

The long road to ‘Docile Belgium’. The archives of Belgian authorities regarding the persecution of Jews

Ladies and gentlemen,

In this presentation I will follow two lines of approach. On the one hand I would like to focus on the Belgian archives concerning the persecution of the Jews, and I would also like to present the study made by the Centre for Historical Research and Documentation of War and Contemporary Society (the Ceges / Soma) concerning the responsibility of the Belgian authorities in the persecution of the Jews. This study was an official request by the Belgian government. It was also a result of the research carried out a few years earlier with regard to the spoliation of Jewish assets and the participation of the Antwerp authorities in the persecution of the Jews.

This focus implies that my presentation will mainly concern the archives of the Belgian authorities. However, I would like to start with a few explanatory remarks on some other archives related to the German occupying forces, their Belgian accomplices and the Jewish victims. My actual presentation will start with a short historiographic survey.

1. Some Belgian sources and archives in general

In general it can be said that, in spite of certain voids, the Belgian archives, complemented by the foreign archives, are very well documented on the subject of the persecution of the Jews. This is the case for all aspects of this persecution. Contrary to the Netherlands and occupied France, Belgium was governed by a *Militärverwaltung*, led by *Militärbefehlshaber* Alexander von Falkenhausen, who was also responsible for the North of France, Nord et Pas de Calais. The anti-Jewish decrees were issued by the *Militärverwaltung*. The actual deportation of the Jews was the work of the Sipo-SD. More than 90% of the Jewish community in Belgium lived in Antwerp, Brussels, Liège and Charleroi. And nearly 95% of the Jewish population did not have the Belgian nationality; they were seen as ‘foreigners’.

A. Archives of German authorities and Belgian collaborators

The *Tätigkeitsberichte* of the *Militärverwaltung* and the *Verordnungsblatt* are among others held at the Ceges / Soma. Here are also kept the documents related to the process of Alexander von Falkenhausen. In this trial, one of the charges was the persecution of the Jews. Soon these documents will be digitised by Ceges / Soma and present on the internet.

Concerning the Sipo-Sd, there are notably the files of the trials. In the trials against the Sipo-SD *Dienststelle* Brussels and the *Aussenstellen* Liège and Charleroi, special attention was given to the *Judenabteilung* (but that attention may not be overestimated). There was no group trial against the *Aussenstelle* Antwerp. In the trials against the individual Antwerp Sipo-SD-members, the focus was on their actions against the resistance fighters, not on the persecution of the Jews. There is however the important trial against the Antwerp Jew hunter Felix Lauterborn and five of his assistants who all worked closely together with the Antwerp Sipo-SD. Finally there is the trial against Constantin Canaris, who was for some time head of the Sipo-SD in Brussels.

All the files of the trials are part of the archives of the former *Auditorat Général* (Military Prosecutors' Office) and can be consulted in the Palace of Justice in Brussels. (As well as the 'documents Alexander von Falkenhausen', the documents related to the process of Constantin Canaris will be digitised by Ceges / Soma and present on the internet). For the study of the collaboration, the archives of the Military Prosecutors' Office are a crucial source. They contain tens of thousands of individual files. Even during the war, the Belgian government in London had decided to make the trials of collaborators the competence of the military courts. This was for reasons of efficiency, and also because of the negative experience of the long-lasting trials after the First World War, when several courts had the authority to conduct the post-war trials. After the Second World War, the Military Prosecutors' Office and thus the post-war trials were led by one man, the Military Prosecutor.

From the end of the 1970s, beginning of the 1980s, the archives of the Military Prosecutors' Office have gradually been opened for research purposes. Remained closed however were the files of persons who were not brought to trial and were thus never convicted and of persons who after their conviction and final release were rehabilitated. A few years ago, also these files were opened for research institutions such as the Ceges / Soma and for research in the context of doctoral theses.

The files contain primarily post-war documents, mostly interrogations of defendants and witnesses. At the same time they contain original documents from the Second World War, such as letters informing of Jews, copies of *procès-verbaux* and photographs. The photographs allow for instance to literally materialise the Jew hunters. Furthermore, the dossier of the anti-Jewish organisation *Volksverwering / La Défense du Peuple* (Defense of the People) contains among others photographs of the Antwerp ‘pogrom’ of Easter Monday, 14 April 1941, when some 200 to 400 collaborators, armed with sticks, destroyed dozens of windows of Jewish shops and set fire to two synagogues.

The Military Prosecutors’ Office also collected items of evidence. They concerned original documents from the Second World War which had to prove a person’s explicit collaboration but were not necessarily included in the final dossier. Most of the items of evidence were deposited at the Ceges / Soma. Here I have to mention the files concerning Pierre Beeckmans, member of *Volksverwering* and head of the *Anti-Joodsche Centrale / Centrale Anti-Juive* (Anti-Jewish Central), created by the Sipo-SD. (I have also to mention the Ceges / Soma-archives of collaborating organizations like the VNV and the DeVlag, both Flemish, and the Walloon Rex).

B. ‘Jewish archives’ and ‘registers of Jews’

I will not refer to Jewish archives in the rest of my presentation. I will just point out that the important archive of the *Vereeniging van Joden in België / Association des Juifs en Belgique* (Association of Jews in Belgium), founded in 1941 by the occupier, is kept in the Jewish Museum of Deportation and Resistance in Mechelen (see also items of evidence Pierre Beeckmans, as kept by Ceges / SOMA). It concerns minutes of meetings as well as contacts with German and Belgian official instances. The Jewish Museum for Deportation and Resistance is located in the former Dossin-barracks in Mechelen from where the Jews were deported to Auschwitz. It is in fact not just a museum but also a documentation centre. The documentation centre has the statutory mission to centralise and make accessible all information on the persecution of Jews and gipsies (Sinti and Romany) in Belgium and the North of France.

The Jewish Museum of Deportation and Resistance keeps original archives and documents, but also digitises the existing public and private

archives. Thus, the registers of Jewish persons of Antwerp and Belgium in general, belonging respectively to the Antwerp Jewish welfare organization *La Centrale / De Centrale* and the Brussels Jewish Social Welfare, were in general digitised. The registers were drawn up at the end of 1940 by the Belgian cities and municipalities, by order of the *Militärverwaltung*. Furthermore, the Jewish Museum possesses some 3,000 envelopes with relics of Jewish deportees, such as photographs, passports, membership cards, diploma's. These are documents that had to be handed over on arrival in the *Sammellager* (transit camp) in Mechelen. Must also be mentioned the numerous interviews with Jewish survivors and a collection of some 8,000 photographs.

A unique project of the Jewish Museum of Deportation and Resistance is entitled 'Give them a Face'. In 2004, an agreement was reached with the Department for Alien Affairs of the Belgian Ministry of Interior to digitise the personal files from the archives of the Alien Police. As I have already mentioned, nearly 95% of the Jewish population in Belgium did not have the Belgian nationality. Each of the alien files contained a photograph of the person involved. On the basis of these files, the Museum for Deportation and Resistance has succeeded to add an image to the name of 17,000 of the 25,000 Jews that were deported from Belgium.

More information about the Jewish population in Belgium and Jewish organisations can be obtained in the *Fondation Auschwitz – Mémoire d'Auschwitz / Auschwitz Stichting – Auschwitz in Gedachtenis. Studie- en Documentatiecentrum* / (the Mémoire d'Auschwitz. Study and Documentation Centre, established in 1980 in Brussels by the Belgian Association of Ex-political Prisoners of Auschwitz-Birkenau, Camps and Prisons of Silesia), the *Musée Juif de Belgique* (Jewish Museum of Belgium, established in Brussels ca. 1983), the *Fondation de la Mémoire Contemporaine / Stichting voor de Eigentijdse Herinnering* (established in Brussels in 1994), and the *Ceges / Soma*, and also in the Ministry of Justice (Brussels), that was competent for the Jewish cult. The Jewish Museum of Belgium possesses about 20.000 photographs and some 400 metres of archives, mostly about the history of the Jewish community in Belgium since the end of the 19th century. The Mémoire d'Auschwitz possesses 66 audio cassettes of interviews with Jewish survivors and about 250 audiovisual interviews. Interviews can, among other information, also be found in the *Fondation de la Mémoire Contemporaine*.

An important source for studying the history of the Jewish victims are the archives of the *Dienst voor de Oorlogsslachtoffers / Service des Victimes de la Guerre* (Department of War Victims) in Brussels, created immediately after the war as a department of the Ministry of Reconstruction. The department was initially created to trace missing, civilian war victims abroad, in the first place political prisoners, and to repatriate them. It was known as the *Commissariat Belge au Rapatriement (VBR)* (Belgian Commissioner's Office for Repatriation). In 1945, this was done by 400 Belgian Liaison Officers who were active in numerous countries. In the course of time, the archives on war victims became more and more important, and in these a lot of attention was given to Jewish victims. At the same time, the number of Belgian Liaison Officers and foreign missions of the Belgian Commissioner's Office for Repatriation were considerably diminished. In the meantime, the Ministry of Public Health had become responsible for the war victims. From 1955, it maintained only two Liaison Officers, whose tasks consisted mainly of administrative work and archival research. There are no longer Liaison Officers, but the department is still functioning.

In the Department of War Victims are kept among others the filing cards of all Jews registered by the *Sipo-SD*, more than 56,000 altogether.

2. A short historiography

Apart from a few witness accounts by Jewish persons immediately after the war, the historiography on the persecution of the Jews in Belgium took a late start in comparison with its neighbouring countries.¹ The Centre for Research and Studies on the History of the Second World War in Brussels, the present Ceges / Soma, was founded as late as 1969. The Belgian situation was characteristic in that the direct cause for the foundation of the Centre was a trial held in Austria against a Belgian war criminal. The former resistance movements found with dismay that there were no centralised sources on the subject of the Second World War in Belgium. Because of the late start of the Centre, the actual Ceges / Soma, the interwar period and the Second World War did not catch the attention of history students and related sciences before the 1970s.

It was not until the 1980's that the first detailed study on the persecution of the Jews in Belgium, the *magnum opus* in four parts by historian

¹ A historiographical survey in : L. SAERENS, *Vreemdelingen in een wereldstad...*, p. XXXI-XLV.

Maxime Steinberg, *L'Etoile et le Fusil* (The star and the rifle), Brussels, 1983-1986, was published. The title was symbolic. The star refers to the deportation of the Jews, the rifle refers to the Jewish resistance.

Also in the 1980s, a wealth of studies – mostly articles - had been published on the Jewish community and on anti-semitism in Belgium with the culmination of an international symposium held in Israel in 1989, 'The Holocaust in Belgium'. The symposium was a result of a cooperation between the Bar Ilan University and the actual Ceges / Soma.

From the 1980s onwards, more and more Jewish persons felt the need to bear witness to their war past. After years of silence, the trauma of the war seemed finally debatable in public. This was true also for historian Maxime Steinberg, who, as a Jewish child, had survived the war being hidden from the Germans. A remarkable feat at the end of the 1980s was also the interest shown by some children of Jewish persons who had been in hiding, and who had grown up after the war, to try to come to terms with the sufferings of the war. This interest became even more intense by the 1990s. All of this was fuelled by the stream of commemorations that were organised from the end of the 1980s onwards.

In the 1990s, the number of Jewish witnesses grew even more. Also in this period, a lot of studies were published focusing on the help of non-Jews to Jews, more especially of Catholics. A central theme was the help to Jewish children, not in the least because of the first international meeting of the 'Children in Hiding' in New York in May 1991. Following this event, the 'Belgian Association of Children in Hiding' was founded in October 1991.

In 1995, the already mentioned 'Jewish Museum for Deportation and Resistance' was established. I would like to add that at the present moment, the Flemish government is creating a 'Holocaust Museum' which will also be located in Mechelen. The ultimate goal is to extend the present 'Jewish Museum of Deportation and Resistance'. To this purpose, a building has been purchased opposite the Dossin-barracks.

A new milestone in the historiography of the persecution of the Jews in Belgium was July 1997. On request of the Jewish community, the Belgian government, a coalition of Catholics and socialists led by the Catholic prime minister Jean-Luc Dehaene, created the Study Commission that was to examine the fate of the assets of the members of the Jewish community of Belgium, spoliated or abandoned after the Second World War. The Study Commission was created in the wider

international context of the restitution of Jewish assets and was unanimously supported by all democratic parties.

3. The Study Commission into the Fate of the Belgian Jewish Community's Assets

In a first phase, the research project was entrusted to the Ceges / Soma, in particular the prospecting for archives. Subsequently, a research group was created, attached to the commission and led by Soma-researcher Rudi Van Doorslaer, the present director of the Ceges / Soma.

The research of the spoliation of the Jewish possessions in Belgium was completely innovative. Thus far, only one scientific article had been published on this matter, the result of a licentiate (Master) thesis in 1971. The politics of spoliation were the authority of the *Militärverwaltung*, more specifically of the *Gruppe XII* of the *Wirtschaftsabteilung* (department for economic affairs) of the *Militärverwaltung*, the group responsible for Jewish and foreign capital. To structuralise and manage the spoliation in the varied sectors, the *Militärverwaltung* founded, on 12 October 1940, a trust, the *Brüsseler Treuhandgesellschaft*. The final destination of the profit made by the sale of these assets and of the freezing of the savings and securities account was the spoliation bank *Société française de Banque et de Dépôts*, a subsidiary society of the *Société générale de France*. This French bank had come to the *Brüsseler Treuhandgesellschaft* as 'enemy' assets. Here, from early 1943, the Jewish funds were to be centralised step by step in the form of individualised accounts.

The research activities of the 'Study Commission into the Fate of the Belgian Jewish Community's Assets' were among others based on archives of the Ministry of Finance and the Ministry of Economic Affairs, archives of some 30 banks, archives of the *Ceges / Soma*, archives of the Department of War Victims, archives of the Antwerp *Diamantclub* and the *Archives Nationales* (National Archives) in Paris.

In the *Archives Nationales* in Paris, the archives of the *Gruppe XII* of the *Wirtschaftsabteilung* are held. In the archives of the Belgian Ministry of Finance, the Office of the Sequestration is essential. Here, the crucial files of the *Brüsseler Treuhandgesellschaft* are held. At the Ministry of Economic Affairs, the post-war files of the 'Department of Economic Recuperation' are of great importance. As far as banks are concerned, the

archives of the 'National Bank of Belgium' have been consulted, as well as the archives of the French *Société Générale* in Brussels, where documents are held concerning the *Société française de Banque et de Dépôts*. At the Antwerp *Diamantclub*, the archives of the Federation of Diamond Exchanges can be consulted. An important archive in the *Ceges / Soma* is the *Devisenschutzkommando*. At the 'Department of War Victims', archives can be found on the *Möbelaktion* and the diamond fraud. Some city archives also hold fascinating information. In the city archives of Antwerp there is a file concerning the administration of the Jewish assets during the war. The post-war criminal dossiers of the administrators of Jewish assets (*Verwalters*) can be found in the archives of the ex-*Auditorat Général* in the Palace of Justice in Brussels.

In July 2001, the report on the study of the spoliation of Jewish assets was presented. A year later, in July 2002, an agreement for restitution was reached between the banks, the insurance companies and the Belgian state on the one hand and the *Comité national de la Communauté juive pour la restitution* (CNCJBR) on the other.

In the meantime, two years after the creation of the study commission, I had concluded my doctoral thesis on the attitude of Antwerp towards the Jews in the period 1880-1944. In retrospect, compared to archives in the rest of the country, I was able to dispose of a wealth of archival sources.

4. The persecution of the Jews in Antwerp: a 'wealth' of sources

My research was essentially based on archives of the municipal police and the city administration. On the subject of the persecution of the Jews, the police archives of the city of Antwerp are the best kept and most complete archives in Belgium. I was the first to receive permission to consult the war archives. These archives also give a better understanding of the relations with the Royal Prosecutor, the judicial head of the police force. (The mayor is the administrative head of the police). Judicial archives, such as the archives of the Royal Prosecutor, in other words the Office of the Public Prosecutor, are essential to gain insight in the wartime collaboration of the Belgian authorities to the persecution of the Jews. The archives of the Office of the Public Prosecutor of Antwerp were transferred to the state archives in Beveren only in 2002 and made accessible for scientific research.

The conclusions I reached in my doctoral thesis were that the collaboration of the Antwerp authorities and police was even more extreme than historian Maxime Steinberg had described about twenty years before in his reference work *L'Etoile et le Fusil*. At least 65% of the Jewish population in Antwerp were deported, with only less than 40% in the rest of Belgium.

About 60 years after the events, our conclusions came as a real bombshell. Initially, they were anything but appreciated, especially in Antwerp circles. The son of the wartime mayor was at that moment alderman of the port of Antwerp and even threatened to take legal action. Even part of the Antwerp Jewish community chose the side of the clan around the wartime mayor. The reason for this was that after the war, the participation of the Antwerp authorities in the persecution of the Jews was quickly covered up and erased from the collective memory. The same conclusion was reached by the Commission on the Belgian responsibility for the persecution of the Jews.

5. The study on the Belgian responsibility for the persecution of the Jews

A. Previous history

In the course of the study concerning the spoliated Jewish assets, more and more voices were heard in the Jewish community proposing an in-depth study of the (possible) participation of the Belgian authorities in the persecution and the deportation of the Jews. References were also made to the study of Maxime Steinberg and to the study on the persecution of the Antwerp Jews. This appeal was mainly heard in Francophone Belgium. The national question is never far in Belgium. This can be explained by the fact that, for a long time in Francophone Belgium the war past, in particular the collaboration, was dealt with differently than in Dutch-speaking Belgium. In wide layers of the public opinion in Flanders, especially in Catholic circles, wartime collaboration in Flanders was soon represented as the work of Flemish idealists.

Especially the Francophone press and politicians supported the appeal for a study to be made on the possible participation of the Belgian authorities in the persecution of the Jews. In 2002, in the Chamber of Representatives as well as in the Senate, proposals of law were

introduced by French-speaking politicians. It was no coincidence that 2002 was the 60th anniversary of the first raids on the Jews in Belgium, in the summer of 1942.

On 15 August 2002, MP Olivier Maingain (*Mouvement Réformateur*, MR, president of the *Front des Francophones* (FDF)) introduced a proposal of law. He was supported by historian Maxime Steinberg. Maingain asked the creation of a parliamentary research commission to look into the possible administrative, judicial and political co-responsibility of the Belgian authorities for the persecution of the Jews. The creation of such a commission was not a unique event. Similar commissions had been created, such as the Rwanda commission in 1997 which had investigated the Belgian co-responsibility for the genocide on the Tutsis.

Should the parliamentary commission concerning the persecution of the Jews reach the conclusion that the Belgian official authorities were co-responsible, then Belgium must apologise to the Jewish people, dixit Maingain. He referred to the French president, Jacques Chirac, who had apologised to the Jewish community in France in 1995.

The liberal Belgian prime minister Verhofstadt was however reluctant. He referred to his speech of two years earlier in the Dossin-barracks in Mechelen. He insisted that he had, on 24 September 2000, the *Dag van de Joodse martelaar van België* (Day of the Jewish Martyr in Belgium), explicitly recognised the moral co-responsibility of the wartime state apparatus for the persecution of the Jews in Belgium. He received the support of the president of the Chamber of Representatives, a fellow party member, who referred to the imminent restitution of Jewish assets. From that point of view, new apologies were not needed. Some Francophone commentators subsequently played the ‘community’ card (Christian Laporte, *Une proposition de loi d’Olivier Maingain. La Belgique officielle, complice du Shoah?*, in *Le Soir*, 23 September 2002, p. 5 : *Mais du côté flamand, on n’y est guère favorable*).

On 3 October 2002, Alain Destexhe (PRL-MR) and Philippe Mahoux (PS) submitted a proposal of resolution to the Senate in favour of an independent study on the possible participation of the political, judicial or administrative authorities in the persecution and deportation of the Jews. Together with Verhofstadt, Destexhe and Mahoux had played a prominent role in the Rwanda commission. They explicitly asked to entrust the study to the Ceges / Soma, a scientific and federal institution.

This study would take up two years, after which a parliamentary research commission could be created if proved necessary.

Prime minister Verhofstadt seemed to have already reached a conclusion. A few days later, on 6 October 2002 in the Dossin-barracks, again on the *Dag van de Joodse Martelaar in België* (Day of the Jewish Martyr in Belgium), he pointed at the responsibility of the Belgian authorities for the deportation. This time, he made an emphatic and explicit statement: *“une partie de l’administration a ‘sombéré dans la collaboration’ et il faut avoir ‘le courage de le dire et de l’assumer”* (part of the administration has collaborated with the German occupier and we need the courage to acknowledge this and to take the responsibility for it). He however also underlined the help given to the Jews by a large part of the Belgian population.

The proposal for resolution Destexhe-Mahou could count on a wide consensus, on the Francophone as on the Dutch-speaking side. The parties of the majority [liberals, socialists and greens (ecologists)], but also the Christian democratic opposition parties marked their support. In the discussion in the Senate on 23 January 2003 prime minister Verhofstadt also gave the support of the government. On 13 February, the resolution was carried. The government decided to effectively entrust the study to the Ceges / Soma.

As was the case for the Commission concerning the spoliation of Jewish assets, a special law was voted on 8 May 2003 to give the Ceges/Soma the legal means to consult a number of official archives, such as the archives of ministries, municipalities, provinces, police and judicial authorities. Article two stipulated: ‘Irrespective of any other decree, the Ceges / Soma can obtain, from all official authorities or from private institutions, all information and documents that are useful for the execution, within two years, of a scientific study on the possible participation of the Belgian authorities in the identification, the persecution and the deportation of the Jews in Belgium during the Second World War’.

Due to budgetary problems, the Ceges / Soma could start the research only on 1 September 2004. A budget of 300,000 euros was made available for the recruitment of four researchers (Michaël Amara, Frank Seberechts, Emmanuel Debruyne and Nico Wouters, directed by Rudi Van Doorslaer). Compared to similar research projects in other countries, this involved a small team of researchers.

On the request of the Ceges / Soma, the field of research was widened to cover the period before and after the Second World War. It is important to underline that the Ceges / Soma research is not primarily a research on the Jewish question, but a study that must be placed in the global context of the attitude of national authorities towards the occupying forces. In this respect, the Belgian authorities did not consider the Jewish question a question that needed special attention. It was simply part of the global policy. Basically, this concerns the functioning of administrations in times of crisis, in other words about governing in times of war. From an administrative logic, a certain cooperation with the occupier was inevitable. This cooperation came to be called the 'politics of the lesser evil'. At the same time the international The Hague Convention of 1907 made a cooperation with the occupying forces a legal obligation.

There can be no doubt that the administrations in the occupied countries in Western Europe enjoyed a certain manoeuvring space which was respected by the Germans. They could among others appeal to the The Hague Convention. Furthermore, the *Militärbefehlshaber* Alexander von Falkenhausen issued a decree in July 1941 with regard to the cooperation of the Belgian police forces in the event of arrests. In principle, the Belgian police forces were forced to cooperate, but at the same time von Falkenhausen accepted the moral objections involved in the case of certain arrests.

A general approach consisted of the three traditional powers: the legislative, the executive and the judicial power. For the study of the occupation period, the focus was on the Secretaries-General, the subordinate authorities and the judicial authorities. The role of the Royal family was also examined. After the escape of the Belgian government to London, the Secretaries-General were the highest authority in the occupied country. It was with them that the German *Militärverwaltung* negotiated on questions of government. Subordinate authorities are the provinces, the districts, the cities and the municipalities. Key cities were Antwerp, Brussels, Liège, Charleroi and Ghent where (in that order) most of the Jewish population lived. The judicial authorities concerned the judicial police, the offices of the public prosecutor and the courts.

Completely new in the study was the part on the post-war period, which shed light on the post-war trials concerning the persecution of the Jews. Crucial for this were the archives of the Military Prosecutors' Office and the files on the administrative purges, kept in the archives of the Ministry of the Interior.

The project was thus an ambitious one, and the outcome depended a great deal on the locating of the right archives. How did the Ceges / Soma team proceed with the prospecting of archives and what was the condition of these archives?

B. Source material: prospecting and evaluation

Prospecting was necessary in order to obtain a general idea of the available archive material for the study. To this purpose, contact was made with a large number of public and private archives. A start was made on 24 September 2004, based on the assignment of tasks pro research item. This resulted in a global overview of the available, relevant archives which then allowed to make definite contacts with the responsible persons of the archives and with the responsible authorities who issue the permission to consult the archives.

The general evaluation with regard to the access to the archives was certainly positive. Article two of the Law of 8 May 2003 does not allow any institution to appeal to the privacy laws in order to refuse access. Nevertheless, research was obstructed to some degree by the administrative inertia of certain public institutions that are not accustomed to manage archives and even less to make them accessible for research purposes. For instance, it took four months before the contacts with the Federal Police to obtain permission to consult the archives of the former *Gendarmerie* (Military Police) had any result.

Research in the Ministries of Foreign Affairs and of Justice, in the Centre for Historical Documentation of the Army, the Katholiek Documentatie- en Onderzoekscentrum (Catholic Documentation- and Research Centre, KADOC in Leuven), the Archief en Museum van het Vlaamse Cultuurleven (Archive and Museum of Flemish Cultural Life, AMVC in Antwerp), the Belgian Red Cross, the Department of War Victims, the Flemish provincial authorities, the State Archive in Brussels, the State Archives in the provinces, the archives of the Royal Palace in Brussels and the Military Prosecutor's Office proved very useful and without problems.

I will now only talk about some of these archives. In the State Archives, archives are kept concerning the Secretaries-General of Finance, Education, Domestic Affairs and Economic Affairs. Furthermore, one can consult the archives of the cabinet of the prime minister in London. The

minutes of the meetings of the Secretaries-General are among others kept at the Ceges / Soma. All these archives are very important to form an idea about the participation of the Belgian authorities in the execution of the anti-Jewish measures.

The archives of the former Military Prosecutor's Office, kept in the Palace of Justice in Brussels, were as always essential.

What were the conclusions of the Ceges / Soma team regarding the Belgian archives? Through the intense and extensive archival prospecting, the researched were presented with a relatively poor image of the situation of the contemporary archives in Belgium. It was the opinion of the researchers that they must give very clear information about this in view of the consequences on the final result of the study. As I said, the research team had only two years to finish the report.

- State archives

The State Archives granted admission to the archives of essential institutions. While some archives, such as the archives of the Aliens Police, the archives of the Secretaries-General of Finance (Oscar Plisnier) or the Secretaries-General of Education (Marcel Nyns) had been fully inventorised, there were unfortunately no research tools at all for other crucial funds, such as the archives of the Ministries of Domestic Affairs, Public Education and Culture, Finances and Economic Affairs, the archives of the Diamond Board, the Textile and the Leather Federation. The lack of inventories was a problem that caused important delays in the research.

- Archives of the Office of the Public Prosecutor

The situation with regard to archives of the Office of the Public Prosecutor is often alarming. There is a distinction between the southern part (Brussels and Wallonia) and the northern part (Flanders) of the country. The archives of the Flemish cities Antwerp, Mechelen, Leuven and Gent are mostly open for research purposes. And the professional help of the personnel of the State Archives Beveren-Waas allowed a simple consultation of the most important documents. This situation, where dead archives are transferred to the authorised archivists, contrasts

greatly with the disastrous situation with regard to the public prosecutor's offices of Brussels and Wallonia. In Liège and Charleroi, the transfer of archives from the period 1930-1950 to the State Archives took place only recently. The absence of inventories made the task of the archivists, faced with a chronic shortage of staff, even more difficult. The researchers could only make some random searches in dozens of cubic metres of documents of which inventorisation is not a priority.

The archives of office of the Brussels public prosecutor general and of the office of the Brussels prosecutor have been partially saved for the period up to the beginning of the 1930s. There is (almost) nothing with regard to the following decades. To explain these lapses in the archive collections, reference is always made to the fire in the Palace of Justice in 1944. Yet, this fire destroyed only part of the archives of the Brussels public prosecutor's office. Moreover, an important part of the war correspondence from 1945 onwards of the Procurator-General of Brussels has been reconstituted through the other public prosecutor's offices in the districts. There is no doubt that the destruction of the judicial war archives of Brussels took place mostly after 1944.

The most dramatic losses seem to have occurred at the Central Commissioner's Office of the judicial police of Brussels. From end 1946, the local brigades of the judicial police were in charge of thousands of *procès-verbaux* (reports) of the State Security and part of the documents that had been seized in the after-war period during judicial investigations. This unique collection of documents that have a great historic value has apparently gradually 'disappeared' in a series of operations of removals and destruction, caused by a lack of space in the cellars of the Brussels Palace of Justice.

- Archives of the local police and gendarmerie

As to the local police and the military police (*gendarmerie*) archives have been saved only in rare cases. Fortunately there are two important exceptions : the archives of the two main cities Antwerp and Brussels. In the Walloon province Hainaut, the archives of the central commissioner's office of Greater-Charlerloi were burnt at the end of the 1970s. In several communes of the Brussels agglomeration, important archives have been destroyed during recent repair works at the city halls. In Nivelles, also in the Walloon province Hainaut, part of the war archives of the police could be saved only after the forceful intervention of the newly appointed

archivist. In Saint-Gilles, a neighbouring municipality of Brussels, part of the war archives are probably in the attic of the city hall, but the repair works that will take place there soon leave us in little doubt that also these documents may soon disappear for ever.

The safekeeping of police archives has clearly been negatively affected by the recent police reforms and by the removal activities that this involved in local gendarmerie brigades and with the judicial police. The policy of the former director of the Centre for the History of the Gendarmerie has made it possible to save a few rare and dispersed documents. This could however not save the largest and most important part of the archives from destruction.

- Provincial archives

Where the provincial archives are concerned the researchers have found that a good preservation policy prevailed in the Flemish provinces Antwerp (archives kept in the City of Antwerp), West Flanders (Brugge), East Flanders (Gent) and Limburg (Hasselt). This contrasts strongly with the situation in the Walloon provincial archives.

- Communal archives

Also with respect to the communal archives, important differences could be ascertained. In the Flemish cities Mechelen and Hasselt, the Walloon Charleroi and the majority of the communes of the Brussels agglomeration (with the fortunate exception of the City of Brussels), there had not been an adequate and systematic inventorisation policy in the past. Also, a lot of archives have been destroyed, which has proved particularly dramatic for the research on the period 1930-1950.

For the study on the attitude of the Belgian authorities in the persecution of the Jews, the competent policies pursued in the archives of the two large central cities with the largest Jewish population, Antwerp and Brussels, has proved to be of exceptional importance.

- Foreign archives

Finally, the consultation of foreign archives has proved to be very helpful. Especially the National Archives (the former Public Records Office) in London, the archives of the Ministry of Foreign Affairs in Paris and of the International Committee of the Red Cross in Geneva were of the utmost importance. Consultation of the files of several United States archives have also led to interesting results.

C. The intermediary report

A year later, on 19 October 2005, the Ceges / Soma has presented an intermediary report. Two months later it was discussed in the Senate. In the intermediary report, five case studies were analysed by way of examples. The absence of a 'global context' was no coincidence. This global context would appear in the final report.

In the intermediary report, attention was first of all given to the arrest of the German Jews by the Belgian authorities in May 1940. These arrests took place shortly after the German invasion. Most of the arrested persons were considered suspects and were deported to the South of France, together with German spies, fascists and communists and locked up in camps. After the French capitulation in June 1940, they were allowed to return to Belgium, with the exception of the Jewish 'suspects'. They were kept in the French camps. The majority of them were eventually deported to Auschwitz, via Drancy.

A second part of the intermediary report was the exclusion of the Jewish civil servants from the Belgian administration. This measure was indeed executed by order of the German occupier, but several administrations cooperated only too readily. The case of Antwerp plays a central role in the intermediary report. First of all, there was the deportation of the Antwerp Jews to the province of Limburg at the end of 1940, beginning of 1941. There was subsequently the collaboration of the Antwerp police force in rounding up the Jews in the summer of 1942, and the post-war investigation on this matter. This confirms my own conclusions. My study became as it were 'officialised', after which it was no longer questioned, remarkably so this was also the case in the Antwerp media. Very important in the intermediary report is the disclosure of the existence of a much more extensive investigation after the war on the participation of the Antwerp authorities and police force in the persecution of the Jews. This investigation was however dismissed. The

case was considered too ‘delicate’ by the judicial authorities. In Antwerp, all the official instances had been involved and the war mayor, against whom an inquiry was started, was very popular among the population of Antwerp. The judicial authorities did not want too open Pandora’s box.

The intermediary report received quite a lot of media attention, especially from the Francophone side. The importance of the study was not questioned. A lot of attention was also given to the conclusions of this intermediary report about the deplorable condition of a lot of official archives in Belgium, concerning the conservation as well as the accessibility or inventorisation. The report stated that this situation had grown “during many decennia of neglect, unworthy of a modern democratic constitutional state”. This resulted in newspaper headlines such as “*Le massacre de la mémoire*” (“the slaughter of public memory”).

A positive result of this appeal was that a number of politicians, at least momentarily, became conscious of the necessity of a policy with regard to public archives. On the other hand, some politicians came to the perhaps hasty conclusion that it was not possible to carry out a balanced study on the persecution of the Jews. As is often the case in Belgium, the ‘community card’ was drawn. In Dutch-speaking Flanders, the archives were much better kept than in bilingual Brussels and French-speaking Wallonia. This led some Flemish politicians to make statements such as: “There is a risk that this would be a study on the attitude of the Flemish magistrates, since, for lack of source material, nothing can be said about the others”. It must however be said that when the final report was published, these critical remarks ceased.

Professional historians know that it is not necessary to dispose of all the archival sources in order to reach an objective conclusion. Moreover, secondary sources can sometimes point to certain tendencies. Thus, there are no traces in the ‘resistance press’ in Brussels, Liège and Charleroi that indicate a participation of the local police force of Brussels, Liège or Charleroi in the raids on the Jews. Witness accounts made in the aftermath of the war, as drawn up by the Military Prosecutors’ Office, do not give such indications either. Nor do post-war memoirs. For the casus Antwerp, such indications are however present, as well in the resistance press, as in post-war witness accounts and memoirs.

D. The Final Report

On 13 February 2007, the final report was presented to the Senate. It ran to no less than 1,500 pages and the title was explicit: “Docile Belgium. The Belgian Authorities and the persecution of the Jews in Belgium during the Second World War”. At the same time, the report stated very clearly:

“Those who had hoped to find here a list of Belgian traitors who have thus far escaped the judgment of history will be disappointed. This study does not wish to judge the persons who worked for these official institutions. A historian is not a judge. He does not merely wish to establish a crime but will attempt to describe all the facts. Subsequently, he will mainly try to explain and contextualise these facts.

What then is *Willing Belgium* about? Essentially, this study on the attitude of the authorities with respect to the Jewish tragedy during the Second World War probes the soul of the Belgian society in the key period 1930-1950. This was pre-eminently a period when liberal democracy as a system was being questioned by a majority of the elite. The relation between this central idea and the attitude towards the Jewish migrant population, especially during the period of radical racial persecution by the foreign occupier, is interwoven like a *basso continuo* throughout the 1,500 pages of this text.

The final report is the result of an official mission, but in no way is it the official history on the possible responsibility of the Belgian authorities in the persecution and deportation of the Jews. The personal approach of each historian is clearly apparent in these texts, but this has not prevented this final report to be greatly influenced by ongoing discussions about essential parts of it, between the authors as well as with the other researchers at the Ceges / Soma. It should therefore also be regarded as a collective scientific project”.

E. Conclusions of the final report

The study on the possible participation of the Belgian authorities to the identification, the persecution and deportation of the Jews in Belgium during the Second World War has not just resulted in a systematic research concerning the administrative cooperation with the occupier but also in a broad analysis of some political and cultural characteristics of the Belgian society in the period from 1930 to 1950. It would appear that this study of the Jewish problem has been very elucidating, sometimes

even revealing with regard to these fundamental underlying social evolutions. Already in *L'An 40. La Belgique occupée* (Brussels, 1971), José Gotovitch and Jules Gérard-Libois underlined to what extent the war had brought these social and political phenomena to the surface. Phenomena that are equally determining factors in a society in peacetime, but remain hidden because of the complex ensemble of actors in a democracy. Thus, war reveals the soul of a society. This is what we have ascertained too as a result of this focus on the 'Jewish question'.

Authorities function always in a well determined context. This is also the case for the persons that work in these government services or are part of the judicial system. They work in a legal frame and in a work ethic. The freedom to act, or more specifically the individual manoeuvring space of these persons is limited. This is the case not only for the ordinary civil servant, but also for the leading civil servants and magistrates. This was not different during the war. Yet, it can be ascertained that during the occupation there remained a possibility for a certain amount of personal intervention. This was so for two reasons. First, the Belgian politicians had neglected to establish a clear legal framework for the authorities left behind in Belgium as to how they should lead the administrative apparatus. Second, the power of the occupier proved to be anything but absolute. The mutual dependence of occupying and local administrations was a logic result of the "controlling" administration that the German military administration had introduced in Belgium. The possibility not to carry out certain tasks or not to execute certain requests remained. This was provided by law and equally recognised by the occupier in their agreement with the secretaries general. This manoeuvring space made it however necessary that at crucial moments choices had to be made. Here and there, a certain unwillingness and delaying manoeuvres could be observed among the ordinary civil servants. Among the leading civil servants and the magistrates, the 'Jewish question' was anything but a central issue during the occupation, but sometimes, on crucial moments, they were forced to take a standpoint. Nearly always did they do so in concertation with choices they had made on other issues that fell under their responsibilities. It is precisely on these choices that the conclusion of the report discusses.

Three events can be defined as key moments.

- *The first key moment*

The first key moment was in October/November 1940. It concerned the decision of the central Belgian government and the top of the judicial power to obey the instructions of the occupier to have the Jewish populations registered by the local authorities. It was their opinion that what was at stake, a flagrant breach of the Belgian constitution, was not important enough to end the cooperation with the occupier. This collaboration was indeed imposed by law, without giving them any specific instructions as to how to deal with the power that was given to them. In this context, the maximal interpretation of the cooperation with the occupier (based on the text of the international Convention of The Hague), which made it possible to execute German decrees that had no legal foundation in Belgian law and that did not serve any interest of the Belgian population, had been a choice. This choice was undoubtedly influenced by the belief in a German victory and by the deep crisis of liberal democracy in the late 1930s. Even considering the obscure judicial context in which the administrative civil servants found themselves, these ideological motives have determined the choices that were made.

The negation of the Belgian constitution end 1940 was considered less dramatic than to take the defense of the Jewish population that consisted for nearly 95% of foreigners. The exclusively “national” interpretation of the security policies at the eve of the Second World War, making Jewish refugees from the Third Reich the victims, must be seen along the same lines.

Every element seems to indicate that a widespread anti-alien attitude, mostly linked with latent anti-Semitic feelings, was all but unusual with an important part of the Belgian establishment and especially in rightwing catholic and (Belgian as well as Flemish) nationalist circles. At the end of the 1930s and the beginning of the Second World War these circles were clearly influential. Their aim was to steer the country towards a more authoritarian antidemocratic position and were supported in this by the King.

- The second key moment

The second key moment situates itself in the summer of 1942, when the extermination of the Jews was on the agenda of the Nazi-police. The general policy of maximal administrative cooperation was then revised in the two cities with the largest Jewish population, Brussels and Antwerp. In Brussels, the local authorities refused to hand out the Star of David

and to put their police force at the disposal of the German authorities to carry out a raid. They appealed to humanitarian motives to motivate their refusal. It must however be underlined that until then they had meticulously pursued the policy of maximal collaboration. This refusal must also be seen in the light of the evolution of the chances of victory on the battlefield and of the imminent replacement of the Brussels administrators by New Order adepts. In fact, the patriotic reflex in Brussels, which had been suppressed for pragmatic reasons since the beginning of the occupation, was reactivated.

At the same time, in Antwerp, a unique event in the Belgian history of occupation took place. The local police arrested autonomously 1,243 Jews in the city centre and handed them over to the German authorities. Even when afterwards the consequences were obvious, the silence was absolute, from the part of the burgomaster as well as from the public prosecutor. The motive that was given was that the Antwerp authorities, known to have had New Order sympathies, did not wish to jeopardise their cooperation with the German occupier.

The real reduction of the maximal administrative cooperation did not occur till the autumn of 1942 when the occupier introduced its policy of forced labour of Belgian, non Jewish citizens in Germany. From then on, the Belgian administrations could only cooperate with German policies when there was a clear legal foundation in the Belgian law. The fortunes of war had been upturned and the administrative authorities felt it was time to change course and to cover themselves against the postwar settlement of scores.

It must be stressed that the Belgian government in London had, at no time during the war years, given directions that the local policies needed adjusting or that the attitude of the leading civil servants and magistrates was unlawful and discreditable from a democratic point of view.

- The third key moment

The final key moment was end 1945, when the democratic society was put in place again after the liberation. At that time, the military justice came to the conclusion that the investigation into the collaboration to the raids on the Jews in Antwerp was far too “delicate”. As a result of this, every responsibility of the Belgian authorities in the persecution and deportation of the Jews was rejected. The political, administrative and

judicial elite did not wish to bear the responsibility of the consequences of its lack of trust in democracy. This would have been the only option had it acknowledged its responsibility with regard to the Jewish catastrophe.

The responsibility for the Judeocide rests in first instance with the leaders of the National Socialist regime in Germany and with those who had chosen, also in Belgium, to collaborate with this regime. Even though in the final report the main focus was on the attitude of the authorities, this fundamental historical fact cannot be ignored.

The text of almost 1,500 pages on which the final conclusion is based allows however to indicate, with the necessary authority, mechanisms and political-ideological components that explain why the Belgian authorities have participated to the anti-Jewish policies during the German occupation.

The lack of judicial and administrative preparation for a second occupation period, but also the xenophobe, sometimes anti-Semitic culture of the leading elite and more generally the democratic deficit in the 1930s and 1940s can be considered as determining factors. The result of this was that the Belgian authorities have adapted a willing attitude by cooperating, in a manner unworthy of a democracy, on very diverse and crucial terrains, to a policy which has proved to be disastrous for the Jewish (foreign) population.

F. Perception of the final report

The final report received a lot of media attention, as was the case for the intermediary report. Even though Dutch-speaking as well as French-speaking newspapers published articles on the subject, it was again the French-speaking press that treated it in most detail. German, French and English newspapers also commented on the report. The reactions were positive in all Belgian newspapers. Jewish organisations praised the Belgian state for the “courage” it had shown in requesting that a study should be undertaken. There were also suggestions to make the results of the study known among young people, for instance by including them in the official school books. Several newspapers praised the independent method of working that had been maintained to carry out the project. Finally, an unequivocal report had been published. This opinion prevailed primarily in the Francophone press. Thus, the quality paper *Le Soir*

wrote: “*On attend un rapport consensuel (...), on découvre un document à haute valeur historique, très étayé, et d’une sévérité peu courante contre la ‘Belgique docile’ entre 1930 et 1950*” (“A consensual report is expected, but we find a well-founded document that is of great historical value, displaying an unusual severity against ‘Docile Belgium’ between 1930 and 1950”).

As a new Belgian government has not yet been formed since the elections of June 2007, there has not yet been a discussion on the report in the Senate. The mission of the Ceges / Soma was to make a scientific study. To draw political conclusions from it is not the task of the historians.

Lieven Saerens, Prague, 3 December 2007