

The Return of Jews in the nationality or in the territory of France

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On the eve of World War II, approximately 330,000 Jews were living in France. Serge Klarsfeld evaluates that between 190,000 and 200,000 of them were French, of whom approximately 55,000 were naturalized citizens. The remaining 140,000 Jews were foreigners.¹ In his testimony before the Vichy Court of Riom, the antisemitic immigration expert Georges Mauco also assessed the number of Jews in France to be 330,000. However, he included the naturalized citizens among the foreigners, thus labeling only 140,000 Jews as French and the remaining 200,000 as foreigners. These “foreigners” included: 70,000 Jews from Poland among a total of 515,000 Poles living in France; 40,000 German and Austrian Jews among 54,000; 18,000 Russian Jews among 71,000; 10,000 Rumanian, 7,000 Hungarian and 3,000 Bulgarian Jews among 57,000 persons of Balkan origin; 5,000 Czechoslovakian Jews among 51,000; 20 to 25,000 of diverse origins; and 12,000 stateless persons.²

Very soon after the defeat of France in June 1940, thousands of those French and foreign Jews alike attempted, sometimes successfully, to flee to countries such as England or America via Spain and Portugal, or even in the direction of Palestine. Following the armistice with Germany, the French Vichy regime took control over France’s “non-occupied” zone while the Nazis ruled over the occupied zone. Some Jewish French soldiers were taken with their compatriots to captivity in Germany. Also beginning in 1940, German refugees in France were handed over to the Nazis. Later, tens of thousands of foreign and

1 Serge Klarsfeld, *Vichy-Auschwitz. Le rôle de Vichy dans la solution finale de la question juive*, Paris, 1983, Vol. I, p. 20.

2 Archives nationales, cote 2W/66. On Mauco and its activities from 1938 to 1946, see Patrick Weil, “Georges Mauco: un itinéraire camouflé, ethnoracisme pratique et antisémitisme fielleux,” in: Pierre André Taguieff (ed.), *L’antisémitisme de plume 1940-1944, études et documents*, Paris, 1999, pp. 267-76.

French Jews alike were deported to either Germany or Poland; most of them were exterminated. According to Serge Klarsfeld, 75,721 Jews were deported from France, of whom roughly 50,000 were foreigners, and only 2,560 survivors returned after the war.³ Yet, the majority of Jews remained in France, many of them surviving in hiding. At the same time, as a result of the implementation of the Vichy laws of 22 and 23 July 1940, 15,154 French were denaturalized and 446 deprived of their French nationality; among them many were Jews. Meanwhile, in Algeria, the Vichy regime's abrogation of the Crémieux Decree on 7 October 1940 reduced all Jews to their pre-emancipatory nineteenth century status of subjects and not citizens.

This article is limited to the legal aspects of the "return" of Jews to France following these events – either as French citizens or legal foreign residents in French territory. This study addresses a period that starts in 1943 in Algiers. The Jewish individuals in question faced drastically diverse and complex situations – as emigrant refugees in the free world, traumatized Holocaust survivors or prisoners in Germany, or clandestine persons hidden in France. Before the war, they were either foreigners living legally or illegally in France, or they were French citizens. Many of those who were citizens were deprived of their nationality for having escaped from France, denaturalized of their recently acquired citizenship by the Vichy regime, or, if they were from Algeria, reduced to the status of subject without citizenship.

The "Regularization" of the Status of Foreign Jews in France

On 18 October 1944, a few weeks after the installation – on 9 September 1944 – of General de Gaulle's provisional government in Paris, the Minister of Internal Affairs Adrien Tixier⁴ ordered the

3 Serge Klarsfeld, *Vichy-Auschwitz. Le rôle de Vichy dans la solution finale de la question juive*, Paris, 1985, Vol. II, p. 393.

4 A socialist, Adrien Tixier was Director of the International Labor Office before World War II. He joined the Free French in 1940 and was their official representative in Washington between 1941 and 1943. National Commissioner, then Minister of Labor and Social Protection in the *gouvernement provisoire de la République française* (7 June 1943 to 9 September 1944). Was Minister of Interior (9 September 1944 to 26 January 1946).

preparation of a set of decisions that would redefine the situation of foreigners in France.⁵ As a result of his directives, the National Security Department proposed the legalization of all illegal foreigners, and the suppression of “a particular and rigid regulation” that reduced “foreigners’ possibility of assimilation.”⁶

On 21 December 1944, Tixier sent an administrative memorandum to all Prefects that reestablished the pre-war protective status of foreign refugees. For those of “enemy” nationality, Tixier guaranteed legal status to those who had been members of the Resistance, while ordering that those who collaborated with the enemy face punishment: “a regulation that would discriminate on the sole basis of the nationality of foreigners would miss this goal.”⁷ With regard to citizens of enemy nations (principally Germany and Italy), in view of “the persecutions suffered by a great number of people among us, for either political or racial reasons, and given their particular attitudes towards France and the resistance, a measure of confinement would constitute, in many cases, an unjust and useless coercion.” Therefore, the Minister directed that the only “enemy nationals” to be imprisoned would be those whose past or present attitudes were deemed a threat to public order. The others, with the exception of those who had participated in the Resistance, were assigned a residency and subject to weekly checks.⁸

This first memorandum of 21 December 1944 was followed by one of far greater importance a few weeks later. On 3 February 1945,⁹ Adrien Tixier ordered that a census be conducted between 1 March and 15 April 1945 in order to verify the identities and nationalities of all foreigners then living in France. Above all, he decided to legalize all foreigners present in France, stating: “those among them who were forced to live hidden during the occupation years deserve to be regularized.” The Minister ordered the Prefects to “organize the process of regularization in a spirit of sympathy.” Moreover, the census would

5 Archives nationales, MI 34375.

6 Note of M. Pelabon for the Minister of Interior, 21 December 1944, Archives nationales, F7 16102.

7 Memorandum of 21 December 1944, Archives nationales, F7 16102.

8 Ibid.

9 AD Somme, 19W40. A special thanks to Alexis Spire who furnished me the text of this memorandum.

be useful because it would provide the necessary information to allow a general revision of the situation of foreigners residing in France:

The nature and length of many permits does not correspond to the nature of the real jobs. Many foreigners had remained under the threat of an old expulsion's decision – often lacking justification – and under a regime of temporary permits. Public interest requires to put an end to such situations that maintain these foreigners at the margin of legality and thus opposes their integration into our economy or the French community.

At the same time, Tixier insisted that Prefects “detect suspicious and undesirable elements who could profit from the circumstances to live secretly under false aliases” and to deal harshly with “these undesirable and inassimilable elements whose expulsion out of the French territory should be implemented as soon as the situation will permit it.”

Jewish foreign refugees living in France were therefore awarded a stable status of foreign resident, a status not all of them had enjoyed before World War II. The legalization of foreigners was organized in a fairly way even if the attempt to exclude the “undesirables” led to some difficulties. This open approach was not only directed at foreigners living in France but towards everyone who had been deported from France during the war. Thus, by a simple declaration, any deportee was granted the right of return.¹⁰ For example, the repatriation from Italy to France of Jewish refugees of various national origins did not pose any problems. In a letter sent on 8 October 1944, Maurice Couve de Murville, the French Delegate to the Consultative Council on Italian affairs, informed the Minister of Foreign Affairs, Georges Bidault, that approximately seven hundred refugees were seeking legal entry into France from central and southern Italy.¹¹ A week earlier, among the 402 already registered candidates, Couve de Murville had counted 68 French adults and 176 French children, while the remaining 158 were foreigners (Italians, Jews of diverse origins, fathers of French children):

...many of [whom] left France to escape deportation – this is almost always the case for the Jews. However, there are numerous Italians whose links with France are more or less strong and who returned to Italy for purely personal reasons;

10 Cf. Annette Wieviorka, *Déportation et Génocide, Entre la mémoire et l'oubli*, Paris, 1992, Ch. 1 and 2.

11 Archives nationales, F 60 395.

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they are now trying to present themselves as authentic refugees in order to claim repatriation.¹²

In anticipation of the liberation of northern Italy, which will increase “considerably the number of people to repatriate”¹³ he proposed the recruitment of new officers to conduct a strict examination and selection of foreigners who would be authorized to re-enter.

In the case of foreigners who had never lived in France before the Holocaust, a process of sorting was used that would always include the Jews among the “true refugees,” but at the same time would try to exclude undesirable elements. From May 1945 until March 1946, approximately three thousand displaced persons were admitted to France. However, it was not long before the issue of maintaining this liberal approach towards refugees was called into question.¹⁴

By March 1945, the High Consultative Committee on Population and Family created by de Gaulle began preparing a new immigration law.¹⁵ In fact, the reestablishment of a refugee’s protective status was immediately opposed by Georges Mauco, the Secretary General of the committee:

During the inter-war period, the imposed immigration of refugees of all origins brought into France Russians, Armenians, Assyrians and Jews whose adaptation and assimilation were particularly difficult. Contrary to the voluntary immigration of workers, the forced immigration of refugees attracts persons often diminished psychologically and physically by distress or persecution. Furthermore, the majority of refugees are unable to access the productive workforce. They settle in overpopulated urban areas and occupations, creating the problem of competition with natives and of foreign influence at the nerve center of the country.¹⁶

In the ordinance draft that he submitted, Mauco advocated an immigration policy that would severely restrict the right of entry into France of refugees he referred to as “fugitives.”¹⁷ The High Committee

12 Ibid.

13 Ibid.

14 Archives nationales, Note on ONI. CAC 19770623 art. 144. This information was given by Alexis Spire.

15 Patrick Weil, “Racisme et discrimination dans la politique française de l’immigration: 1938-1945 / 1974-1995,” *Vingtième Siècle*, 47 (1995), pp. 77-102.

16 Archives nationales, CAC 860 269/0007.

17 Archives nationales, Cote F60/ 493.

approved his proposal that entry into France should be granted to immigrants seeking refuge and to stateless persons subject to the joint authorization of the Ministries of Interior and of Labor. However, the committee rejected Mauco's proposal to detain refugees in camps until their request to enter France was approved and they were allocated a job by the Ministry of Labor. Rather, the camps of forced labor would be created for undesirable refugees, fugitives and stateless persons "unable to leave France." In these camps, they would join other foreigners awaiting expulsion.¹⁸

Both Alexandre Parodi, the Minister of Labor¹⁹ and Pierre Tissier,²⁰ the Chief of Staff for Interior Minister Adrien, vehemently opposed this proposal. Parodi stated that it was "dangerous to reintroduce into our system of regulation the principle of work camps that are regretfully remindful of the Vichy institutions."²¹ From Tissier's point of view, "it appears absolutely inappropriate to create centers that would function as centers of internment where foreigners would virtually be kept in perpetuity. Regardless of all other disadvantages, France's reputation in the world would be at stake, would this approach be adopted."²²

In the draft that the government sent to the *Conseil d'Etat*, France's highest administrative court, for final approval, restrictions against refugees were removed. Instead, the government proposed that refugees and other foreigners living in France be assimilated and receive an equal status.²³ However, the permanent commission of the *Conseil*

18 Ibid., CAC 860269/0001.

19 Alexandre Parodi entered the *Conseil d'Etat* in 1926. In January 1939 he served as director of the Labor Department at the Ministry of Labor. Discharged in October 1940, he returned to the *Conseil d'Etat* and became one of the leaders of the *Résistance*. From September 1944 to November 1945 he was minister of Labor and Social Security in the Government of de Gaulle.

20 Pierre Tissier entered the *Conseil d'Etat* in the same year as Alexandre Parodi. He joined de Gaulle in London in June 1940 and became his Chief of Staff. In July 1943, he presided over the *Comité du Contentieux* of the *CFLN* together with René Cassin who presided over the *Comité juridique*. From London, in 1942, he wrote in English *The Government of Vichy*, a propaganda book for the cause of Free France. In 1944-1945, he was the Chief of Staff of Adrien Tixier, the Minister of Interior.

21 Archives nationales, CAC 860269 art. 7.

22 Ibid.

23 Article 28 of the project of ordinance (archives of the *Conseil d'Etat*).

d'Etat revised the final text by removing any reference to refugees or asylum seekers; thus, neither was mentioned in the definitive ordinance. Later, the Geneva Convention would govern the status of refugees. In the interim, the International Organization for Refugees was responsible for the hundreds of thousands of displaced persons waiting in central Europe for a country of refuge. Their selection as eligible refugees was determined by almost identical criteria to those proposed, for example, by Couve de Murville for the Italian immigrants: *Volksdeutsche* and Nazi collaborators were refused.²⁴

The return of the Jews in French nationality

• **The annulment of the Vichy “Laws”**

If the policy towards refugees and foreigners could be considered liberal, the treatment of those who had lost their French nationality or their citizenship, for instance Algerian Jews, was the opposite.

Soon after the birth of the Vichy regime, the law of 22 July 1940 empowered the government to revise not only all naturalizations but also all acquisitions of French nationality (for example, by children born in France of foreign parents) that had been registered since the adoption of the liberal law of 27 August 1927. This measure meant that 900,000 people risked losing their citizenship, and by the end of the war, 15,154 men, women and children did in fact lose their French nationality. Bernard Laguerre estimates that among them, approximately 6,000 were Jewish.²⁵

The law of 23 July 1940 further allowed the government to revoke the citizenship of French nationals who left France between 20 May and 30 June 1940 without proper authorization. Following this deprivation of citizenship, the goods of these former citizens were confiscated. By 23 February 1941, this same law applied to all French citizens who, “outside of metropolitan territory, betrayed the national

24 Daniel Cohen, “Naissance d’une nation: les personnes déplacées de l’après-guerre,” *Genèses*, 38 (2000), pp. 56-78.

25 Cf. Bernard Laguerre, “Les Dénaturalisés de Vichy 1940-1944,” *Vingtième Siècle*, 20 (1988), pp. 3-15.

community by their acts, discourses and writings.”²⁶ The 446 cases to which this law was applied were handled by a commission led by General Dufieux of the Ministry of Defense. At first, they were aimed to punish and degrade the Free French whom the Vichy regime dubbed “dissidents,” notably de Gaulle, Georges Catroux and René Cassin; but the deprived also included many Jews who had left France in order to escape the Nazis.

Finally, the Vichy Law of 7 October 1940 repealed the full French citizenship of Algerian Jews that had been granted them by the Crémieux Decree of 24 October 1870. As a result, 110,000 Algerian French Jews, although in theory still formal French nationals, recovered their nineteenth century “personal” status that was equivalent to the sub-citizen status of Algerian Muslims.²⁷

- **The annulment of the Law of 23 July 1940**

After the allies landed in November 1942, authority over the North African Administration was transferred to Admiral Jean Francois Darlan, closely followed by General Henri Giraud on 14 March 1943. All constitutional acts, laws and decrees subsequent to the date of 22 July 1940 were annulled. Furthermore, in an ordinance dated 18 April 1943, General Giraud explicitly specified the annulment of the law of 23 July 1940 related to deprivation of nationality. De Gaulle, but also Giraud himself and all the Jews who had been deprived of their French citizenship by this Vichy law were “re-integrated as French citizens, with all legal consequences.”²⁸

- **The difficult reestablishment of the Crémieux Decree**

It was only later, on 21 October 1943, by a declaration of the French Committee of Liberation, that Algerian Jews regained their full citizenship.²⁹ When on 14 March 1943 General Giraud had invalidated

26 On 10 September 1940, the scope of the law was extended to the French citizens who had left the overseas territories; and on 8 March 1941 to any French who “starting on 1 December 1940, had gone or will go to a dissident zone.”

27 An exception was made for the veterans of both world wars.

28 Ordinance n°17 of the French Commander in Chief, published on 22 April 1943 in the *Journal Officiel*.

29 Cf. Michel Ansky, *Les Juifs d’Algérie du décret Crémieux à la Libération*, Paris, 1950, pp. 318-19.

all constitutional acts, laws and decrees subsequent to the date of 22 July 1940, the Vichy's abrogation of the Crémieux Decree of 7 October 1940 was also annulled.³⁰ Ironically, however, the Crémieux Decree reestablished by this ordinance was immediately repealed the same day, by another ordinance of Giraud.³¹ Since the Allies' landing in North Africa in November 1942, all antisemitic legislation formally instituted by the Vichy Regime – more severe in Algeria than in metropolitan France – had been maintained by Admiral Darlan, head of the North African Administration, and then by General Giraud under the pretext of “equality” between the status of Jews and Muslims. According to historians Michael Marrus and Robert Paxton, Giraud had declared that “Jews were responsible for the defeat” and that racial laws were “essential conditions for the armistice.”³² However, the 14 March decision of Giraud elicited heated reactions in the American press. Algerian Jews also mobilized against this policy, and the French National Gaullist Committee voiced its official disapproval on 24 March.³³ Finally, on 20 October 1943, the French National Liberation Committee (*Comité français de Libération Nationale, CFLN*) “announced... that the Crémieux Decree is in effect.” However, with its reestablishment again raising the delicate question of the inferior status of Muslims, the declaration of the *CFLN* left open the question of a “definitive status of indigenous Israelites but also of other categories of the indigenous population of Algeria.”³⁴

• **The late annulment of the Law of 22 July 1940**

If General Giraud, in his ordinance of 14 March 1943, had annulled the acts of the Vichy regime *subsequent to 22 July 1940*, it was with the obvious purpose not to annul the denaturalizations that had been decided under the law of *22 July 1940*. If finally, that Vichy law was

30 Cf. André Nouschi, *L'Algérie Amère 1914-1994*, Paris, pp. 156-157.

31 Easy access to these ordinances is available on the CD, *La persécution des juifs de France 1940-1944 et le rétablissement de la légalité républicaine. Recueil des textes officiels 1940-1999*, Paris, 2000.

32 Cf. Michael R. Marrus and Robert O. Paxton, *Vichy France and the Jews*, Stanford, 1995, pp. 191-97.

33 Ansky, *Les Juifs d'Algérie*, p. 298.

34 Communiqué of the *CFLN*, Algiers 20 October 1943, quoted in Ansky, *Les Juifs d'Algérie*, pp. 318-19.

also annulled, it was only in May 1944, with numerous difficulties and objections. In a letter sent on 9 September 1943, François de Menthon,³⁵ commissioner of Justice in the French National Liberation Committee, asked René Cassin, President of the Legal Committee (*Comité juridique*) of the *CFLN*,³⁶ what his opinion was on nationality issues. Concerning the Law of 22 July 1940, which authorized the Vichy regime to revise any naturalization that took place since 1927, Menthon surprisingly indicated: “I envision maintaining this new institution.” In his letter to Cassin, Menthon explained his view: annulling the denaturalization authorized by the Vichy regime “could, in certain cases, present the most serious inconveniences;” moreover,

...the too numerous naturalizations of dubious Jews decided during the years immediately preceding the war have given the pretext for antisemitism that could pose a particular problem the day of our return to France. We would not face this problem, by the annulment *a priori* of all the denaturalizations which have been decided.³⁷

Reacting strongly on 11 January 1944, the Legal Committee of the *CFLN* adopted a text, which was a crushing response to Menthon:

Vichy’s legislation regarding this matter is one of the most shameful of this regime. It will remain forever linked in the minds of the French people and of the peoples who respect France, to the memory of the persecutions suffered by patriots who had refused to accept the defeat of France as well as the infamous decisions taken to deliver to the enemy the foreign refugees and stateless persons

35 François de Menthon (1900-1984) was a Professor of Law before the war. In 1940 he served as a Captain in the French Army and was captured by the Germans. After his evasion, he contacted his colleagues, the law professors Teitgen, Coste-Floret, Capitant, and René Courtin who, like him, decided to oppose the Germans. Together they launched, in November 1940, the clandestine newspaper *Liberté*. In November 1941, their group merged with Henri Frenay’s Movement of National Liberation. *Combat*, co-run by Frenay and Menthon, was the origin of the Comité Général d’Etudes which tried to anticipate and to prepare the public policies to be implemented by France after its Liberation. On 7 September 1943, he went to Algiers to replace M. Abadie as Commissioner of Justice.

36 Created by a decree on 6 August 1943 on the model of the *Conseil d’Etat*, the *Comité juridique* legally advised the French authorities in Algiers on all projects of ordinances and laws to be promulgated by the *CFLN*. Originally, it was composed of five members: René Cassin, Pierre P. Rodière, Paul Coste Floret and M. Groslière, president of the Algiers bar of lawyers.

37 Conseil d’Etat, archives of the Comité juridique, 9938/2.

who had become French, under a false juridical pretext. The French National Liberation Committee would assume a heavy responsibility to the nation as well as to the universal conscience, if it will not break categorically with the unjust measures undertaken by the Vichy regime. All Vichy Laws have to be considered as a whole and no real distinction can be made between them.³⁸

Therefore, the Legal Committee of Free France proposed to immediately annul all Vichy laws not already annulled and to reexamine each decision of denaturalization within the standard of pre-war legislation “reinforced enough between 1938 and 1939 to avoid the massive revision of naturalization that was made during the war of 1914-1918.”³⁹

Nevertheless, Menthon did not comply. On 10 February 1944, he sent the legal committee a draft of a new ordinance that would annul the Vichy Law of 22 July 1943, but only for the future: “In order to avoid an automatic and massive reintegration of all the denaturalized that would operate without concern of the circumstances that could have provoked each previous decision,”⁴⁰ he proposed to validate the denaturalization of citizens effected by the Vichy regime, but to permit these denaturalized former citizens to appeal these decisions within six months following the end of the war.

The Committee, reading the report of François Marion, one of its members, again reacted vigorously to this new proposal:

Considering that the *de facto* organism, the so-called government of the French State, has taken to itself, in the domain of nationality, exorbitant powers that are contrary to human and international rights... that, by application of these texts, it has made many denaturalizations that had, among many others effects, struck foreigners, who had obtained their citizenship after a long waiting period, who had given evidence of their attachment to France, but who, in the eyes of the Vichy rulers, were guilty either of continuing the struggle against the foreign enemy, not only inside but also outside France, or of having manifested their hostility toward a government not only guilty of treason but of collaboration with the Nazis... It is true that those naturalizations were numerous and thoughtlessly applied to non-assimilated individuals who were not providing satisfactory guarantees. Although, these objections are sufficient to refuse a naturalization, they cannot, in any case, justify the withdrawal of a naturalization.⁴¹

38 Ibid.

39 Ibid.

40 Ibid.

41 Proceedings of the 42nd session of the *Comité juridique*, archives of the *Conseil d'Etat*.

The committee recalled that “the Law of 1927 and its subsequent texts gave the government the necessary powers to withdraw the nationality of any naturalized citizen that had become unworthy.”⁴² The committee proposed to annul the Law of 22 July 1940 and all the Vichy denaturalizations, even if the “naturalized citizens who merited a withdrawal of their citizenship” would have their case submitted to the previous legislation.⁴³ This proposal was finally accepted. In accordance with the deliberations of 18 February and 28 March 1944 of the Legal Committee of the French National Liberation Committee of Algiers, on the report of Marion, the ordinance of 24 May 1944 annulled the so-called Law of 22 July 1940 related to the revision of naturalizations.⁴⁴ Following the provisional government’s return to Paris, all the denaturalizations were reexamined by a team of four magistrates. They checked each case to verify that it was not covered by legislation that existed prior to the war. For Jewish individuals, this examination was rapid; in fact, almost all those who were denaturalized regained their citizenship without difficulty. It is only when denaturalization had been decided in response to a demand of the individual – as was the case for certain Italians – when the person in question no longer resided in France, and when the individual had clearly manifested pro-fascist opinions, that the Vichy regime’s denaturalization was confirmed in accordance with previous legislation.

- **The re-integration of Jewish emigrants who had “lost” their French nationality**

Many years later, from the 1950s onward, Jewish individuals attempting to regain French citizenship that they had lost during the war found themselves faced with very different circumstances than did those who had immediately tried to have their French nationality restored. During this period, several thousand Jews who had fled France during the war to other countries, such as the United States, again found themselves to be foreigners. Others, who were deported to Nazi camps for example, decided not to return to France at the end of the war but

42 *Conseil d’Etat*, archives of the *Comité juridique*, 9938/2.

43 *Conseil d’Etat*, archives of the *Comité juridique*.

44 Article 21 of the ordinance of 24 May 1944 (published in the *Journal Officiel de la république française*, 45 (1 June 1944).

rather to emigrate to Palestine; they became Israelis when the State of Israel was created. Two French laws successively addressed the situation of French Jews who had lost their French nationality after the war due to their naturalization in countries such as the USA, or to their acquiring the nationality of the newly created State of Israel. The explicit aim of the law of 28 December 1967 was to deal with the situation of French born citizens, mostly Jewish emigrants in the United States, who had lost their French nationality when they become citizens of other countries. Indeed, this law allowed these French-born individuals to reclaim their French nationality by simply registering a declaration of will “before a judicial authority if they reside in France or before French diplomatic agents and the French consulate if they reside abroad.” The only condition set by the law was that they must have conserved or acquired links with France either moral, intellectual, economic, professional or familial.

In 1973, a new reform of the Nationality Law went far beyond the previous change to deal explicitly with the situation of “French Jewish women deportees, who had survived the extermination camps and reside now in Israel.”⁴⁵ They had already become Israelis and the Law permitted them to recover their French nationality and to keep it for the future.⁴⁶

Conclusion

In February 1945, France adopted a practice of liberally regularizing the situation of foreign refugees, while in March 1943 the Crémieux Decree was abrogated again and in November of the same year it was hoped

45 Léon Motais de Narbonne, Avis n°307 présenté au nom de la commission des Affaires Etrangères sur le projet de loi complétant et modifiant le code de la nationalité française, Sénat seconde session ordinaire de 1970-1971 annexé au procès verbal de la séance du 11 juin 1971, p. 9.

46 The article 22 of the law of 9 January 1973 stated: “the loss of the French nationality cannot be the result of not using a faculty of repudiation.” For future cases another article of the Law of 1973 resolved the problem of dual nationality cases: the acquisition, even voluntarily, of a foreign nationality would no longer result in the loss of French nationality, except at the express request of a citizen with dual nationality living abroad.

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that the “new institution” of Vichy’s Law of 23 July 1940 permitting massive denaturalizations could be maintained. How can these contradictions be explained? From 1943 to 1947 there was a constant battle between, on one side, an egalitarian conception of the French Republic expressed in Algiers in 1943 by Cassin or François Marion, or in 1945 Paris by Tixier, his Chief of Staff Pierre Tissier and Cassin again; and on the other side, more timorous and even clearly antisemitic approaches represented by Giraud, member of the Resistance Menthon and Vichy collaborator Mauco. This battle was waged on topics ranging from the status of refugees to general nationality policies. Each time, it ultimately ended with the victory of the “egalitarian republicans.” Questions of context and of configuration appear to have been key here: the nearer the impending victory of the Allies and the more that was known about the horrors of the persecution, the further the scales were tipped to the side of dedicated egalitarians like Cassin – who were at first quite alone – and allowed their ideas to become legitimate and finally victorious.