

SNCF, its Litigations, and its Politics of Memory

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Introduction: SNCF and its unique efforts to face its past

As the national railway company of France, SNCF holds a unique status. It is simultaneously a public company, a symbol of the state's pre-eminence in the creation of social fabrics, and a symbol of public service. The leftist-coalition government of the *Front Populaire* (Popular Front) created the railway in 1937 by nationalizing and unifying France's existing private regional companies. The legal status of SNCF is complex and changing, that of a public company that is not formally a government administration. The French state considers the railway to be a tool for controlling the nation's territory and for living up to demands for equal treatment from its various regions and communities. In this sense, the company is a means for unifying the country's various regions, following the ideas of the French Revolution. Its very name expresses those demands and complexities: SNCF translates directly to "national society of French railways."

The role of SNCF is remembered as even more important during the period of 1940-1944, when metropolitan France was occupied by German authorities and when a shortage of petrol severely limited transportation. In 1944 and 1945, SNCF emerged as a symbol of the French Resistance. The company as a whole – and this was a unique occurrence in France – was granted several medals for its bravery in resisting both the Vichy regime, including its policy of collaboration, and the occupying forces. The *cheminots* were revered as a united community of Resistance fighters.

In the late 1980s, this image started to unravel. A few activists endeavored to undo this carefully constructed representation of a difficult past and to question SNCF's role in Holocaust, in particular the deportation of Jews. These activists were all Holocaust survivors or children of Holocaust survivors who worked individually, sometimes seeking the help of established historians. They did not form a coherent or organized movement, but their attempts had significant consequences, especially through a mobilization of public opinion via the press. This opened the door to numerous legal claims in France and in the United States, one of which is still ongoing.

Forced to react, SNCF built a complex policy to oppose these attacks. The legal challenges escalated with the mobilization of a small segment of the public in the United States, which subsequently increased the danger of being banned from bidding on business contracts in the United States. SNCF has a clear policy of development abroad, trying to sell its information and technology in high-speed trains and light rails (trams) to US states and municipalities. The threat was serious. Several US states passed three bills in an attempt to entice SNCF to clarify its position and its relationship to the past (for example, by creating an inventory of its archives). At the time of publication, the SNCF defense is ongoing. This confrontation with its past has continued for over 35 years, making it a unique example among major companies.

The questions that have been raised by this story are numerous:

- Why has SNCF – and only SNCF – been targeted and obliged to develop its original politics of the past?
- Who are the agents of this multi-layered power play?
- Have the politics of the past chosen by SNCF proven adequate?
- What does this case tell us about the globalization of human rights litigation?
- What does it tell us about French-US relations?
- Why are these questions still pending more than 75 years after the end of WWII and how could the past be put to rest?
- Finally, what is the role of historians, or of history writing, in the process of coming to terms with a big company's past?

I will not analyze the legal aspects of litigation against SNCF in detail in this paper. They are complex and a purely legal approach deserves further research in and of itself. Instead, this paper will describe litigation as a trigger for confrontations and initiatives. Cases will be addressed merely as they raise the question of how historical knowledge – but also ignorance and distortion – has been used and misused in courts.

In the remainder of this article, I describe and analyze the politics of memory that SNCF has developed to help it face those extraordinary confrontations. I take a comparative approach in considering how other big companies have had to face their past actions during WWII and the Holocaust. I evaluate the specific path chosen by SNCF, but also present some potential alternative decisions. I end the article with two addenda – a list of memory actions initiated or supported by the railway company, and some recommendations for the future.

I place my analysis of SNCF within the theoretical framework of transitional justice. Research on transitional justice has only been developed in the past several decades. The field achieved much of its start from observations of post-Apartheid South Africa and from studies of democratic transitions in countries recently emerging from authoritarian rule and dictatorships. The concept of transitional justice is complex. It encapsulates regime change, a transition to an appeased, democratic society in the

aftermath of mass violence and genocide.¹ The regime change should be accompanied by judicial and extra-judicial procedures that enable a society to confront the past. Kora Andrieu states that, ideally, “transitional justice provides a stage to represent the event, a space in which victims and perpetrators are dramatically united in a kind of collective catharsis.”²

Transitional justice can be delayed, occurring decades after the crimes that it responds to, as demands for justice can last over several generations. This can be seen in the activism of descendants of Armenian survivors of genocide in the Ottoman Empire or the activism of descendants of victims of the Trans-Atlantic Slave Trade in the US. There is no statute of limitations for crimes against humanity and crimes of genocide.

Transitional justice incorporates the concept of “restorative justice,” which is more focused on victims than on perpetrators, even though transitional justice also has a punitive aspect (and litigators against SNCF also intend to “punish” the company). Restorative justice should be a “healing” process, should restore social equilibrium, and give a voice to victims. It is a complex web of judicial and extra-judicial procedures, involving NGOs, activists of memory, psychologists, journalists, self-support groups (inclusive of second-generation victims), and communities.

In the case of SNCF, the controversies developed in democratic societies, namely France and the United States. But the debates over the past closely reflected many of the tenets of transitional justice: reparations, individual compensations, reconciliation, punishment of perpetrators, acknowledgement of guilt, public forums in which victims and their descendants share their suffering, historical writing, and memorialization; each of these themes appear in the controversies over SNCF’s role in the Holocaust.

The Past, the Litigations, and SNCF’s Changing Reputation

SNCF emerged from the occupation as a collective of heroes. The role played by the sabotage of trains and railways in the summer of 1944 was widely remembered. After Allied Forces landed in Normandy in 1944, Wehrmacht battalions were transported to the front from all over France. Resistance networks were ordered to prevent the trains from arriving, or at least to slow them down. They did so quite successfully, blowing up railways and even detaining some trains. Fighters – from both within and outside the company – contributed to this effort. But it was not the company leadership that initiated those actions. As early as autumn 1941, leadership had begun fighting opposition and resistance within SNCF – mostly among communist *cheminots* – going so far as to denounce them to the police.³ The famous *Résistance Fer* network was, in reality, created in October 1944 (two months after the liberation of Paris) to unify the various isolated fighters who had sabotaged railways and transports.⁴ Communist workers within SNCF were overrepresented in the Resistance, but only a small minority of *cheminots* were active fighters.

¹ On transitional justice, I used the following books, among others: Andrieu Kora, *La justice transitionnelle* (Paris: Gallimard, folio essais, 2012); Nanci Adler, eds., *Understanding the Age of Transitional Justice: Crime, Courts, Commissions and Chronicling* (New Brunswick, Rutgers University Press, 2018).

² Andrieu, *La justice transitionnelle*, 37.

³ The only comprehensive book on SNCF in WWII – from a PhD defended at Oxford – is: Ludivine Broch, *Ordinary Workers, Vichy and the Holocaust. French Railwaymen and the Second World War* (Cambridge: Cambridge University Press, 2016).

⁴ See the memoirs of one organizer of the sabotage, who was not a railwayman and who survived Buchenwald: Max Heilbron and Max Varin, *Galeries Lafayette-Buchenwald... Galeris Lafayette ...* (Paris: Economica, 1989).

As early as 1945, SNCF used the sacrifice of those men and women (many were arrested, imprisoned, or deported to concentration camps) to whitewash the company's complex history during the occupation. In 1944 (and continuing into 1945), some of the company's senior management had been purged for collaborating with the Vichy regime.⁵ During the war, senior leadership had obeyed orders from the Vichy government, as well as those given by German occupiers. The railway was an important tool in French-German collaboration, sending French materials and products to Germany, transporting French prisoners of war to German camps, and sending French forced laborers to German farms and factories. The company transported dozens of convoys full of Resistance fighters, including their own *cheminots*, to concentration camps, as well as 75,721 Jews to the Auschwitz and Sobibor death camps.

The myth of SNCF as a global actor in the Resistance was conveyed and fortified by a famous movie, *The Battle of the Rails*. The film was commissioned by a communist-leaning cooperative production company. It was directed by the documentarian René Clément and produced and filmed with the direct support of SNCF. The film was released in France in February 1946. Inspired by Italian neo-realism, it shows the glorious acts of ordinary railway workers in their fight against National-Socialism. The film received several prizes at the 1946 Cannes Film Festival and solidly shaped the memory of the period.

The persistence of the myth of SNCF heroism is illustrated by the 1968 publication of an academic book written by Paul Durand.⁶ Durand – the son and the grandson of railway workers – was one of the pioneering historians on the history of France in WWII. Two prefaces open the volume: one by André Ségalat, who was the president of SNCF at the time of the book's publishing and one by Louis Armand. Armand had been a Senior Manager of the company and the organizer of an internal resistance network (NAP-Fer) that took charge of the company when France was liberated. He had served as president of SNCF from 1955 to 1958. Armand praises Durand for “very exhaustively telling the resistance of SNCF as a corporation (*personne morale*).” The Resistance, he writes, “was part of a quasi-consensus among the company, with its 400,000 employees.” He adds that SNCF was like a “maquis.”^{7,8} The book is based on many interviews and questionnaires filled out by fighters themselves.

Interestingly, Durand dedicates several pages of his book to the Armistice Treaty signed between defeated France and the Third Reich on June 22, 1940. In articles 13 to 15 of this treaty,⁹ the French government (not yet the Vichy regime) agreed to deliver stocks, raw materials, and means of transport of all natures, as well as railway material.¹⁰ He also details some early negotiations SNCF had with the Wehrmacht and with the various German services in charge of public transports in occupied France. The aim of SNCF was, from the very beginning of this new period, to reinstall its normal service – covering all of France (including through the demarcation line). But the Treaty also stated that SNCF accepted its subjection to the German authorities. This short development on the Armistice Treaty is important; many of the controversies to come, including many of the legal arguments in French and US courts, have discussed the

⁵ Charlotte Pouly, “Les agents et dirigeants de la SNCF, épurés sous Vichy, épurés après Vichy. Regard croisé autour de la réintégration,” *Histoire & Mesure* (2014): XXIX-2, 135-154.

⁶ Paul Durand, *La S.N.C.F. pendant la guerre ; Sa résistance à l'occupant* (Paris: Presses Universitaires de France, 1968), part of the “Esprit de Résistance” series.

⁷ *Ibid.*, VIII.

⁸ “Maquis” is the term used to describe groups of armed resistance in the countryside or mountains of France.

⁹ See the text at <https://mjp.univ-perp.fr/france/1940armistice.htm>.

¹⁰ Durand, *La SNCF pendant la guerre*, 114-123.

margin for maneuver and chain of command within the framework set by the Treaty.

The vision of a unified SNCF fighting in the Resistance slowly unravelled in the 1990s, together with the myth of France as a nation of Resistance fighters as a whole.¹¹ The shock of May 1968 in France also led some activists to question this official memory. May '68 refers to a revolt against Gaullist power and the myth of a France united behind de Gaulle. The unified, sometimes nationalist, account of WWII was challenged as communal memories of the period emerged, including an outspoken Jewish memory. In 1969, *The Battle of the Rails* was once more broadcast on one of France's two television channels. Resistance fighters and former managers of SNCF proved unable to answer the questions asked over the phone by an anonymous French person: did French *cheminots* drive deportation trains? And did the Resistance try to derail them?¹² The massive tide of Holocaust memory reached France in 1978, making it central to French self-representations and to French cultural and political life. This remains true today.

A survivor, Kurt Schaechter, whose parents were killed in Auschwitz and who himself was interned in a French camp, started to research the role of SNCF. He legally accessed the local archives of Haute-Garonne in Toulouse (*les Archives départementales*) and illegally copied thousands of documents related to internment and the deportations from the southwest of France.¹³ Schaechter sent copies of the documents to French and international newspapers, and many articles were published about the inaccessible archives. While most assertions were fraudulent, Kurt Schaechter played an important role in the rising controversy towards SNCF. He had copied and disseminated an invoice sent after the liberation by the local division of SNCF to the local prefecture administration for the cost of a deportation train to Austerlitz, followed by bus transports to Drancy. Schaechter systematically attacked SNCF and the French administration as a whole, accusing them of genocidal intent.¹⁴

The Schaechter affair greatly contributed to raising suspicion towards SNCF's past and its responsibility for deporting French Jews. But public attention was distracted in the late 1990s by huge debates on Holocaust-era assets, mostly related to bank accounts and looted gold. These controversies went global, spreading across Europe to the United States and to South America. Banks and financial institutions had to uncover their WWII pasts, open their archives, and contribute to national funds set up to compensate victims and promote Holocaust education.

¹¹ On the process of reconsidering the memory of WWII in France, see the standard work: Henry Rousso, *The Vichy syndrome: History and Memory in France since 1944* (Cambridge: Harvard University Press, 1994). For the transition in the 1970s to a defiant memory and the rise of Holocaust memory, see 212ff; On memory politics of WWII in France in general, see: Olivier Wieviorka, *La mémoire désunie. Le souvenir politique des années sombre, de la Libération à nos jours* (Paris: Le Seuil, 2010).

¹² This very telling moment is shown in the recent documentary on SNCF and the Holocaust: Bernstein Catherine, *La SNCF sous l'Occupation*, Zadig (Nov. 2019, France: Production-Les films de l'Aqueduc). The film gives a nuanced view of the question and dedicates its final minutes to memory and litigations.

¹³ Eric Conan and Henry Rousso, *Vichy, un passé qui ne passe pas* (Paris: Fayard, 1994), 86-88. The access to WWII archives became a matter of controversy and public debates.

¹⁴ Archives of Kurt Schaechter are located in the Hoover Institute at Stanford University: https://oac.cdlib.org/findaid/ark:/13030/kt6s20280p/entire_text.

France was at the forefront of this fight. It set up several commissions – among them a national-level body known as the Mattéoli Commission.¹⁵ Much of the work done by French institutions was triggered by class actions started in New York, inaugurating transatlantic litigations. In those years, SNCF was spared any further claims. In France, banks and insurance companies settled in 2000 and paid about 600 million US dollars endowed to the large Paris-based Foundation for the Memory of the Shoah,¹⁶ and claims for individual compensations for looted properties were opened. These claims are still receivable today.

But one US lawyer who had initiated the claims against French banks, Harriet Tamen, proved dissatisfied with the outcomes of the negotiations. She continued her fight for victims and their families and lodged a claim in New York against SNCF in 2001.¹⁷ She joined forces with the French lawyer Corinne Hershkovitch, the latter lodging several claims in France against SNCF. At this point in time, a claim had already been lodged in 1998 by Jean-Jacques Fraenkel.

A total of eight legal cases were considered by French and US courts (five in France and three in the USA).¹⁸ Kurt Schaechter filed a complaint in 2004. One case is still pending: a suit started in Chicago in 2015. None of the claims have been allowed to proceed, generally due to the sovereign immunity of SNCF under US law. A French court also judged that France had already compensated victims of deportation and of confiscation of properties, and that this compensation should encompass any demands made of SNCF. It is not unusual for compensation claims to be settled out of court. This was the case in the major litigation regarding looted assets in the 1990s.

In 1988, the year the first litigation was filed, SNCF offered a train freight car to the city of Drancy in order for it to be added to a new deportation memorial. The internal motivations within SNCF are not known but the symbol was strong, as the monument was placed in the center of the tenement that had been used as a transit camp for Jewish victims on their way to Auschwitz. SNCF had made a first gesture of support for rising Holocaust memory but, at the same time, helped to make trains central to the imagery and the representation of the genocide. This change in the representation of persecution ironically turned against the railway company. Rapidly, from the late 1970s on, “the ramp”, referring to the unloading rail within the camp of Auschwitz II – Birkenau, became the ultimate railway icon. Seen in 1945 as a major actor of French Resistance, SNCF was seen in the 1990s as one of the Holocaust’s main perpetrators. The senior management of SNCF offered an early reaction to those changes.

SNCF: reaction and defense

Remarkably early on, SNCF tried to deal with questions about its role in the Holocaust. In 1992, an historical report was commissioned that is known today as the “Bachelier Report.” Christian Bachelier was a young historian, recruited at the time by the foremost research centre on Vichy France, the Institut d’histoire du temps présent. The IHTP was the successor of the official Committee for the History of WWII, which was created by the French government in 1945. It was a public body, financed by the National Research

¹⁵ For a description of the French debate on Holocaust-era assets, see: Jean-Marc Dreyfus, *L'impossible réparation. Déportés, biens spoliés, or nazi, comptes bloqués, criminels de guerre* (Paris: Flammarion, 2015), 258-285.

¹⁶ <http://www.fondationshoah.org/en>.

¹⁷ <https://law.justia.com/cases/federal/district-courts/FSupp2/175/423/2419144>.

¹⁸ In fact, there were many more cases, as the French judicial system does not permit class actions as the US system does. French lawyers filed one claim for each of their claimants.

Centre (CNRS). Its director, Henry Rousso, supervised Christian Bachelier's work. Rousso in particular, and the IHTP in general, had wide media visibility, as controversies over the Holocaust in France were numerous. SNCF's decision to commission an historical report was a unique initiative in France at the time.

The Bachelier Report was published in 1996. It spans 914 pages, covering the history of the railway company from 1939 to 1945. The report deals not only with deportations of Jews but also with the collaboration and the Resistance. It is based on extensive archival research (conducted in SNCF archives). Although the quality of the research is sound, lawyers and activists have long held suspicions about the report.

So why this controversial reputation? First, the report was initially not published and made available to everyone. Second, Christian Bachelier did not have a public media presence. He did not encounter the actors behind the growing attacks towards SNCF nor did he enter into discussion with them.¹⁹ The report is also difficult to read. While it does acknowledge what the researcher failed to find in the archives – namely the detailed organization of convoys – it does not answer questions asked by survivors and activists. In particular, survivors and activists felt that the report failed to provide satisfactory answers to numerous questions about the transports, the attitudes of the SNCF leadership, and various actors' responsibilities in the deportation. To compound matters, the archives Bachelier used were not immediately made fully accessible to other researchers, mostly because the official company archive was not yet fully organized and the documents were still being processed by archivists.²⁰

The Bachelier Report gives a global description of SNCF during WWII and of the leadership's collaboration with the Vichy regime and the Germans. The main findings regarding the Holocaust are the description of the order given at the highest level of SNCF to implement – discreetly – the transports of Jews. The way those orders were disseminated within the company itself – to the level of each train station that the convoys had to pass through – is not explained. The report does not clarify the division of responsibilities among various actors for deportations, especially between French and German decision-makers. Above all, it does not deal with the issue of payment for the deportation trains that transported victims to death camps.

In the end, the Bachelier Report proved unhelpful, even detrimental, to SNCF's efforts. Its summary of the findings is too long and too nuanced to be easily used by journalists. For example, on the transport of Jewish deportees, it states:

Not only, and this goes without saying, were the transfer and internment of Jews not carried out without the knowledge of SNCF but, during the summer of 1942, representatives of SNCF were involved in working out the technical conditions of railway transportation on the occasion of the Vél' d'Hiv roundup and for the transport of Jews

¹⁹ Interview with Harriet Tamen, by phone, February 14, 2020. Ms Tamen said: "Have you ever met Mr Bachelier? I have not."

²⁰ Interview with Marie-Noëlle Polino, by Skype, February 21, 2020.

from the Southern Zone to the German authorities in the Northern Zone.²¹

In short, the report did not prove to be an efficient tool for dealing with the past or with public relations, nor for communicating with the various groups involved in the controversy. More ironically, some chapters and quotes from the report would be used by litigators and prosecutors to further accuse SNCF of complicity in the Holocaust.

The first litigation against SNCF was launched a mere few months after the Bachelier Report was delivered. It was started in September 1998 by Jean-Jacques Fraenkel (mentioned above), whose parents had been deported to Auschwitz. The complaint, for crimes against humanity, was later dismissed by the court for lack of evidence.

It was only with the first case in a US court, in 2001, that SNCF began to take the issue seriously. This complaint was filed by Harriet Tamen, who had been one of the main litigators against French banks and had negotiated significant compensation to individuals for lost properties.²² Twelve victims started a class action lawsuit from the United States claiming that SNCF violated international customary law and the Law of Nations when it participated in the deportations. A few years later, the District Court for the Eastern District of New York dismissed the complaint, saying SNCF had immunity because of the Foreign Sovereign Immunities Act (FSIA).

From the outset of litigation, SNCF's policy has been firm. The national company refused to acknowledge responsibility in the Holocaust, refused to negotiate with the claimants and their lawyers, and declined to pay any compensation. This attitude is understandable as SNCF cannot (and does not want to) be considered a perpetrator of the killing. Its role in the killing process was important, but SNCF never took initiative in the persecution of the Jews, and surely not in their murder. Its role as a 'neutral' agent in the annihilation process or as a secondary perpetrator should have been discussed (and still needs to be addressed), but this was not possible within the context of judicial processes, where history is only an instrument of defense.²³

SNCF's response to the litigation was not only a strong refusal to acknowledge responsibility or to pay compensation. A politics of memory was concomitantly developed that supported numerous memorial and educational projects, including those focusing on SNCF in the Holocaust. The national company would become one of the major financers of memorial projects on the Holocaust in France.

Denis Douté, Bernard Emsellem, and Alain Leray (the latter was appointed as head of SNCF America in 2012) took the historical aspect of the case against SNCF seriously. They also took into account the necessary politics of memory and contact with survivors, activists, and Jewish leaders. Managing the past

²¹ The *Vel' d'Hiv'* roundup was the main operation of mass arrest in France. It took place on July 16-17, 1942. 13,152 foreign Jews were arrested. It was ordered by the Sipo-SD in Paris and organized and conducted by the French police. Since 1992, July 16 has represented the official memorial day of the Holocaust in France. See: Christian Bachelier, *The SNCF Under German Occupation 1940-1944*, available at <https://silo.tips/download/christian-bachelier-the-sncf-under-german-occupation>, 16.

²² *Abrams v. Société Nationale des Chemins de Fer Français*, 175 F. Supp. 2d 423.

²³ But even this idea should be nuanced. At the trial of Maurice Papon in Bordeaux, the jury decided that the accused should be condemned only to 10 years of prison for organizing four convoys to Auschwitz. It refused to see the General Secretary of the prefecture as an initiator of the killings and a direct murderer.

progressively became a significant share of their workload, even more so as SNCF became interested in selling its successful and iconic high-speed railway technology in the US market.²⁴ Those men, and other senior managers of SNCF, were not shy in talking to journalists or in publicly defending the national company's stance. However, they chose not to speak directly to claimants, either before or after litigation. While in the US, the parties are not allowed to speak without a counsel, this is not the case in France. The men and women in charge at SNCF engaged in dialogue with numerous activists, historians, and survivors but, again, not with the claimants.²⁵

Two Directors within SNCF became involved. The first was Denis Douté, who was President of SNCF America, the branch of the company in charge of US market operations with an office in Bethesda, Maryland. Monsieur Douté passed away and was succeeded in 2012 by Alain Leray, who worked in car manufacturing (and was not trained in public relations).²⁶ Bernard Emsellem was appointed to lead communications for SNCF and largely worked on this issue with the French actors related to the case. He took his new assignment in September 2002. They both dealt with the issue at hand – the need for SNCF to face its past – over many years. They not only became experts, but also the public faces of SNCF on this matter, both in France and in the United States.

Douté, Leray, and Emsellem immediately entered into contact with historians and activists for Holocaust memory in France. For example, they worked with Serge Klarsfeld. Klarsfeld and his wife Beate were at this time already famous “Nazi hunters.” Klarsfeld asked SNCF to permit his NGO, the active and highly respected *Fils et Filles des Déportés Juifs de France* (Sons and Daughters of Jewish Deportees from France), to install its own exhibition on the Holocaust in France and on deportations in the halls of some of their train stations. SNCF helped with the installation, with the storage of the posters, and with security (it did not intervene in the content of the exhibition). This action proved efficient for promoting Holocaust education and stirring the memory of persecution.²⁷ The number of visitors, by definition impossible to assess, was enormous considering the traffic in French train stations.

SNCF also made alliances with Auschwitz survivor groups (there were several of them). Two such allies were Henry Bulawko and Raphaël Esrail, who each served for a period of time as president of the Union of Auschwitz Deportees. Esrail publicly expressed his opposition to the litigation against SNCF. This opposition was also clear among Holocaust historians, who believed France had done its share to promote reparations and memory, and also feared that history would be written in the courtroom and not in universities.²⁸

²⁴ See: Noémie Rosner, “Aux Etats-Unis, la SNCF en fait trop ou pas assez sur la Shoah,” *L'Obs*, November 16, 2016.

²⁵ Corinne Hershkovitch, Hariett Tamen and Richard Weisberg all stressed this fact in the interviews I conducted with each of them. Interview with Prof. Richard H. Weisberg, by phone, December 5, 2019.

²⁶ Interview with Alain Leray, Saint-Denis, October 4, 2019.

²⁷ I have, myself, seen the exhibition at the *Gare du Nord* in 2005 and remember the many people who stopped by, before taking a train, arriving to the station, or picking someone up. The confrontation between, on one hand, the very site of the station and the trains themselves, and on the other, descriptions of victims and of the convoys on the panels, was very striking.

²⁸ I published an editorial in the daily publication *Libération*, not in support of the litigation, but to criticize the politics of memory developed by SNCF: Jean-Marc Dreyfus, “La SNCF rate le train de l'histoire,” *Libération*, 8 September 2008. Available at https://www.liberation.fr/tribune/2006/09/08/la-sncf-rate-le-train-de-l-histoire_50653.

For a time, it appeared as though SNCF had little to fear from courtroom challenges. In 2006, a Toulouse tribunal decided against SNCF in a claim started by Georges and Alain Lipietz (father and son).²⁹ The company, however, successfully appealed the decision. In early 2007, the French lawyer Corinne Hershkovitch filed around 250 claims against SNCF on behalf of survivors. They were all dismissed following a 2009 decision by the *Conseil d'Etat* (the highest administrative court in France) that compensations paid to victims by the French state should cover what was due to victims or their heirs.³⁰

But the issue escalated again in 2008 when Harriet Tamen lodged a new case in New York, this time claiming that SNCF had stolen property from Jewish deportees.³¹ The procedures and confrontations produced an even more intimate merger of history-writing, public disputes, and diverging perceptions of how to deal with the past. They also took on a transatlantic dimension, revealing profound divergences between France and the United States.

US suspicions, French reactions

The SNCF case, among many others, revealed changing perceptions of France among segments of Jewry in the United States. A brief examination of this shift is necessary to explain why, among European railway companies, SNCF alone was under attack in the US for its role in the Holocaust.³² Relations on many levels – political, religious, etc. – between French and US Jews deserve thorough historical examination. Such research does not exist. After the Holocaust, Jewish organizations in the US greatly helped to rebuild Jewish organizations in France, donating huge sums of money to the only significant Jewish community that still existed in Europe; seventy-five percent of Jews in France survived the Holocaust and as early as 1945, France became a country of immigration for Jewish survivors from Eastern Europe.³³ This financial assistance was so important that in 1949 some French Jewish leaders called it a “Jewish Marshall Plan.”³⁴

Jews in the United States could still see France as a model of emancipation and equality for Jews, the same way they considered their own many achievements in the US political system and society.

Mirroring these representations, French Jews could see in the United States a country in which Jewish communities command respect, power, and influence. It paralleled France-US bilateral relations based on the memory of French support for the United States Revolutionary War and the close relations developed between the two countries beginning in the 19th century. Both countries prided themselves on being the first democratic republics of modern times, the first countries to fully emancipate their Jewish citizens.³⁵

²⁹ Alain Lipietz has published an account and an interpretation of the case: *La SNCF et la Shoah. Le procès G. Lipietz contre État et SNCF* (Paris: Les Petits Matins, 2011).

³⁰ CE, Ass., 16 Feb., 2009, 315499, Rec Lebon.

³¹ *Freund v. Republic of France*, 592 F. Supp. 2d 540 (S.D.N.Y. 2008).

³² A claim was lodged later by various US law firms and Prof. Weisberg against the Hungarian State Railways. The case was dismissed in July 2011 because of the state immunity of the Hungarian company. See: <https://casetext.com/case/victims-of-hungarian-holocaust-v-hung-state-railways>.

³³ Klarsfeld, *Le Calendrier de la persécution des Juifs en France*, 1126.

³⁴ On those efforts, see the important book: Laura Hobson Faure, *Un 'plan Marshal juif'. La présence juive américaine en France après la Shoah, 1944-1954* (Paris: Armand Colin, 2013).

³⁵ Patrice Higonnet, *Sister Republics. The Origins of French and American Republicanism* (Cambridge: Harvard University Press, 1988).

But this positive representation of France and of the situation of French Jews was violently thrown into question in 2001 with the start of the Second Intifada in the Palestinian territories and Gaza and the subsequent rise of antisemitism in France. Jews in the US deeply felt and resented the changing situation of French Jews. The Jewish press in the United States and the mainstream press also closely followed the developments, including the rising isolation of Jews in underserved *banlieues* (neighborhoods) in France and the visibility of French Jews immigrating to Israel in search of refuge. For US Jews, in just a few short years France had turned into the most antisemitic country in Europe, perhaps even the world.³⁶

This change in perception is striking and can be explained in multiple ways. The role of the media, and foremost that of Jewish media, has been important. A strong alignment of the majority of US Jews to Israeli politics is also an explanation: Israeli Prime Minister Benjamin Netanyahu has frequently called French Jews to move to Israel, most recently after the January 2015 Paris attacks. Since the turn of the century, Jews have been killed in France by terror attacks, for example at the Ozer Hatorah Jewish school in Toulouse or the assault on the Kosher supermarket Hyper Casher. Until recently, when an attempted killing occurred in the German city of Halle, France was the only country in Europe where such murders took place. Since 2011, the killing of Jews in France, whether via crimes against individuals (Ilan Halimi, Sarah Halimi, Mireille Knoll)³⁷ or in terror attacks (Hozar Hatorah school and Hyper Casher supermarket), has worked to confirm the dark representations of the country among US Jews, who often fail to acknowledge that the French state fights strongly against antisemitism and tries to protect its citizens of Jewish faith. The United States has also experienced such traumatic events.

The strong suspicion towards France among Jews in the United States is based on reality, even if all opinion polls show stronger prejudice among Jews in other European countries, mostly in Eastern Europe. This suspicion can be explained in two ways. First, Jews in the United States aligned with their government's policy of the early 21st century when France refused to join the US-led coalition against Iraq. The surge of Francophobia that followed in the country at large was sustained among US Jews, as if they wanted to be "plus royalistes que le roi." Second: accusations towards France could reflect US Jews' growing feeling of unease and insecurity in their own country. France was considered, together with Britain and the United States, a haven for Jews. If the situation of Jews in France is endangered, it means the same could happen in the United States.³⁸

Interestingly enough, this accusation towards France is closely linked to the assessment of the Holocaust in France and also to Holocaust memory. France is often considered to be the epicenter of the Holocaust (together with Poland). France is accused of collaboration with the Nazis and of betrayal of its Jews even more vehemently than contemporary Germany is, and this representation is prevalent among mainstream medias and tabloids, leftist newspapers, and Fox News (though not for the same reasons). There is no gradation in responsibility, as if the arrest and delivery of Jews to the Gestapo was the same as organizing the genocide and constructing the death camps. This representation also goes along with a denial of any

³⁶ See, for example, the contentious report: David, Ben Hooren, "WJC's Lauder disavows Report on French Anti-Semitism Conducted by NYPD's Ray Kelly," *The Jewish Voice* (19 February 2020), available at <http://thejewishvoice.com/2020/02/wjcs-lauder-disavows-report-on-french-anti-semitism-conducted-by-nypds-ray-kelly/>. The article states: "Kelly's report was two years in the making and concluded that 'the threat to the 450,000 Jews in France, the world's third-largest community (after Israel and the United States), is the most "acute"'"

³⁷ On the murder of Ilan Halimi, see: Emilie Frèche, Ruth Halimi, Ruth, *24 jours. La vérité sur la mort d'Ilan Halimi* (Paris: Le Seuil, 2009).

³⁸ I thank Mr. Owen Pell for this interesting idea.

French efforts to remember, commemorate, and compensate victims.³⁹

Those entrenched representations explain the laws passed by the state legislatures of California and Maryland, with similar legislation having been considered but not passed in Florida. These laws prevented railway companies from bidding for public contracts if they had not addressed their past. Although the wording of the laws varied, they all represented an important escalation in the attacks towards SNCF. California's legislation was vetoed by Governor Arnold Schwarzenegger. The proposed laws were not supported by any major Jewish or Holocaust organizations in the United States. Notably, the World Jewish Congress (WJC) did not take part in the attacks. The WJC, under the chairmanship of Ronald S. Lauder, had been instrumental in launching the 1990s controversies of the "Holocaust-era assets" and in negotiating the many settlements.⁴⁰

What is interesting in the legal efforts against SNCF, compared to those against European banks and insurance companies, is that the three laws were passed as only a small group of victims and local Jewish organizations mobilized. In the 1990s cases against European financial institutions, the WJC, US State Department, and New York State Comptroller, etc. united to pressure companies. In the early 2010's, small groups of survivors, together with lawyers, managed to have legislation passed. They likely did so by building on the support of local Jewish communities, whose members embraced the idea of SNCF's clear guilt in the Holocaust. Those elderly survivors, many of them orphaned by the Holocaust in France, were seen as the ideal victims pitted against an all-powerful foreign company that was trying to gain ground in their country of immigration and refuge. SNCF was not the French state but it was a public company and could be used as a symbol of France itself. Scholar Sarah Federman, who has closely studied SNCF litigation, ironically labelled the railway company as "the ideal perpetrator."⁴¹ She also wrote, "An irony of this conflict has been that the more SNCF attempts clear its name in the United States, the more it becomes associated with the Holocaust and the more disdain it incites."⁴²

SNCF took the legislation in California, Florida, and Maryland seriously, adding to its already solid politics of memory. SNCF America hired lobbyists and lawyers to counter the bills, which could prevent the otherwise promising development of its business in the United States.⁴³ President Guillaume Pepy chaired

³⁹ The accusation of such a denial (the silence about the Holocaust in France) can be found in many articles and books. See, for example: Jeremy Mack, *Phantoms of the Hotel Meurice. A guide to the Holocaust in Paris* (New York: International Psychoanalytic Books, 2018); and Adam Nossiter, *The Algeria Hotel: France, Memory and the Second World War* (London: Methuen, 2001). Those books are not written by historians. US historians of the Holocaust in France and of French politics of memory do not convey this idea of denial, even though they can be critical of the way France has faced its past. Among many reference works, see, for example: Richard J. Golsan, ed., *The Papon Affair. Memory and Justice on Trial* (New York: Routledge, 2000); *Vichy's Afterlife: History and Counterhistory in Postwar France* (Omaha: University of Nebraska Press, 2000); Joan B. Wolf, *Harnessing the Holocaust* (Stanford: Stanford University Press, 2004); and Peter Carrier, *Holocaust Monuments and National Memory: France and Germany since 1989* (New York: Berghahn Books, 2005).

⁴⁰ For the international dimension of those cases, the new role of communities in international relations, and the demands for compensation, see: Ariel Colonomos, "L'exigence croissante de justice sans frontières. Le cas de la demande de restitution des biens juifs spoliés," *Les études du CERJ*, number 78 (July 2001), available at <https://www.sciencespo.fr/cerj/sites/sciencespo.fr/cerj/files/etude78.pdf>.

⁴¹ Sarah Federman, "The 'ideal perpetrator': The French National Railway and the social construction of accountability," *Security Dialogue* (June 2018).

⁴² Ibid.

⁴³ The total amount paid by SNCF America to lobbyists is not public, but several million US dollars were spent. See: www.opensecrets.org (Centre for Responsive Politics).

a public “ceremony of regrets,” symbolically organized at the Bobigny train station, where most convoys left for Auschwitz and Sobibor. SNCF continued to spend money on Holocaust education, supporting the construction of new memorials and contributing to established ones.

Some of these SNCF projects backfired. Survivors involved in the US campaign said publicly that the company was acting cynically and attempting to whitewash its responsibility for the deportations. While the Simon Wiesenthal Center accepted money from SNCF America to open a new exhibition in Boca Raton, the press reported that the State of Florida refused an additional \$80,000 from the company to help its already existing Holocaust education program. It was said that SNCF might try to influence the program content (which was untrue).⁴⁴

SNCF multiplied and strengthened its ties with Holocaust organizations but continued to refuse any discussions with claimants on the question of compensation. While some compensations were paid to US survivors, they were paid directly by the French state and not by national companies.

Paying Compensation

One of the main components of transitional justice is the payment of various forms of compensation to the victims or their families. Reparations can also be paid to states or communities. The best-known example here is the September 1952 Luxembourg agreement signed between the Federal Republic of Germany, the state of Israel, and the Claims Conference in New York. The latter represented Jewish survivors living outside of Israel.

More generally, one of the many specific features of the Holocaust is that it is the only genocide for which such a significant array of reparations, compensation, politics of returning looted properties, etc. has taken place to such an extent and over such a long period of time. The seminal historian of the Holocaust, Raul Hilberg, stressed this fact as early as 1964.⁴⁵ But the distribution of reparations has been extraordinarily unequal, depending on the nationality of survivors and their country of residence. German Jews received the most, including pensions. West European survivors received a lump sum in the 1960s. In the 1990s, money was granted by post-reunification Germany to former slave laborers, Jewish or not. Reparations policies have been multiple, complex, and bureaucratic.⁴⁶

Western European countries developed their own compensation policies for deportees and their families. The “status of the deportees” was voted on by the French Parliament in 1948. Survivors of deportations received pensions, as did their wives. Orphans received some benefits too. In France, Holocaust survivors and families received small state pensions that were lower than the ones received by Resistance fighters who had been deported and to their families. Only in 1969 were all pensions ultimately aligned. In 2000, following the recommendations of the Mattéoli Commission on Looted Assets, pensions were offered to persons who had lost one or both of their parents in the Holocaust.

⁴⁴ Rosner, Noémie, ‘Aux Etats-Unis, la SNCF en fait trop ou pas assez sur la Shoah’, *L’Obs*, November 16, 2016, electronic version.

⁴⁵ Raul Hilberg, *La destruction des Juifs d’Europe*, volume 2 (Paris: Gallimard, 1988), 996ff.

⁴⁶ For a global view on German reparations, see: Constantin Goschler, *Schuld und Schulden. Die Politik der Wiedergutmachung für NS-Verfolgte* (Göttingen: Wallstein, 2005).

Following the controversies on Holocaust-era assets, and to put an end to the manifold litigation against banks and insurances companies, decisions were made to reopen the claims that were closed in France in 1953; Jews could ask for compensation for properties that had been taken from them and not returned or for which they had not been given appropriate compensation.⁴⁷ The system put in place did not formally request French companies to directly compensate the claimants. The money has since come from the state budget. However, private companies have endowed the Foundation for the Memory of the Shoah with 600 million Euros, doing so “willingly.” The compensations they provided were indirect, as the companies did not deal directly with survivors or their families.

In the French case, the state stepped in (as is typical in France, with a strong tradition of public service and state intervention). Public companies delegated their negotiations over the past to French administrations and the executive branch of power (negotiations were handled by the Prime Minister’s office). No discussions were allowed in the National Assembly. No vote was believed necessary. Today, the various French cases of compensation represent a rather complex web. Many survivors find it difficult to navigate the legislation that exists. Attuned to those difficulties, SNCF financially supports a page to guide the claimants on the website of the Shoah Memorial.⁴⁸

The history of compensation given by private companies to Holocaust victims has not been written in detail. It seems that such cases have been very limited, as most compensation policies have been state-led. One can reference the specific case of forced laborers in Auschwitz who sued IG Farben – the German and heavily nazified chemistry trust – for compensation, as they had worked for some subsidiaries of the trust. A German survivor of Auschwitz III – Monowitz, Norbert Wollheim, sued IG Farben in liquidation in 1950 and won his case.⁴⁹ Thousands of survivors received a lump sum payment from this private company. In Germany in the 1990s, about 6,500 private companies voluntarily contributed to a sizeable fund to compensate forced laborers in Eastern Europe. This foundation, named “Remembrance, Responsibility and Future”,⁵⁰ also spends money on tolerance and human rights education.⁵¹

The three laws passed by US state legislatures in 2010 threatened SNCF’s development in US markets. But SNCF continuously refused to compensate claimants. In 2014, however, the State Department announced that a bilateral agreement was to be signed between the United States and France to set up a fund to “compensate some victims of deportation.”⁵² The agreement, which was signed in Washington on December 8, 2014,⁵³ received some publicity in the media and was clearly understood as linked to the difficulties SNCF was facing in the United States. French diplomats in charge of the agreement clearly expressed the position that SNCF was not responsible for the deportations to death camps. The

⁴⁷ See the website of the commission in charge of processing the claims, the Commission pour l’indemnisation des victimes de spoliation (CIVS) at <http://www.civs.gouv.fr/home>.

⁴⁸ See this webpage: http://holocaust-compensation-france.memorialdelashoah.org/en/index_engl.html.

⁴⁹ On the Wollheim case, see the complete description and analysis in: Joachim Rumpf, *Der Fall Wollheim gegen die I.G. Farbenindustrie in Liquidation. Die erste Musterklage eines ehemaligen Zwangsarbeiters in der Bundesrepublik Deutschland – Prozess, Politik und Press* (Frankfurt am Main; New York: P. Lang, 2010).

⁵⁰ In German, “Erinnerung, Verantwortung und Zukunft (EVZ)”. For more, see their website: www.stiftung-evz.de.

⁵¹ See: the website of the EVZ Foundation.

⁵² Statement by Victoria Nuland, Assistant Secretary, Bureau of European and Eurasian Affairs, at the ceremony of signing: <https://2009-2017.state.gov/p/eur/rls/rm/2014/dec/234917.htm>.

⁵³ <https://2009-2017.state.gov/p/eur/rls/rm/2014/dec/234917.htm>.

company was an instrument of deportation and it was up to the French state to bear responsibility and to compensate victims.⁵⁴

The bilateral agreement was not without its controversies. While the State Department did not have to request approval from Congress, the French Parliament had to vote on it. This led to a debate over wording. Some Senators refused the term “Vichy Government.” The text was amended and the words “de facto authority” were used instead, as they had been in the immediate post-liberation period. The money was provided by the French state but the US State Department was put in charge of implementing the agreement and of distributing the allowances. Conditions were strict: only survivors or direct descendants could claim compensation for deportation, and only if they had not benefited from the French pension system.

In exchange for this compensation, France and French companies were provided with guaranteed legal peace, based on the agreement between the US and French governments. This was the same mechanism that had worked in 2000 after the signing of the French-US agreement on looted assets in France. Few claimants stepped in and even fewer were declared eligible. It seems that among those willing to benefit from the SNCF case, few ever received any money from the French state budget, to the point that not all the money from the 60 million dollars was spent. Instead, a second round of payments was made to the beneficiaries. The number of beneficiaries and the amount of money received by each of them was not made public. It is certain that each beneficiary received at least 100,000 dollars.

The compensation arranged by the bilateral agreement was nonetheless considered unsatisfactory by many. First, it was paid for by the French state, not by SNCF. The company thus avoided direct, legal recognition of its responsibility in the Holocaust. Second, many claimants against SNCF were not eligible as they had received previous payments from the French state. And third, the sum of money received by the few beneficiaries was considered disproportionate – and unfair – in comparison with the small pensions granted by the French state.⁵⁵ It also seems as though not every claimant against SNCF was informed of the compensation plan by their lawyers.⁵⁶ As a consequence, they did not apply – or at least did not apply in time – for compensation.

Notwithstanding the agreement between the US and French governments, US lawyers for the claimants have continued to try and advance claims against SNCF. In April 2015 a new complaint was lodged, this time in a federal court in Chicago, accusing SNCF of looting the property of victims. The claim is still pending. The main claimant is Karen Scalin, whose grandparents were deported from France to Auschwitz with no return. Other claimants are Josiane Piquard and Roland Cherrier, both living in France.⁵⁷

To this day, only the Dutch railway (*Nederlandse Spoorwegen*, NS) has compensated victims and survivors for deportation. The public company began financing educational and memorial activities in 2005, but at the time refused to pay compensations. The change in its policy was due to the activism of one man, Salo

⁵⁴ “Pour le rôle de la SNCF dans la Shoah, Paris va verser 100 000 euros à chaque déporté américain,” *Le Monde*, December 5, 2014.

⁵⁵ Interview with Harriet Tamen.

⁵⁶ Interview with Michel Jeruchim, Silver Spring, Maryland, January 4, 2020.

⁵⁷ <https://www.bfmtv.com/international/etats-unis-des-familles-de-victimes-de-la-shoah-attaquent-la-sncf-en-justice-878667.html>.

Muller, who lobbied to obtain compensation for the deportation of his parents.⁵⁸ When Muller tells his story, he recalls his recurring dreams in which he sees his parents during their journey to Auschwitz in an NS train car. Muller also says that his fight has been inspired by claimants' success in winning compensation claims against SNCF.⁵⁹

No judicial procedures took place, only a media campaign and the threat of a trial.⁶⁰ The first public report on compensation was made public in early March 2020. The closure of the funds was expected in July 2020. Living survivors of deportation have been granted 15,000 Euros (about \$16,171 USD). A widow or widower is to receive 7,500 Euros (\$8,085 USD). If there is no widow or widower, children receive 7,500 Euros (to share amongst themselves) if the oldest of the kids was born before May 8, 1945, and 5,000 Euros (\$5,390 USD) if the oldest was born after May 8, 1945.⁶¹ A commission headed by the former Mayor of Amsterdam, Job Cohen, assesses the claims and distributes the money. Other members of the commission include a lawyer and an historian.

In a carefully designed policy, SNCF and the French state agreed that the state would pay compensation to US survivors and orphans who had suffered in France. Accompanying each step and each measure, SNCF managed to never fully recognize its responsibility or to pay direct compensation. But financial compensation was not the only challenge SNCF faced. The national company also dealt with the complex issue of public acknowledgement of guilt.

Public Acknowledgement of Responsibility

Public apologies for past wrongdoings are a recent phenomenon. The Catholic Church is a primary example. The Church has apologized publicly for many of its past misdeeds, including the condemnation of Galileo. On September 30, 1997, the French Conference of Bishops organized a public ceremony on the site of the Drancy camp.⁶² Those public apologies can be considered a part of transitional justice. They are both demanded and criticized. How can a few words, even carefully crafted, change perceptions of a traumatic past? Public apologies can, however, be considered symbolic reparations. They can also be interpreted as a sign of the diminished sovereignty and legitimacy of the modern state, which is facing globalization, communitarianism, and a global demand for new civic moral norms.⁶³ They can be interpreted as a new

⁵⁸ Thomas Saintourens, "Salo Muller, fils de déportés, et sa victoire contre les trains de la mort aux Pays-Bas," *Le Monde*, January 25, 2019.

⁵⁹ Ibid.

⁶⁰ For a detailed analysis, see: David Barnouw, Dirk Mulder, and Guus Veenendaal, *De Nederlandse Spoorwegen in oorlogstijd 1939-1945. Rijden voor Vaderland en Vijand* (Amsterdam: W Books, 2019) 156-173; Manon Bax, Mijke de Waardt, "Belofte Maakt Schuld. Nederlandse Spoorwegen en Schadevergoeding voor overlevenden van WOII-Transporten," *Tidschrift voor Herstelrecht*, volume 19, issue 4 (2019).

⁶¹ <https://commissietegemoetkomingns.nl/app/uploads/2019/08/payment-scheme-example-scenarios.pdf>.

⁶² See the analysis of the event by one of the bishops: Olivier de Berranger, "Genèse de la 'Déclaration de repentance des évêques de France' (30 September 1997)," *Revue d'Histoire de la Shoah*, volume 192, issue 1 (2010), 447-459.

⁶³ Among the sparse literature on public apologies, see: Pablo de Greiff, "Le rôle des excuses dans le processus de réconciliation nationale, ou comment promouvoir la confiance des citoyens envers des institutions dignes de confiance," in Kora Andrieu, Jacques Sémelin, eds., *Raison publique*, issue 10 (May 2019) <https://www.raison-publique.fr/article571.html>.

form of – or demand for – international dialogue regarding important events in history.⁶⁴

SNCF made a public statement at a public ceremony regarding its past and its responsibility in the Holocaust. Again, it is the only major European company to have done so in such a formal and symbolic setting. The ceremony took place on January 25, 2011 in Bobigny, at the retired train station from which convoys to Auschwitz departed between 1942 and 1944. SNCF also symbolically donated the train station to the municipality of Bobigny so that it could build a memorial and small museum.⁶⁵ SNCF had planned for years before this to turn the site into a memorial but the ceremony accelerated these existing efforts.

The ceremony at Bobigny was carefully organized. The speech delivered by President Pepy was carefully written.⁶⁶ In it, he repeated that SNCF had been “requisitioned” by the German occupation forces and was “ordered” to organize the trains: “Forced, our company nonetheless drove those trains to the border. It did it.” He insisted that SNCF had to face its past: “To face this past, to know it, to understand it. To perpetuate the memory. To draw lessons for life. We have been doing that for the last 20 years.” But the President did not formally apologize, saying “In the name of the SNCF, I bow down before the victims, the survivors, the children of those deported, and before the suffering that still lives.”⁶⁷

The ceremony was attended by witnesses of the deportations and a few survivors. Simone Veil was present. Ms. Veil was herself an Auschwitz survivor and a beloved French politician (she created the national law guaranteeing abortion rights to women in 1975). Veil addressed the audience too. A short documentary film had been prepared, with testimonies from survivors. The ceremony was well covered by French and US media. Many journalists described the speech as a “public apology,” which it was not. But many claimants and litigators pointed to the absence of a formal apology. Harriet Tamen said: “They did not acknowledge responsibility. Pepy said, ‘we regret the result.’ He did not say, ‘we are sorry we put you on the trains.’” She added: “SNCF is trying everything it can to get good press, except doing something for the victims.”⁶⁸

Guillaume Pepy expressed regrets, not apologies. The moment was important, solemn, and symbolic, and it opened even more avenues for history writing and memorial projects. It can be considered part of an ongoing dialogue SNCF is conducting with different civil society actors, from diplomats to Holocaust memorial institutions. The ceremony was generally well received, but not by the US claimants and litigators.

⁶⁴ Ariel Colonomos, “Pour un civilité mondiale des excuses,” in Kora Andrieu and Jacques Sémelin, eds., in *Raison publique*, issue 10 (May 2019), <https://www.raison-publique.fr/article564.html>; See also: R.L. Brooks, *When Sorry is not Enough. The Controversy over Apologies and Reparations for Human Injustice*, (New York U.P, New York, 1999); M. Nobles, *The Politics of Official Apologies* (Cambridge: Cambridge University Press, 2008).

⁶⁵ Maia de la Baume, “French Railways Formally Apologizes to Holocaust Victims,” *New York Times*, 25 January 25, 2011.

⁶⁶ See the complete text (in French): <http://garedeportation.bobigny.fr/63/une-reconnaissance-entantquelieu-dememoire.htm>.

⁶⁷ Ibid.

⁶⁸ Interview with Harriet Tamen.

Public Forums

Kora Andrieu explains that transitional justice grants a significant space for emotions.⁶⁹ She analyses how the “truth” is – or should be – an opportunity for catharsis if properly constructed. It is simultaneously a moral, ethical, and pragmatic enterprise. The material aspects of recognition, among them compensation and measures to avoid the repetition of crimes, are seminal but they do not suffice to appease victims’ anxiety and reconstruct social fabrics. For the process of transitional justice to be effective and also acknowledged, there is a need for public forums, not only in courtrooms but in new spaces.

It could be said that those forums provide space for “talk therapy.”⁷⁰ The voice of the victims should be heard, and possibly confronted with the voices of perpetrators. The spaces should go beyond a dispositive that would serve for practical conflict resolution only and instead enable survivors and witnesses to enter into dialogue. It goes beyond what some historians have described as the “era of the witness.”⁷¹ The Truth and Reconciliation Commission in post-Apartheid South Africa is a model of such a forum, in which families of the disappeared, historians, and forensic experts were given the stage to make public declarations (and to hold discussions) which were recorded and often televised. Participants frequently demonstrated public displays of emotion, such as crying, reflecting a heavy influence of the public display of feelings in today’s television programs.

In SNCF affairs, public forums were not utilized. In fact, they were only rarely held, if at all. Harriet Tamen, a lawyer who has litigated for years against SNCF, is very conscious of the demand for this type of space. She told me that had SNCF agreed to compensate individuals, she would have organized a public forum with SNCF Directors and grateful victims: “Journalists would have been invited,” she told me.

People in charge of the case at SNCF had many individual contacts with survivors and orphans. Exchanges and dialogue were initiated informally with some of them, but this dialogue was not made public. Lawyers frequently overstepped their role in talking to their claimants. “I have been impressed by the stories of the claimants I met in my office. They told me some parts of their personal stories that I had never heard before, that they probably had never told anyone before,” said Corinne Hershkovitch.⁷² Hershkovitch represented about 250 clients in the various claims she filed against SNCF.

The need to talk and tell their stories was present in most of the aging (and sometimes very old) survivors and orphans. Michel Jeruchim, who was a client of Corinne Hershkovitch, felt isolated in Philadelphia, where he had lived for several decades. He did have contacts with local Holocaust organizations, mostly the local chapter of the American Jewish Congress.⁷³ Mr. Jeruchim, his sister, and his brother had survived in three different foster homes in Normandy, sheltered by gentile families. Their parents were arrested when crossing the demarcation line and deported to Auschwitz in an early convoy.⁷⁴ Simon Jeruchim

⁶⁹ Andrieu, *La justice transitionnelle*, 38.

⁷⁰ *Ibid.*, 376-381.

⁷¹ Annette Wieviorka, *The Era of the Witness*, trans. from French by Jared Stark (Ithaca: Cornell University Press, 2006).

⁷² Interview with Corinne Hershkovitch.

⁷³ Interview with Michel Jeruchim.

⁷⁴ Michel Jeruchim’s older brother wrote a fascinating memoir of his survival and arrival to the United States in 1947: Simon Jeruchim, *Hidden in France; A Boy’s Journey under the Nazi Occupation* (McKinleyville, California: Daniel and Daniel, 2012).

could not talk about his time in France, his scarce memory (he was five years old in 1942), or his complex relationship with France, which was simultaneously the country that delivered his parents to death convoys and the country of his rescue. In his search for a way to express his anxiety and the desire to clarify his past, he “stumbled across an advertisement published in the New York Times seeking some claimants for a lawsuit against SNCF.” He entered into contact with Harriet Tamen, who directed him to Corrine Hershkovitch. When asked why he had lodged a claim against SNCF, he said: “It is a reaction. The closest thing I can think is “revenge.” They took my parents; I want to harm them. They were colluding.”⁷⁵

In his interview with me, Mr. Jeruchim also mentioned a book he was constantly referring to by the US historian Susan Zuccotti on the Holocaust in France.⁷⁶ Michel Jeruchim, like many of the interviewees I talked to, pointed to the absence of a document, a book, a report, on SNCF in WWII and the Holocaust. Many German companies facing their past in WWII have commissioned a book about their history during the period of National Socialism. As already stated, the Bachelier Report proved of little use to claimants and lawyers. For Simon Jeruchim, Michel’s older brother, the claim was only a chapter in the long journey to his past. In 1991, he had attended a big gathering of Holocaust survivors in New York with his siblings. For the first time the three could openly talk about their own story. He ended up writing a memoir in which he frankly describes his troubled relation to France.⁷⁷

Two events in the already long history of litigation against SNCF could possibly be considered public forums in which the company faced Holocaust victims. The first was the academic conference organized in 2000 and entitled: “A public company in war. SNCF 1939-1945.”⁷⁸ The conference was public, organized by *Rails et Histoire* (Rails and History, the official Association for the History of French Railway), and commissioned by SNCF itself. The very organization of this conference, which was open to the public, proved complicated. Struggles occurred to get a seat at the tribune.⁷⁹ The conference took place in an annex of the French National Assembly in Paris. The scientific committee also included prominent historians and high-level civil servants, with, for example, Mr. Philippe Belaval, who was the Director of the French National Archives at the time. Their purpose was to signal the importance of the conference and certify that the presentations would be rigorous. But the presence of so many high-ranking officials also raised suspicions and was interpreted by some as sanctioning an official history.

Claimants and dissident voices on the history of SNCF were able to attend the conference. Debates were lively, often bitter. Survivors and claimants did not have their place at the panel but spoke from the floor. Debates were recorded and it is to be noted that they have been transcribed and made available in the conference proceedings. For example, Kurt Werner Schaechter addressed the archivists about the accessibility of archives.⁸⁰ He claimed that the archives were still closed or had been intentionally destroyed (which was not true, most archives being accessible at that time). In response, Philippe Belaval explained in detail the specifics of the 1979 law on archives. The law had significantly improved access to

⁷⁵ Interview with Michel Jeruchim.

⁷⁶ Susan Zuccotti, *The Holocaust, the French and the Jews* (New York: Basic Books, 1993).

⁷⁷ Michel Jeruchim, *Out of the Shadows. Survival in Nazi-Occupied France and Making a Life in America* (Stockton, NY: Tree of Life Books, 2019). When I met him, just after his book was published, he told me: “I have no anger anymore.”

⁷⁸ The conference proceedings were published: Association pour l’Histoire des Chemins de Fer en France, *Une entreprise publique dans la guerre. La SNCF 1939-1945* (Paris: Presses Universitaires de France, 2001).

⁷⁹ Interview with Marie-Noëlle Polino, February 21, 2020.

⁸⁰ *Une entreprise publique dans la guerre. La SNCF 1939-1945*, 28ff.

WWII archives, including the ones still closed because of the 60-year rule. Exemptions to the rule were easily granted to researchers and families but Belaval stated that, according to him, the law should be further reformed. The debate proved clearly impossible, all the more so when Schaechter made some strange, unfounded declarations, for example that SNCF had continued to organize deportation convoys after France was liberated.

Federman, who has studied the conflicts around SNCF's past in detail, has written a good analysis of the 2000 conference in terms of conflict resolution.⁸¹ Using scholarship on conflict resolution (including in the domain of commercial disputes), Federman is keen at employing "narrative analysis." Narrative analysis entails attentiveness to wording and to the exchange of ideas, as well as to the progression towards a shared narrative, if not an agreement. It also permits one to see how marginalized voices can find a place within a given public forum. She writes: "Narrative analysis makes this moral work visible – amplified voices can be acknowledged and shifted to make room for marginalized voices and previously delegitimized ways of speaking."⁸² In the conclusion to her study of the dynamics that took place at SNCF conference, Sarah Federman writes:

While this historical process was done in the name of advancing French society, the post-structural analysis [which Federman conducted herself] demonstrated how the limited inclusion of survivor participants and the control of their voices restricted work that could be done.⁸³

Federman's thoughtful analysis is demonstrated by numerous examples taken from transcripts of the debates. One such example – among many that could be taken from the published proceedings – is the following: after a long presentation by historian Michel Margairaz on the power dynamics between various top French and German agencies regarding the management of SNCF in occupied France, an individual in the audience said, "I came here to learn the history of SNCF and I must say I am surprised by what I have just heard. When Mr. Margairaz told us that SNCF neither collaborated, nor resisted, I consider for my part that it did both (...) I do not want to think that this conference is an alibi."⁸⁴

Dialogue proved impossible, even when Auschwitz survivors intervened in the debate, the technicality of which prevented a clear exchange.⁸⁵ The positions of the various speakers were so blurred that Jean-Jacque Fraenkel said: "We have heard this morning things about SNCF but where is SNCF on the tribune? Who represents the company?" The moderator, famous historian René Rémond, answered: "Why would you like SNCF to be represented?"⁸⁶ While exchanges such as this support Federman's argument about the event's limitations, the fact that those very debates were transcribed in the conference proceedings is exceptional and could show that SNCF intended to give those voices a place in the conversation (and perhaps succeeded in doing so). Participants were also encouraged to fill out a form with their specific

⁸¹ Sarah Federman, "Rewriting Institutional Narratives to Make Amends: The French National Railroads (SNCF)," *Narrative and Conflict: Explorations in Theory and Practice*, volume 3, issue 1 (2016): 44-65, available at <http://journals.gmu.edu/NandC/issue/view/195>.

⁸² *Ibid.*, 45.

⁸³ *Ibid.*, 62.

⁸⁴ *Ibid.*, 129.

⁸⁵ See, for example, the testimony of Nadine Heflter, from the conference floor: *Ibid.*, 170.

⁸⁶ *Ibid.*, 171.

testimony and demands.⁸⁷

A second event can be analyzed as a public, dialogue-based forum on the past of SNCF. It did not prove more constructive, even if it took place much later than the Paris conference. The setting was also different: two separate hearings organized in March 2014 by the Maryland State Legislature in Annapolis. The hearings were set to prepare the vote for a second bill against SNCF in Maryland (the first one had passed in 2011, asking SNCF to clarify its past in WWII).⁸⁸ This second bill was to request compensation. One hearing took place in the Maryland House and one in the Senate. Lawmakers, representatives of Holocaust organizations in the US, and the few activists who were also survivors confronted lobbyists and representatives of SNCF.

The lead activist and “spokesperson” on the case was going to be Leo Bretholz. A few years before the litigation he had published a memoir of his life and survival in France.⁸⁹ Born in Vienna, Bretholz had fled to Luxembourg, then Belgium, was interned in France, unsuccessfully tried to reach Switzerland, and was arrested and sent to Drancy. One of the very few to manage it, he escaped from the train to Auschwitz, jumping through the small window of the train car after tearing down the iron bars. With a comrade, he reached a nearby village and was helped by two priests, one of whom gave him a train ticket to Paris.⁹⁰ He had multiple legitimacies in the eyes of the US public: a survivor, a hero, a Resistance fighter, and a true American. It seems that in Maryland (and in Maryland only), public mobilization against SNCF reached a wide audience, as shown by a petition signed by almost 100,000 people in favor of the bill.

The hearings could have been an opportunity for public exchange but tensions ran too high and the issue was presented in too divisive of a manner. SNCF had brought lobbyists but also one Holocaust survivor to speak in its favor. Bretholz’s voice was not audible, as he spoke too softly. The hearings took an even more dramatic turn when Leo Bretholz suddenly died the day before the second hearing at the state Senate. Taken together, these events and dynamics symbolized the impossibility of reconciliation despite the many efforts conducted by the national railway company, the many initiatives it took to develop a politics of memory, and the considerable initiatives SNCF launched in the field of Holocaust memory and education.

The Politics of Memory Conducted by SNCF

After the signing of the 2014 bilateral agreement in Washington, the President of SNCF America, Alain Leray, informally agreed with the US chief negotiator, Stuart Eizenstat, to pursue the work of memory and education.⁹¹ SNCF then spent a great deal of money outside the framework of the compensation agreement.

⁸⁷ *Une entreprise publique dans la guerre. La SNCF 1939-1945*, 130.

⁸⁸ ‘Public Private Partnerships – Disclosure of Involvement in Deportations’, Maryland State House of Representatives. Committee of Ways and Means and Environmental Matters. (HB1326; Date: March 10, 2014) Annapolis, MD. Video; ‘Holocaust Debate Plays Out in Annapolis’, *Baltimore Sun*, 7 March 2014.

⁸⁹ Leo Bretholz and Michael Olesker, *Leap into Darkness. Seven Years on the Run in Wartime Europe* (London: Constable, 1999), 169-183.

⁹⁰ *Ibid.*, 169-183.

⁹¹ Interview with Alain Leray.

Considering the extent of SNCF properties across French territory, memorial plaques in train stations and SNCF buildings represent the most extensive politics of memory. In 1945, instructions were given to all divisions of the company to display plaques for the *cheminots* who had been killed by German occupiers, mostly for their activities in the Resistance.⁹² Sixteen hundred plaques were installed, mostly within office buildings and places not accessible to the public. Interestingly, while the company promoted a public memory of SNCF as a major Resistance network, this specific memory initiative was designed to be internal.⁹³ It seems that the memory of SNCF in the Resistance also had an important internal function: to recreate a self-perception or collective identity within an organization that was fractured by divergent political leanings – as was French society in the post-war years.

Initially there was no archival material that listed SNCF plaques, which shows how late the company endeavored to constitute its own archives. In the 1990s, initiatives to register those plaques surged; the plaques were then considered precious from the past. Volunteers from within the SNCF were sent to photograph them with digital cameras beginning in the early 2000s.⁹⁴ As the plaques were internal the company buildings, only *cheminots* (or retired ones), could access them. SNCF could then determine the number of plaques (1,600) and control and preserve this specific heritage. The company safeguarded the plaques, especially when a building was modified or destroyed.

From the 1990s on, new demands for plaques related to the Holocaust emerged. SNCF favorably answered all demands and there are now 13 such plaques around French train stations. They are all visible to the public, passers-by, and travelers. For example, there is one in the Nîmes train station (in the Department of Gard) dedicated to the memory of deported children. The plaque is in the entrance hall, on the western wall.⁹⁵ There is a plaque in Angers, and one in Lille-Fives that commemorates the Rosh Hashanah round-up. One should also add the particularly significant plaque in the *Gare de l'Est* (Eastern Station) in Paris for the memory of survivors who arrived at that very site. Train stations are also memorial places of return, which can be read in the many survivors' memoirs.

In almost 30 years of debate, SNCF has developed numerous memory initiatives and approaches. It has also supported and held exchanges with dozens of Holocaust organizations and memorials. This is one of the many paradoxes of this unique case in memory studies. Some of the initiatives were proactive, like the commission of the Bachelier Report, or the public ceremony at Bobigny. Money generously given to the Shoah Memorial in Paris and to many others also represented a voluntary contribution, as did the donation to the CERCIL (a small but very active research and memorial center in Orléans) which was specifically dedicated to the two camps in the Loiret department – Pithiviers and Beaune-la-Rolande. Numerous convoys departed the two camps, either to reach Drancy or to travel directly to Auschwitz.⁹⁶

⁹² Interviews with Marie-Noëlle Polino.

⁹³ See an analysis of those plaques in: Nicolas Fasseur, "Les discours de la commémoration et ses jalons monumentaux de l'entreprise : le cas de la SNCF," *Metropolis*, "Flux", volume 4, issue 82 (2010): 34-42, available at <https://www.cairn.info/revue-flux1-2010-4-page-34.htm>. A rare example of documentation has been found for La Folie train station, showing that on 7 and 8 October 1945, round-mails were sent to each division to explain how to apply for a plaque.

⁹⁴ Interview with Marie-Noëlle Polino.

⁹⁵ I thank Marie-Hélène Polino for providing the list and description of those plaques.

⁹⁶ <http://musees.regioncentre.fr/les-musees/cercil-musee-memorial-des-enfants-du-vel-d-hiv>.

But many initiatives were only reactive, actions taken in order to tame protests or respond to some a particular criticism. For example, the “ceremony of regrets” at Bobigny in January 2011 and the donations made to Holocaust organizations in Florida when the bill was presented to the Florida State Senate. These reactive actions were perceived as such, to the point that a second donation offered for Holocaust education in Florida was turned down.

On the other hand, SNCF made the decision to continue its support for education even after the 2014 agreement on compensation was signed in Washington. This has included engagement with dozens of Holocaust organizations. The company has financed most of the existing organizations in France, for example helping with the development of Les Milles, a memorial at a former internment camp near Marseilles.⁹⁷ SNCF offers train tickets to the memorial for groups and students coming from Marseilles, which is an original way of supporting its activities.

SNCF donations come with no strings attached for the memorials. The company directs neither the activities nor the educational syllabi these memorials offer. Beneficiaries have the complete freedom to conduct their work as they wish. But SNCF is often present at ceremonies. As SNCF remains discreet – sometimes very discreet – about its donations and its publicity and often shy about its achievements, the physical presence of its representatives is of importance. In this sense, SNCF “speaks” to the memory activists, to representatives of victims, and to victims themselves. It can discreetly shift the perception the public may have of the very politics of memory deployed by the national company. One recent appearance was that of Ms. Marie-Noëlle Polino, SNCF Policy Officer for Historical and Memorial Issues, at the inauguration of the Wall of Names at the Compiègne-Royallieu memorial. Royallieu was the main transit camp for Resistance fighters (the counterpart of Drancy). A wall of names already existed, but the inauguration celebrated its recreation and completion. On February 14, 2020, it was officially inaugurated. SNCF donated 20,000 Euros to support this project.⁹⁸

Beyond the project in Bobigny, SNCF also contributes to the creation of other memorials. The most recent is the transformation of the abandoned Pithiviers train station into a memorial space.⁹⁹ Six convoys left the Pithiviers station and 16,000 Jews in total transited through this station and through that of Beaune-la-Rolande. The memorial space will span 400 square meters and is due to open in the near future. SNCF has also supported smaller and less visible projects, such as the writing of Henri Lang’s biography. Henri Lang was a senior manager of the pre-war SNCF. He was deported as a Jew after being arrested in the third roundup of Jews in Paris, in December 1941, and deported in the first convoy to Auschwitz-Birkenau on March 27, 1942, where he was killed. It is likely that he died two months after his arrival at Auschwitz.¹⁰⁰ SNCF has also financed some small theater projects linked to Holocaust memory and education.

Although SNCF has not supported a significant historical project since the Bachelier Report was made public, its treatment of the company archives has been significant. Under constant suspicion of hiding

⁹⁷ <http://www.campdesmilles.org/home2.html>.

⁹⁸ Fanny Dollé, “Mémorial de Royallieu à Compiègne : 4700 patronymes manquants ajoutés sur le Mur des noms,” *Le Courrier picard*, February 14, 2020. The donation by SNCF is mentioned in this article of the local press but not on the website of the Royallieu Memorial.

⁹⁹ <http://www.memorialdelashoah.org/le-memorial-de-la-shoah-et-la-sncf-lacent-les-travaux-pour-la-creation-dun-nouveau-lieu-de-memoire-au-sein-de-lancienne-gare-de-voyageurs-de-pithiviers-loiret>.

¹⁰⁰ Nathalie Bibas, *Henri Lang (1895-1942). Un dirigeant de la SNCF mort à Auschwitz* (Paris: Editions LBM, 2012).

information and not granting access to its archives, the national company was forced to speed up the construction of its archival center in Le Mans. The 2011 bill passed by the legislature of Maryland required the archives to be fully inventoried and accessible. Even further, it required SNCF to digitize the entirety of its WWII archival holdings. This is a unique case of digitization, all the more so because this material has been made available online. SNCF recruited the noted Holocaust historian Michael M. Marrus of the University of Toronto to ensure that this work was properly conducted. A US historian has also been asked by the Maryland legislature to oversee the archival work. SNCF is probably the only major company to have made the entirety of its WWII archives freely available online.¹⁰¹ Digital copies of those archives have been given to the Shoah Memorial in Paris, to the national Israeli Holocaust Memorial Yad Vashem, and to the United States Holocaust Memorial Museum in Washington D.C.

Even though the documents are not often used, making those 1.4 million documents available contributes to an important aspect of transitional justice: the right to truth.¹⁰² In the absence of perpetrator trials, the judiciary can use its procedures to establish the truth and to tell the story of hidden victims. This right was foremost developed in Argentina, beginning in 2011. Trials were organized with no accused, only the presence of victims and/or their families, and the rendering of past events.¹⁰³ SNCF's policy towards its archives is unique, remarkable, and could be completed by fostering the use of this material by historians.

SNCF has also started to finance organizations fighting for the prevention of atrocities in general, such as the New York City, Oświęcim, Buenos Aires, Kampala, and Bucharest-based Auschwitz Institute for the Prevention of Genocide and Mass Atrocities. The railway company has become an important stakeholder in Holocaust memorial projects and education. It has spent over 12 million Euros on various initiatives to this end. While the many projects SNCF has been supporting do not seem to constitute a clear strategy, they are responsive to the needs of educators and of memorials. Meeting specific, ad hoc demands can be seen as an interesting and non-prescriptive way of supporting memory and history.¹⁰⁴

Recommendations:

SNCF could further its politics of memory in several ways:

- Commissioning historical research that goes beyond the findings of the Bachelier Report on its role in the deportations, particularly on unresolved topics such as chains of command within the company for the organization of convoys, payments for transports, knowledge about the final destinations of convoys, the role of prefectures and of French administrations, and the role of Jewish organizations in providing food rations and other supplies for the journey.
- Should SNCF decide to further support educational projects, creating a small fund to accompany the publication of a call for projects. A small

¹⁰¹ <https://www.sncf.com/fr/groupe/patrimoine/archives-de-sncf>.

¹⁰² Interview with Agnès d'Angio-Barros.

¹⁰³ On the trial for truth in Argentina, see: Sevane Garibian, "Ghosts also Die. Resisting Disappearance through the "Right to the Truth" and the Juicios por la Verdad in Argentina," *Journal of International Criminal Justice*. volume 12, number 3 (2014): 515-538.

¹⁰⁴ Interview with Sarah Federman.

committee comprised of an historian, a representative of victims, and a representative of SNCF could evaluate the applications.

- Directing more publicity to SNCF's memory activities. For example, a list of projects should be made available on SNCF history webpages.
- Commissioning an exhaustive legal analysis of the various litigation and procedures against SNCF. This would favourably contribute to the growing corpus of studies on transitional justice and human rights law.

Conclusion

The “scandal” over Holocaust-era assets started timidly in 1994. By 2000, most of the claims and litigation had been settled by dozens of bilateral agreements, international conferences – such as the International Stockholm Forum on the Holocaust – and the creation of multiple foundations for research and education. Claims against SNCF started as early as 1992 and are still pending. Although the national company has engaged in numerous initiatives, lobbying, and educational and historical projects, and confronted many aspects of its troubled history, those who remember its involvement in the deportation of Jews and Resistance fighters are still not appeased.

SNCF's confrontation with its layered history is multifaceted. It conducted an impressive and coherent politics of memory over several decades. The national company has become a major player in the field of Holocaust memory but has remained hesitant to see its own history written beyond the Bachelier Report (which does not mean it has prevented the work of outside researchers). Its strict position on a partial acknowledgment of its responsibilities in the Holocaust and its decision not to consider ways to provide further redress to survivors and their families beyond compensation paid by the French state were accompanied by generous donations to Holocaust institutions in both France and the United States.

As time passes and controversies that were started almost 40 years ago fade, points of contention appear less stringent. While one lawsuit is still pending, future claims are unlikely. The last remaining Holocaust survivors are passing away and so are those who were orphaned by the Holocaust. This does not mean that the legacies of SNCF and of its role in deportations will not be considered in the future, though, as claims for reparations, memorialization, and recognition related to even older crimes against humanity have appeared, such as those for the Transatlantic Slave Trade.

The case study of SNCF's past and ongoing efforts to deal with its Holocaust history informs a broad range of specialized and non-specialized audiences about best practices for corporate actors in developing approaches to deal with the past. It is an extraordinary case of transitional justice, of how difficult it is to confront memory. The transatlantic dimension of the case, the long timespan, and the contrast between the company's many efforts and measures for transparency with the anger that still runs high all contribute to making it exceptional. The SNCF case opens in new ways questions of territoriality, of immunity, of reconciliation, of memory, and of corporate responsibility.

In the end, SNCF's politics of memory have only partly dissipated suspicions towards the railway company. Donations have been suspected of buying appeasement, as their distributions and choice of beneficiaries were not conducted through a transparent and open process. Lessons may be drawn from that regarding a fundamental necessity of transitional justice: direct and public conversations with communities of

survivors must be at the heart of attempts to reconcile with the violent past.

List of Interviews:

- Agnès d'Angio-Barros (October 18, 2018, Saint-Denis)
- Catherine Bernstein (October 6, 2018, by phone)
- David Barnouw (February 15, 2020, Amsterdam)
- Ludivine Broch (September 6, 2019 by phone)
- François Croquette (January 13, 2020, by phone)
- Laurent Douzou; Bernard Emsellem (November 12, 2019, Paris)
- Sarah Federman (November 14, 2019, Washington D.C.)
- Jacques Fredj (November 27, 2019, by phone)
- Corinne Hershkovitch (February 12, 2020, by phone)
- Simon Jeruchim (January 4, 2020, Silver Springs, Maryland)
- Serge Klarsfeld (September 6, 2019, by phone)
- Alain Leray (October 15, 2018, Saint-Denis)
- Deborah Lipstadt (January 12, 2020, Washington D.C.)
- Michael M. Marrus (September 4, 2019, by phone)
- Owen Pell (November 5, 2019, New York)
- Marie-Hélène Polino (February 21, 2020, by Skype)
- Harriet Tamen (February 14, 2020, by phone)
- Richard H. Weisberg (December 5, 2019, by phone)

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