity one does not always find in such public Commissions; and that the bases exist for the further pursuit of justice, for the achievement of whatever degree of historical ‘closure’ might be provided by material reparations.

The enquiry drew on the talents and resources of not only the Commissioners themselves, but also on the hard work of the dozen or so researchers whom the Prime Minister's Office made available to us (unfortunately for a limited time only). The Commission was also assisted by the Prefecture, the local Police Headquarters, the directors and officials of the State Archives – who dealt with the bulk of the documentary research – and by executives of banks, insurance companies and chambers of commerce, etc.

Now, I cannot close these introductory observations without making some proposals which arise from our own, often difficult but always highly motivated, work on this question. Over the two years of our enquiry various issues surfaced:

- there is a need for more information regarding certain specific problems. Our research ranged over a wide number of problems; now more in-depth investigation is essential. This became clear when, in drafting this Report, we found ourselves unable to fully address certain questions – for example, those relating to the restitution of assets. Each of the Commissioners contributed what information they had been able to acquire, but there was a general feeling that there are still undefined areas requiring closer study;

- in line with the task assigned to it, the Commission limited its work to a general investigation of the dispossessions rather than going into the merits and resolution of individual requests. On this question the Commission agreed that such evaluation should be carried out by the various bodies qualified in the different areas of interest, preferably by setting up an organisation responsible for hearing and evaluating such requests, then expediting their settlement;

- the Commission agreed that the historical events described in the Report need to be placed within the much wider context of twentieth-century history. I referred at the beginning to the law that instituted Holocaust Memorial Day. This excellent idea should, in my opinion, be supported by an on-going education programme concerning these historical events, able to foster genuine civic awareness. When worrying episodes of racism and anti-Semitism reappear, knowledge of documents and monuments recalling these acts of discrimination and extermination should be a fundamental part of future generations' education, nurturing a rational rather than emotional approach to these brutal episodes.

There are various means of putting these ideas into practice, as can be seen from those adopted by other European countries.

In France, for example, the “Mission Matteoli” - the ‘counterpart’ to our own commission – pointed out the shortcomings of postwar restitutions; as a result, the government set up a committee responsible for the payment of compensation to victims of the anti-Semitic laws. France also intends to set up a “National Holocaust Memorial Foundation”. This will be responsible for

spreading awareness of the persecution of the Jews and the violations of human rights committed during the Second World War. This foundation of community interest will be endowed with funds drawn upon the seized assets that it has not been possible to return. The State and several public and private institutions have already agreed to take part in these projects.

Germany has created a foundation (Remembrance, Responsibility and the Future) and set up a federal fund of 10 billion marks to compensate victims of forced labour and those reduced to slavery under the Nazi regime. German industry and the government will each contribute five billion marks. A “Remembrance and the Future” fund has been established within the foundation and the money earmarked for various purposes: cross-cultural projects; safeguards for the interests of the surviving victims of National Socialism; youth exchange programmes; promotion of social justice and awareness of the threat posed by totalitarian systems; international humanitarian cooperation.

I will avoid citing other examples, but I think it is important to give continuity to the Commission’s work, which ends with presentation of this Report.

Such continuity should take three basic forms: determination to resolve individual compensation claims regarding unreturned assets; dedication to research; and remembrance of a period that touched the Italian community so closely. History must be studied to provide future generations with an answer to the inevitable question: why and how could it have happened?

The presentation of this Report brings to an end the task with which the government entrusted the Commission on 1 December 1998. True, our work is partially incomplete; but it does offer answers to the questions posed. If the sort of continuity referred to above is maintained, there is no doubt that the knowledge gained, the analyses offered and the conclusions reached will prove of real significance. The Commission is, therefore, more than ready to work with the government in assessing the practical implementation the proposals it has put forward.

I would like to end with a final consideration. The material aspects of the seizure of Jewish assets and their subsequent restitution are certainly important, but they are not the central part of the problem. More than a question of money, seizure was part of a policy of persecution whose final aim was moral extinction followed by extermination. No historical reconstruction can do full justice to the anxiety, humiliation and misery to which men and women were subjected, day after day. The sufferings of any war leave a debt that must be paid. However, in our case that suffering was caused through the deliberate implementation of discriminatory laws and regulations that brutally isolated part of our population simply because of their birth.

This was an unprecedented event that must never happen again. And it will not happen again if each one of us refuses to condone any violation of the human rights which must be at the very heart of our society and its laws.

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