

University of Lausanne, Ecole des HEC

Department of Econometrics and Economics (DEEP)

Research Paper No 01.03

January 2001

**A Critical Evaluation of the Bergier Report on
“Switzerland and Refugees during the Nazi Era”,
With a New Analysis of the Issue**

Translated and reworked from the original
French version published in March 2000

For a **free paper version** of this text please contact Ms. Claudine Delapierre-Saudan, Librarian,
DEEP/HEC, University of Lausanne BFSH1, CH-1015 Lausanne, Switzerland;
fax : 41/(0)21/692.33.65 ; tel. : 41/(0)21/692.33.64 ;
Email: claudine.delapierresaudan@hec.unil.ch

© J.-Ch. Lambelet, Lausanne, 2001

A Critical Evaluation of the Bergier Report on “Switzerland and Refugees in the Nazi Era”, with a New Analysis of the Issue

Jean-Christian Lambelet

In memory of Carl Ludwig (1889-1967)

Abstract

The so-called second Bergier report offers a wealth of information as well as some useful and valuable analytical insights, but it also suffers from a number of shortcomings and weaknesses, some of which are quite serious. The significance of important facts is not worked out properly. The abundant numerical data remain unexploited. The analysis is often repetitious and sometimes inconsistent. Many interpretations are far-fetched. The general image of Switzerland's refugee policy it paints is difficult to reconcile with several central facts. Its severe judgements therefore seem to rest on fragile foundations. For all these reasons, a very different and, in part, a novel analysis of Switzerland's policy *and* practice vis-à-vis the refugees is proposed in a constructive spirit, an analysis that seems fully corroborated by the available information and numerical data.

Résumé

Le deuxième Rapport Bergier offre une information fort riche ainsi que des apports analytiques qui sont utiles et valables, mais il comporte aussi des faiblesses et lacunes dont certaines sont graves. Des faits d'importance ne sont pas mis en valeur de manière appropriée. Les nombreuses données chiffrées qu'il contient ne sont malheureusement pas exploitées. L'analyse est souvent répétitive, avec des contradictions internes. Plusieurs interprétations sont tirées par les cheveux. L'image générale que le Rapport brosse de la politique suisse envers les réfugiés n'est guère conciliable avec des faits centraux. Les sévères jugements qu'il porte sur cette politique reposent donc sur des bases qui paraissent fragiles. Pour toutes ces raisons, une analyse très différente de la politique *et* de la pratique envers les réfugiés est proposée dans un esprit constructif. Cette analyse, qui est en partie nouvelle, paraît pleinement corroborée par l'information disponible, chiffrée ou non.

Zusammenfassung

Der zweite Bergier Bericht enthält zwar eine Fülle Informationsmaterial sowie einige gute Ansätze, leidet aber auch unter einer Reihe z.T. gravierender Schwächen und Versäumnissen. Die Bedeutung wichtiger Fakten wird nicht ausreichend herausgearbeitet und das ausgiebige Zahlen- und Datenmaterial wird leider kaum ausgewertet. Die Analyse tendiert zur Wiederholung und ist manchmal zusammenhangslos. Viele Auslegungen sind weit hergeholt. Das vom Bericht gezeichnete Bild der Schweizer Flüchtlingspolitik ist mit vielen zentralen Fakten kaum in Einklang zu bringen. Die Aburteilungen dieser Politik scheinen deshalb auf wackeligen Füßen zu stehen. Aus allen diesen Gründen wird konstruktiv eine grundsätzlich andere und z.T. neue Analyse der Schweizer Flüchtlingspolitik *und* Praxis vorgeschlagen, die allem Anschein nach mit den verfügbaren Informationen und Daten vollkommen konsistent ist.

Keywords: history; World War II; Switzerland; refugees; Bergier Commission

JEL Classification : F22; N00; N44

A Critical Evaluation of the Bergier Report on “Switzerland and Refugees in the Nazi Era”, With a New Analysis of the Issue

Jean-Christian Lambelet¹

As a subject matter of history, this human world should be studied in the same manner as physical realities. We must observe it, deduce, link our findings by provisional *hypotheses*, experiment, and look for laws. We historians must adopt a scientific approach, just like physicists: observe dispassionately, reach conclusions without preconceptions, and forget our passions, calculations, moral and social positions. Historians should not judge but understand and explain. We no longer want to hear about the Court of history, with a capital C.

Fernand Braudel (1902-1985)²

As many have noted since its publication, the so-called second Bergier report³ adds nothing particularly new, in terms of facts or knowledge, to our previous understanding of the general issue of refugees in Switzerland during World War II.⁴ It does however provide a certain number of useful, valuable and interesting contributions, which I shall discuss first. I will then try to underscore its many weaknesses and shortcomings.

First useful contribution: the trains of deportees

Some of the report's contributions are particularly helpful because they provide apparently definitive answers to questions that, until now, remained controversial or vague. One such contribution is Gilles Forster's annexed study on *The Transit of People by Rail through Switzerland during the Second World War*. This work convincingly demonstrates that convoys of deportees on their way to the death camps, from Italy in particular, did not cross Switzerland but used other railway lines (farther east in the case of Italy⁵). Geography alone would have led to this conclusion: a quick glance at a railway map of Continental Europe⁶ shows that the most direct routes to the camps in Poland did not cross Switzerland.

¹ University of Lausanne, DEEP/HEC, BSFH1, Ch-1015 Lausanne. Email: jean-christian.lambelet@hec.unil.ch. The original French text is available on the author's web site: <http://www.hec.unil.ch/jlambelet/doc.html#article>. Switzerland's policy vis-à-vis the refugees during World War II is also discussed in chapter four of my recent book: *Le mobbing d'un petit pays – Onze thèses sur la Suisse pendant la Deuxième Guerre mondiale*, Lausanne, L'Âge d'Homme, 1999. I would like to thank all those, too numerous to name here, who generously contributed their criticism, advice and help. – Particularly relevant contributions are mentioned as they come up in the text.

² See *Les ambitions de l'histoire*, R. de Ayala and P. Braudel (Eds.), Paris, Editions de Fallois, 1997, p. 53 (italics as in original). Special thanks to Jean Freymond who brought this relevant quote to my attention.

³ The Independent Commission of Experts Switzerland - Second World War, *Switzerland and Refugees in the Nazi Era*, Bern, 1999, 358 pp., with four annexed reports. The *French version* is used throughout, including for page numbers. There are a number of non-trivial differences between the French, German and English versions; in such cases the first was consistently drawn upon.

⁴ The press release concurs: “What new elements are we contributing to this issue? People who were persecuted by Nazism are at the centre of our report (...) Based on individual case studies, we are presenting previously unpublished information.”

⁵ “I have traced the itinerary for 40 of the convoys from Italy. They did not cross Switzerland. I have every reason to believe that the three remaining convoys also crossed the Alps through [passes to the east of Switzerland]” (as per abstract in the press release). The same was true of convoys from France and elsewhere.

⁶ For example, that in Mr. Forster's study, p. 30.

It is the TV film, *Nazi Gold and Jewish Wealth*, co-produced by the BBC and the Swiss German-language television network,⁷ and broadcast around the world, that has most contributed to the legend of a Switzerland that let convoys of deportees pass through its territory. Unfortunately, this legend will probably remain ingrained for quite a long time in many segments of Swiss and foreign public opinion. Forster's conscientious and scientific work did not have, and in the long term may never have, the same impact as that film.⁸

This illustrates a general problem created by the re-interpretation of Swiss history in recent years: once new myths have been implanted in the public's mind, it becomes extremely difficult to eradicate these *idées reçues*⁹, even if they are in complete contradiction with known facts. The only hope is that with the passage of time and of generations, a clearer, more objective image will take hold. This should not however keep us from working toward setting the record straight, starting right now.

Second useful contribution: the legal angle

Professor Walter Kälin's annexed study is another of the report's useful contributions. This professional brief effectively demonstrates that Swiss refugee policy was in agreement with contemporary Swiss and international *positive* law, except on a few minor points.¹⁰

In those days, the laws of numerous European states, as well as Swiss law, only granted protection or a particular status to *political* refugees: in other words to those who were in danger in their home countries due to political activities considered to be illicit. However, fugitives from religious or racial persecution, notably the Jews, did not fit this criterion and therefore were not covered by contemporary asylum laws.

The majority of international agreements at the time did not prohibit outright border rejections, as only those refugees who had managed to reach the interior of the country were to have a right to remain there. The general interdiction of outright border rejections was not recognised by international law until later. Also, measures such as requiring refugees in Switzerland to relinquish their valuables as well as the legal system applied to internees in Swiss refugee camps were, in general if not completely, in line with contemporary national and international law.

⁷ In the credits of the version shown in summer 1997 on the Swiss German-language first TV network (*SFI*), we find the following: "Ein Film von Christopher Olgiati - Mitarbeit Thomas Buomberger". Mr. Buomberger works for *SFI*.

⁸ Mr. Forster's report confirms what was already known (e.g. see R. Ochsner's work) regarding the approximately 300,000 Italians who crossed Switzerland between April 1941 and July 1943 on their way to work in Germany. However, among new insights, we find that (1) contrary to the hasty judgements of some journalists and historians (e.g. see the recent book by H.-U. Jost, *Politik und Wirtschaft im Krieg*, p.104), those transported cannot be regarded as forced labourers as they were mostly lured by higher German wages; (2) Swiss authorities put an end to this transit traffic in July 1943, i.e. at the fall of Mussolini (Ochsner mentions a final train in September); and (3) it is possible that Italian military personnel, dressed in civilian clothes, took advantage of these convoys to join Italian forces fighting in Russia - but how many were there? (Identity checks were somewhat more lax for these convoys than for regular train traffic).

⁹ I.e. items of conventional wisdom.

¹⁰ For example, Mr. Kälin notes that the "solidarity tax", which was levied on wealthier refugees, conflicted with a number of treaties on residence rights.

Regarding the “J” stamp, W. Kälin finally establishes that entry restrictions imposed on German Jews did not constitute, according to the criteria of the time, a discriminatory practice in the eyes of constitutional law. They did however conflict with the German-Swiss residence treaty. On the whole, the “J” stamp requirement should be seen as belonging to a legal “grey zone”.¹¹

For a lawful state such as Switzerland, both then and now, all this is of great importance. It would be one thing to conclude, as many have done, that Switzerland could have admitted a larger number of refugees and that the official policy pronouncements were too harsh (except near the end of the war), or that a sustained and general movement of solidarity toward the refugees never took hold. It would however be quite another thing if we had to conclude that Swiss refugee policy actually violated contemporary national and international law. This was clearly not the case.

Other useful contributions

The report's detailed description and analysis of the generally admirable actions by a host of Swiss private relief organisations dedicated to helping the refugees constitute yet another useful and welcome contribution.¹²

One can also find, scattered throughout the text, a certain number of more specific factual elements that are equally interesting and relevant. For example:

(...) One part of the [Swiss Federal] administration viewed the Jewish refugees as victims of political persecution.¹³

This statement is important because everybody always mentions the case of Heinrich Rothmund¹⁴ on account of his legalistic mentality and his anti-Semitism, but the other ranking officials of that time who were neither legalistic nor anti-Semitic generally remain unrecognised.¹⁵

¹¹ According to W. Kälin, the real problem was Germany's insistence on a clause reserving the right to require a “J” stamp in the passports of Swiss Jews. Fortunately, the Reich never acted upon this clause.

¹² See section 2.3, pp. 59-71

¹³ P.5 of the report; also see G. Koller "Entscheidungen über Leben und Tod – Die behördliche Praxis in der schweizerischen Flüchtlingspolitik während des Zweiten Weltkrieges", Federal Archives, *Etudes et sources*, 22/1996, pp. 17-106; cf. pp. 27-9 and *passim*.

¹⁴ Head of the Federal Police Division during the war and, as such, a key figure in Switzerland's official policy toward the refugees.

¹⁵ Rothmund's emblematic anti-Semitism should in any case be toned down somewhat. See e.g. a detailed article by Heinz Roschewski, "Heinrich Rothmund in seinen persönlichen Akten", in Federal Archives, *Etudes et sources*, 22/1996, pp. 107 *et seq.*; and also G. Koller, *op.cit.*, pp. 26-7. That Rothmund's anti-Semitism should be toned down will also be apparent to all those who have read the long letter of protest, dated February 19, 1941, sent by Rothmund to a Lieutenant-Colonel Mullener, then head of *Armée et Foyer* [a Swiss army organisation, the aim of which was to bolster the ranks' morale]. The letter had to do with Mullener's official outline of a third general “pep talk”. The final paragraph of this outline, dated December 28, 1940, discussed the “Jewish problem” in overtly anti-Semitic terms: “(...) Jews cannot be assimilated, and that has been so for the two thousand years of their dispersion. These people have been unable to settle in any place or to integrate into any social whole”. Rothmund begins his letter in a defensive manner, because he was writing to an important official who was obviously anti-Semitic, by stating that no one had fought more than he against the *Verjudung* (“enjewishment”) of Switzerland – it is words like these that have earned him his present-day reputation. However, he continues by vigorously defending Switzerland's Jews and siding with the leaders of the Swiss Jewish community who had been utterly dismayed by said discussion outline. For Rothmund, the problem was not the Jews in general, but those he described as

However, such references to the evident diversity of attitudes and opinions on the part of both higher and lower Swiss officials are rare in the main body of the report. This particular example is only mentioned in passing and the whole issue is not analysed systematically.

One should further mention the role, illustrated in the report, of several individuals, in particular numerous civil servants of varying ranks (not only Grüninger...¹⁶) who, acting in a personal capacity, helped the refugees and successfully obtained entry for a large number of them.¹⁷

In spite of all of these useful and interesting additions to our knowledge of the subject matter, the main body of the report suffers, in my opinion, from numerous weaknesses and shortcomings – some of which should be considered quite serious. I will attempt to prove this by first looking at the manner in which the report deals with two issues that it considers fundamental. Or, as the authors put it,¹⁸ the two “essential moments” in Switzerland’s wartime asylum policy:

(1) the closing of the border in August 1942; and

(2) the “J” Stamp affair.

I concur with the report that these are two important episodes in Switzerland’s refugee policy during the last world war. My criticism will therefore be *constructive*, in the sense that I will not limit myself to trying to refute the interpretations found in the report, but shall put forward alternative ones. I shall do likewise with all the other issues to be examined as well as with the whole of Switzerland’s policy and practice toward refugees during World War II.

As with any scientifically oriented study, the Bergier Commission's reports – this second on the refugees as well as the first on the gold transactions of the Swiss National Bank – deserve to be examined thoroughly so as to both underline their positive aspects and point out their possible deficiencies, weaknesses and distortions.¹⁹ However, despite the Commission’s generous budgetary funding and the circumstances surrounding its creation, these reports are neither beyond debate nor definitive findings. They are *contributions* to our knowledge and understanding of a difficult period in Switzerland’s history. The Commission itself is well aware of this, and its president has stated on several occasions that he hoped these reports would lead to a “lively debate”. The present critical evaluation seeks to contribute to this desired debate, which should remain scientific above all and therefore dispassionate, or so it is to be hoped.

Finally, note that the present critical evaluation relies heavily, if not exclusively, on the large amount of data and other material found *in the report itself*. This also explains how this work could be brought to completion in a relatively short time.

“unassimilated” or “unable to be assimilated”, i.e. the “Eastern Jews” (*Ostjuden*). See L. Mysyrowicz, *Le Dr Rothmund et le problème juif (février 1941)*, Univ. of Geneva, N.D.; this paper can be found at: <http://www.unige.ch/lettres/istsge/mysy/rothmund.html>.

¹⁶ Paul Grüninger was the chief of police in the Canton of Saint-Gallen till his dismissal in 1939. Acting way beyond his official powers, for which he was condemned by a court in 1940, he helped more than 2,000 Jewish refugees gain admittance in Switzerland, and he has become something of a symbol today.

¹⁷ In particular, see section 4.2.3, pp. 126 *et seq.*

¹⁸ P. 2 of the press release.

¹⁹ For several critical analyses of the first Bergier report, see my web site.

1. The Closing of the Border in August 1942²⁰

Paradoxically, real-life situations are best described by statistics, for the latter abstract from the habitually cited *examples* that shock, but are most often exceptions. Statistics allow for the most reliable separation of the general from the particular.

²⁰ This section was the subject of an article published in the March 2000, issue of the *Schweizer Monatshefte*. This article can be downloaded (in French and German) from the author's web site – see note 1.

The impression imparted by the report

On several occasions, the report harshly criticises the official decision, announced on August 13, 1942,²² to seal the borders to all refugees. One quote may suffice:

(...) Starting in 1942 when the Nazi mass murder policy was in full operation, deportations from France had begun, and Vichy France had been occupied, Switzerland remained the last hope for those able to reach its borders. It is in such a context that Switzerland closed its borders, leaving thousands of refugees to their fate.²³

This and several other passages in the report will certainly leave the hurried or uniformed reader with the impression that Switzerland's borders were indeed hermetically closed, and that they stayed closed for quite a long time. No doubt, most people would consider this heinous. This assertion was also largely disseminated by the mass media. But, what are the actual *facts*?

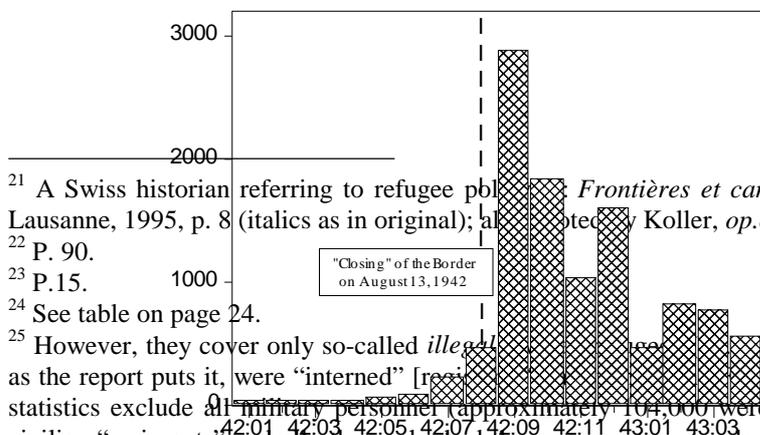
The facts

Graph 1 shows the monthly figures of civilian refugees admitted into Switzerland from January 1941 to April 1943. These figures, taken from the report,²⁴ are accepted by all.²⁵ From this graph we can see that in the months *following* the “closing” of the border there actually was a very large increase in the number of refugees admitted. This is obviously inconsistent with the idea of a frontier hermetically sealed over a long period. So, what *really* happened?

“Illegal” Civilian Refugees Admitted into Switzerland

Number of Persons per Month

Graph 1



²¹ A Swiss historian referring to refugee problems, *Frontières et camps – Le refuge en Suisse de 1933 à 1945*, Lausanne, 1995, p. 8 (italics as in original); also cited by Koller, *op.cit.*, p. 85.

²² P. 90.

²³ P. 15.

²⁴ See table on page 24.

²⁵ However, they cover only so-called *illegal* (those without the necessary entry papers) who, as the report puts it, were “interned” [registered] by the Federal Department of Justice and Police. These statistics exclude all military personnel (approximately 104,000 were admitted during the entire war) as well as civilian “emigrants” and all others who had the appropriate entry documents, short-term refugees from regions in the immediate vicinity of the border, and draft dodgers (i.e. civilians who were considered to be military refugees). As for clandestine refugees (those not announced to the authorities), their numbers are, for obvious reasons, unknown. See the report, pp.154-5, for some information on this subject. It seems reasonable to suppose that primarily leftist, especially far-left, circles aided clandestine refugees. However, according to information from André Lasserre (based on an unpublished work by Henry Spira), there existed “Jewish [Zionist?] organisations specialised in clandestine emigration”. (Special thanks to André Lasserre for contributing this information). Finally, these statistics ignore several other population movements, such as foreign children on a three-month stay (approx. 60,000), or the persons transiting to other areas of their own country (approx. 66,000), including particularly Alsatians (more than 1,500 from 1941 to July 1942) who crossed Switzerland to escape from the forced “Germanization” of their province. In addition, the French collapse in May-June 1940 caused an upsurge in the numbers of Belgian and Dutch fugitives, although the exact figures are unknown. See Lasserre, *op.cit.*, p.115.

A decision that was quickly and strongly attenuated, if not completely reversed

As stated in the report, the decision to close the borders as announced on August 13, 1942, caused a widespread outcry in the country:

[Relief organisations] demanded a meeting with Rothmund. It took place on August 24. Following a “partially stormy session”, [the parties reached a compromise] that was published in the press. It stipulated that refugees who had entered before August 13 had the right to a “detailed review” of their personal case; only those applicants considered “undesirable for serious reasons” would be turned back²⁶ (...) When the authorities backed down before the protests of the public and the relief organisations, they were hoping that the number of refugees seeking admission into Switzerland would subside. The opposite occurred during the last months of 1942.²⁷

Despite press censorship, the decision to close the borders also gave rise to a “violent debate” in Swiss newspapers – at least in those examined in the report's third annexed study²⁸ (also quite useful and original), and it was “the first time that the authorities’ freedom of action was questioned”.²⁹ In fact, there was such a strong wave of protest that the authorities were obliged to backtrack, beginning around August 23.

Thus, the official and allegedly hermetic border sealing lasted all of ten days – if that (see below). The Federal Councillor³⁰ primarily concerned by this matter (von Steiger) felt it necessary to hold a press conference to calm ruffled spirits and justify himself; and the Lower House of the Swiss Parliament had to be convened during war time – i.e. at a time of reduced parliamentary activity, full powers having been given to the executive branch for the duration – in order to discuss the situation thanks to a special session in September.³¹ All this effectively proves that

²⁶ On page 93 of the report we read: “Over the next few days, these entreaties would lead to an easing of the measures: the closing of the border would be less strict”.

²⁷ Pp. 67-8. Also see pp. 91-92, and p.32: “In the end, public protest caused by the border closing of August 13, 1942, resulted in a temporary relaxation of the rules and it had a [positive] impact on the issuance of entry permits”.

²⁸ See p. 48 of the annexed study entitled *Public Debate on Swiss Refugee Policy from 1938 to 1947* by K. Imhof, P. Ettinger and B. Boller.

²⁹ According to a recent retrospective study of the Swiss newsreels of the period, “it is surprising to see the relatively high number of reports dealing with refugees”; *NZZ*, December 16, 1999.

³⁰ Swiss parlance for “Federal Minister”.

³¹ P. 98 of the report: “(...) The summer of 1942 can be seen as a turning point in the attitude of the Swiss authorities. The plentiful information, the lively debate in Switzerland itself, and the pressures brought to bear by international organisations and the allied governments all encouraged the Swiss leaders to be more attentive and take a

there indeed was a “wave of protest” (Carl Ludwig), the importance of which should not be minimised in retrospect.³² It is also important to underline that all of this occurred at the most crucial moment for Jewish refugees.

The report provides other interesting insights into the reactions elicited by the decision to close the border.

Surprised by the vehemence of these protests, Federal Councillor von Steiger ordered officials to “refrain altogether from expulsion in some specific cases” (...) A short time later, von Steiger informally told the Geneva authorities that until the protests had died down, they were not to expel any Jewish refugees, and that no one was to be turned over directly to the Germans. From then on, the Geneva authorities by and large *no longer applied* the regulations of August 13, 1942.³³

A large number of refugees were admitted

The following conclusion is therefore irrefutable: if we concentrate on the actual course of events, and not or not only on the pronouncements, intentions and “theoretical” decisions of the authorities,³⁴ and if we look beyond the official policy documents and all that can be found in the archives, it is clear that in the summer and fall of 1942, i.e. *after* the decision to “close” the borders, Switzerland actually admitted a number of refugees comparable only to the wave following the Austrian annexation in 1938.³⁵

Graph 2 below indicates the monthly number of refugees admitted during the whole of the war.³⁶ We can see that there were four major waves of entries into Switzerland: (1) in the summer-fall of 1942; (2) in the late summer and fall of 1943, following the Italian surrender and the occupation of the Peninsula by German forces; (3) in the summer-fall of 1944, when the fight-

more active stance toward the persecutions”. Of course, the summer of 1942 was the most crucial moment in regard to the Swiss authorities’ *practice* toward refugees because, at this point, the “final solution” was being put into operation in both neighbouring and nearby countries (France, Belgium, Holland and Luxembourg). However, in other sections, the report pushes back this “turning point” to the end of 1942: “At the end of 1942, refugee policies hesitantly began to change” (p. 15).

³² This wave of protest was most definitely an expression of *solidarity* towards the refugees. Some have qualified it as short-lived. However, the success (described as “prodigious” by the report) of a subsequent public collection by the Central Office for Refugee Aid’s contradicts these views. In *November* 1942, 1.5 million francs were collected (i.e. 7.2 million francs of today when adjusted for inflation, or 40 million if we take income growth into consideration; the latter figure is the highest ever recorded for any public collection, up to present day).

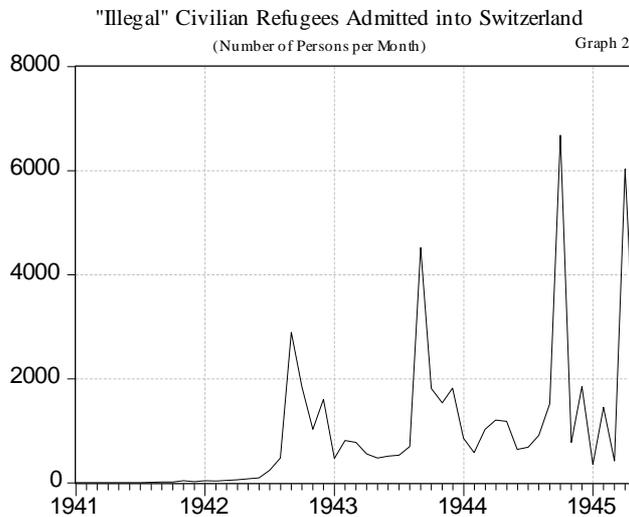
³³ P.143; italics mine. I will come back to the Geneva issue and how it is presented in the report.

³⁴ Here and below, I use the terms “theoretical” and “theory” in their common and negative meaning, i.e. as opposed to “reality”. This opposition is of course artificial: as any scientist is aware, reality can only be grasped through the use of one or more theories (models).

³⁵ To illustrate the impression imparted by the report on this point, here is how even someone as informed as André Gavillet, a well-known Swiss politician and writer, reacted: “[The report does not provide any fundamentally new data on, among other points,] the border closing of August 1942, which was modified a month later for “extremely dire” cases and which became more flexible in September 1943»; *Domaine Public*, December 18, 1999, p. 3. Ten days thus become a month, or even a year (August 1942 - September 1943). Reality, i.e. the actual practice toward refugees, remains ignored although the report provides all the necessary data, but without interpretation.

³⁶ Or, more precisely, from the beginning of 1941; before this date the numbers were either zero or too small to show up in a chart.

ing moved close to Switzerland; and finally (4) at the very end of the war. This graph demonstrates that, in all four cases, Switzerland opened its borders to a large number of refugees.



However...

The question could however be raised as to how many asylum-seeking refugees were turned away. In other words: *to what extent* did the country open its borders? Or equivalently, to what extent did they remain closed?

This question raises another one, much more fundamental, i.e.: What was the most pressing and vital issue in the mind of the typical asylum candidate who had managed to reach the frontier (a feat that was often far from easy, inexpensive or risk-free)? Surely it was his/her *chances* of being admitted,³⁷ or in other words his/her admission probabilities. This issue was crucial for many refugees in general, but even more so for the Jews fleeing persecution and seeking refuge in Switzerland at the time when, in the summer of 1942, the “final solution” was beginning to be implemented in neighbouring, or nearby, occupied territories, including France’s so-called free zone (Vichy).

Data on rejections and on those rejected

In order to discuss admission chances with a modicum of rigor, one must know not only the number of refugees admitted but also the number of those who were turned back; i.e. when added together, the total number of asylum-seeking refugees who arrived at the frontier. In this context, it is essential to distinguish between, on the one hand, the number of *rejections* and, on the other hand, the number of *people rejected*, as they are two distinct concepts. Thus, among the number of registered rejections, a refugee who was turned back on two different occasions would count for two units, but he/she should only count as one unit in the number of individuals who were turned away.

³⁷ Leopold Lintberg’s famous and poignant movie, *The Last Chance*, shows just how crucial this issue was for asylum-seeking refugees. It was made in 1944-5 and it is a “semi-documentary” (movie critic Georges Sadoul).

On the subject of rejections, the report says the following:

There is proof that there were about 24,500 border rejections between January 1940 and May 1945. The actual figure is probably *somewhat* higher, but a more exact calculation is not possible because of gaps in the sources.^{38,39}

While the report accurately refers to a lower limit, i.e. to an underestimation of the actual number of rejections for various reasons,⁴⁰ it unfortunately does not mention the overestimation of the number of *people* rejected due to the fact that many asylum candidates attempted to enter Switzerland more than once, at different points of the frontier and at various intervals of time. These people therefore were counted *more than once* in the number of rejections.

In this respect, another helpful contribution from the report is that multiple entry attempts appear very frequently in the individual cases it examines – up to five attempts and more in some cases.⁴¹ Multiple attempts were obviously a common occurrence: possibly the rule rather than the exception for those who were not admitted on their first try.

Under- or overestimation?

Serge Klarsfeld⁴² recently stated that he believed the number of rejections to be largely overestimated because, if there had been so many at the frontier with France, traces thereof should be found in the archives of the French camps he scrutinised, which is not the case.⁴³

The general reaction to the number put forth by Mr. Klarsfeld (5,000 rejections instead of 24,500) was that it was much too low. However, as I will demonstrate below, his calculations are probably accurate. The source of the misunderstanding is most likely that Serge Klarsfeld did not explicitly point out the need to distinguish between the total number of rejections, including refugees who made multiple entry attempts, and the smaller number of *definitive* rejections (those refugees who were never admitted), a point generally missed by his critics too. It is however quite unlikely that all of those definitively rejected were arrested on the other side of the border, to be then sent to the French camps and registered in the archives referred to by Mr. Klarsfeld.

A missed opportunity

According to the press, Mr. Klarsfeld stated that⁴⁴

³⁸ P.21; italics added. This number should be increased a little because new evidence of rejections in 1940 and 1941 has recently turned up. The adjustment is however very minor. (Information communicated by Mr. Guido Koller, Federal Archives, on January 20, 2000).

³⁹ Whereas the French-language version of the report speaks here of some 24,500 “rejections” (*refoulements*), the English-language one says that “there is proof that about 24,500 *refugees* were turned away”. This is typical of the near-universal confusion between attempts and people.

⁴⁰ Some of the archives no longer exist; not all of the rejections were registered. See p.132 of the report.

⁴¹ See pp.101, 123, 141 (“We have been turning back refugees who previously had tried to enter the country five times, at various points along the border”), 147, 148 (2x) and 153 (2x). The various accounts collected by Ken Newman also often mention multiple entry attempts (see his *Swiss Wartime Work Camps*, NZZ Verlag, 1999).

⁴² A French lawyer and president of the Association of *The Sons and Daughters of Deported French Jews*.

⁴³ See *Le Temps*, December 16 and 17, 1999.

⁴⁴ See the December 17, 1999, issue of *Le Temps*, p.10.

The number of rejections should have been at the very centre of the Commission's investigations. I note that this work was not done, which is disappointing. If the Swiss archives are incomplete, why didn't the researchers consult the French archives? [The journalist continues:] Serge Klarsfeld ended by saying that he himself had been willing to do this research [but was not asked to].⁴⁵

On the assumption that this statement attributed to Serge Klarsfeld was accurately reported, it is indeed unfortunate that the Commission did not deem it necessary to entrust him with this research, or to do the work itself. For the rejections issue is much more central to the report than another issue, which the Commission researched extensively and which is the object of yet another annexed study: *Switzerland and German Ransom Demands in Occupied Holland*. While this work is interesting in itself, it is of only peripheral importance to the report's objectives⁴⁶ and therefore I will not go into it any further at this point.

More on the rejections data

The report's figure of 24,500 rejections (24,398 to be exact) is taken from previous research by Guido Koller.⁴⁷ This figure can be broken down into two categories, i.e. as of today: 9,703 rejected candidates who can be identified by name (or by some other means), and 14,695 anonymous rejections. The latter figure most likely includes a number of military personnel who cannot be identified as such today.⁴⁸ This means that when we calculate below the rates or probabilities of rejection for civilian asylum candidates, they will be overestimated. Symmetrically, the rates or probabilities of admittance will be underestimated.

There were rejections and ... rejections

Literature, press, cinema and TV have all created an image of border rejections in which persecuted refugees were arrested at the frontier or forcefully brought back to it, to be directly delivered into the hands of French, Italian or – worse – German border guards, thereby sealing their horrible fate. Unfortunately, some cases like this did indeed occur,⁴⁹ but they were not repre-

⁴⁵ It should be noted that the French archives are not the only ones that have not been examined in this context. As Pierre Goetschin, Professor emeritus at HEC/UNIL, has informed me shortly before his untimely death, the German police and bureaucratic infrastructure in France most likely included several civil servants responsible for gathering all sorts of data and statistics. It is therefore probable that the German archives also contain interesting and unexploited information.

⁴⁶ As confirmed by the abstract of this annexed study (p. 352): "Swiss foreign and refugee policies were *only indirectly* influenced by German ransom demands" (italics supplied).

⁴⁷ *Op. cit.*; for a general criticism of Koller's figures, see my more recent study mentioned in note 61 below.

⁴⁸ As Guido Koller has kindly confirmed. I should point out that, contrary to what one often reads, the Hague conventions and in particular Convention V (1907) did not guarantee a right to asylum for military personnel, but only the obligation to intern them and provide for them if they reached the territory of a non-belligerent state. However, following incidents such as the episode of the "Bourbakis" in 1870-1871, Swiss *de facto* practice moved toward an automatic asylum right for military refugees, but without actually enshrining it into written law. This came in handy toward the end of the war as it allowed Switzerland to refuse to admit certain highly undesirable military and paramilitary personnel (SS, high-ranking Nazis and Fascists, etc.) I would like to thank Mr. Guido Koller and Mr. Simon Hotte for clarifying this legal point for me.

⁴⁹ For example, see p.146 of the report.

sentative. This by no means diminishes their odious nature.⁵⁰ But, as mentioned above, numerous refugees, including many Jews, who were initially refused admittance made several attempts before finally gaining entry; therefore, they obviously had not been arrested immediately upon their previous rejection, or rejections.

Moreover, there were also many cases, at least until November 1942 (occupation of France's so-called free zone), of refugees who arrived or were intercepted at the Jura mountain frontier with German-occupied territory and who, as many had requested, were then transported, often by the authorities, to a point near Geneva to be "expelled" (i.e. statistically rejected) into the free zone where the risks for them were greatly reduced, or even non-existent for many refugees of French nationality.⁵¹

Another aspect, which is often overlooked, is that many of those who were turned back were not victims of persecution, or at least they were in less mortal danger than the Jews. This group primarily included French evaders of Vichy's S.T.O. (*Service du Travail Obligatoire*, i.e. Mandatory Work Service). Since the S.T.O. provides a pertinent illustration as to the various groups of potential refugees in Western Europe at the time, it is helpful to examine it more closely.

Formally instituted in February 1943, the S.T.O. originally aimed at sending 700,000 French labourers to work in Germany. However, only 170,000 actually left. The others somehow managed to escape, sometimes to or through Switzerland, or they joined the underground, or they went into hiding by one means or another. In October 1943, Pierre Laval obtained the suspension of these lists, but the Germans requisitioned workers directly. From June 1942 to July 1944, a grand total of 641,500 French workers left for Germany (the Reich had demanded up to 2 million).⁵² Very little is known, at least to me, about the fate of the S.T.O. evaders who, rejected at the Swiss border, were intercepted or arrested in France. However, it is unlikely that the rule was deportation, or worse.⁵³

Another important category of potential refugees consisted of the millions of slave-labourers whom the Germans had deported primarily from Eastern Europe to work in their factories, farms, private homes, etc. Those who were close to the Swiss border often tried to escape to Switzerland. The difficult question at the time was whether these people were in mortal danger, and thus should have been admitted according to Swiss law, or whether they "merely" risked some form of punishment, often harsh and brutal, but not extreme, in the event of their being turned back at the border or of their being caught before reaching the frontier.

To my knowledge, there is no calculation, even rough, of asylum candidates arranged according to the degree of risk they were in (persecuted Jews who faced certain death if caught by the

⁵⁰ As early as 1950, Pierre Béguin underlined the "odious nature of certain rejections" in a very interesting small book (*Le balcon sur l'Europe: petite histoire de la Suisse pendant la guerre 1938-1945*).

⁵¹ See Henry Spira's work, *Le problème juif*, Société jurassienne d'émulation, Proceedings 1998, pp. 306-307.

⁵² Of the two million French prisoners taken by the Germans in 1940, approximately half were requisitioned for work.

⁵³ According to a study done by the Geneva State Archives and published after the French version of this paper came out, S.T.O. evaders who were caught could be fined, or imprisoned for a short time, but nothing more than that. See: P. Flückiger, G. Bagnoud, C. Santschi et al., *Les réfugiés civils et la frontière genevoise durant la Deuxième Guerre mondiale*, Archives d'Etat de Genève, 2000.

Germans, others in similar danger, those who were less threatened, those in no real danger). From this perspective, the refugees and those rejected covered an entire spectrum: from those in danger of being murdered to those in relatively banal situations.⁵⁴ Below, I will however proceed on the assumption that most asylum seekers were in grave and often mortal danger. In other words, for the rest of this text, the “typical refugee” will be considered as someone in real danger.

A crucial question and a warning

Accepting, for the time being, that the report’s number of a total of 24,500 rejections is more or less correct, we can now turn to the essential issue of admission chances or probabilities.

However, before continuing, I feel a warning is necessary: the following paragraphs and pages are replete with statistics, numbers and calculations. The fact that they apply to situations as tragic as that of many refugees could give, when discussed, an impression of technical aloofness, or even cynicism.

No such impression is intended or justified. Indeed, it is the very nature of this tragic issue that demands an in-depth analysis of all available information, including the numerical data. Otherwise, the analysis will remain superficial, or unfounded, as will any subsequent moral judgments. The Bergier report itself is full of numbers, albeit never exploited. Everybody knows the remark, or quip, attributed to Joseph Stalin, “One death is a tragedy, a million deaths is a statistic”. Everybody also knows that six million people were victims of the Holocaust. But who would dare say that we should ignore this horrifying fact, or that analysing it is technical or even cynical, because it is nothing but a cold statistic?

Maybe this is also a question of professional training and sensibility: for economists, numbers and statistics usually speak louder than words, provided of course that they are sufficiently reliable.⁵⁵ This is not to say that “words” – i.e. decisions of principle and official pronouncements by the authorities, guidelines, documents of all types and everything to be found in the archives, in short, the entire *official* historical context – are unimportant. However, if numerical data are ignored or left non-exploited, it will invite all sorts of misunderstandings and it will likely lead to false conclusions.

⁵⁴ By accident, I happen to know of one case that can be rightly regarded as “banal”, that of a young Dutch student from an aristocratic family whose story I will relate in order to illustrate my point. In 1942, tired of living under Nazi occupation and distressed to see the “best years” of his life wasted away in such circumstances, all of which is completely natural and understandable, but being no more in immediate physical danger than most of his countrymen, he decided to try his luck in Switzerland in order to continue his studies and live in freedom there, all of which is equally natural and understandable. He boarded a train bound for Basel and duly arrived there without being intercepted at the border (he hid in the restroom, but did not lock the door). Once in Basel, he presented himself at the police station – only to be sent back to Holland on the first train. (I should point out that the Canton of Basel-City was one of the most understanding toward refugees). Upon his return, he was not bothered in any way on account of this attempted flight to Switzerland and he finished his studies soon after the war. Today he still harbours feelings of bitterness toward Switzerland, despite my attempts to persuade him, by putting his case into a more general context, that the Basel authorities had no other choice than to send him back.

⁵⁵ As one of my American professors once told us, “Above all watch what ‘they’ are *doing*, and not (only) what they are saying, arguing or writing”.

Admittance chances

The report's conclusion provides the following information, which will serve as a starting point for an initial answer to the question of the admittance chances or probabilities for the refugees:

The number of expulsions rose steeply beginning in August, 1942, and remained high until the fall of 1943; more than 5,000 rejections of asylum-seeking refugees are documented in writing during this period alone, out of more than 24,000 documented rejections for the entire wartime period.⁵⁶

If we consider that the period from “August 1943” to the “fall of 1943” extends to the end of December, 1943, a table in the report⁵⁷ shows a figure of 22,367 refugees admitted during this time span. Using these data, a simple calculation yields a rate, or an “ex post” risk of rejection of 18% *per entry attempt* (and not per refugee).⁵⁸ Or equivalently, an admittance probability of no less than **82%** per entry attempt.⁵⁹

Chances per refugee or per attempt?

In this context, it is very important, as already underlined, to distinguish between admittance chances or probabilities *per entry attempt* and *per refugee*. Considering there were numerous multiple attempts, and therefore a lot of double counting in the number of rejections, the probabilities will necessarily be larger (i.e. better) per refugee than per attempt. This point should be kept in mind as we proceed further. From a humanitarian perspective, the chances per refugee are of course the most relevant. This is why I will attempt to estimate them below, for all refugees throughout the entire war.⁶⁰

However, I will not be able to do this in some more specific contexts, such as for certain categories of fugitives, for which I will only present the admittance chances per attempt. For example, the precise number of Jewish refugee rejections is not known with sufficient precision, therefore it would be necessary to substitute some hypotheses for the missing data. As the estimate of chances per person also necessitates a hypothesis (on the maximum number of attempts), the calculation of admission chances per Jewish refugee would mean “piling up” too many hypotheses.⁶¹

And at other times?

⁵⁶ P. 277.

⁵⁷ P. 24.

⁵⁸ $5,000 / (22,367 + 5,000) = 18\%$. This rejection rate is by *entry attempt* because, by definition and for a given period: “number of *refugees* admitted” + “number of *rejections*” \equiv “number of *entry attempts* (successful or not)”. This arithmetical formula yields, as it should, a rejection rate of 100% for a (hypothetical) period in which all asylum-seeking refugees were rejected, and a rejection rate of 0% for a period (also hypothetical) in which all were accepted. So as not to give a false impression of precision, no figures will be indicated after the decimal point.

⁵⁹ $100 - 18 = 82$. If we were to end in September 1943 (beginning of the “fall”), the rejection rate would be $5,000 / (17,199 + 5,000) = 23\%$ and the admission probability, 77%.

⁶⁰ See below, the section entitled “Admittance chances per refugee: A few probability calculations”.

⁶¹ Research done after the French version of this study was published has however shown this to be possible after all – and without “piling up too many hypotheses”. The conclusion was that admittance chances for Jewish refugees were somewhat *higher* than those for all refugees. See, on my homepage, the following document: *Refoulements et réfugiés pendant la guerre – Critique des statistiques ... et d'une ou deux autres choses*, Jan. 2001.

What, then, were the refugees' admittance chances in the months immediately following the ("theoretical") decision to close the border? Once again, the report provides all the necessary data⁶² (also see graph 1 above):

From September 1 to December 31, 1942, 7,372 refugees were admitted; the (incomplete) statistics on rejections indicate at least 1,628 rejections for the same time period.⁶³

This amounts to a rate or risk of rejection of 18% per attempt, i.e. an admittance rate or probability of 82% – the same as above.

And what about the "emblematic" month of August 1942, given that the decision to close the border was made on August 13 and reversed on August 23? According to the report:

From August 13, 1942, to the end of the month, 314 out of the 527 refugees who had entered Switzerland were expelled.⁶⁴

This yields a rejection rate of 60%,⁶⁵ that is, an acceptance probability of only 40% per attempt. However, immediately afterwards:

in the first week of September, 40 out of 259 were expelled,

which means a rejection rate of 15%, or an admission probability of 85% per attempt.⁶⁶

Always according to the data found in the report, 475 refugees were admitted in the entire month of August: 262 between the 1st and the 12th,⁶⁷ and 213 between the 13th and 31st of the month.⁶⁸ This means that the number of refugees admitted during the eighteen days following the border "closing" was only slightly less than the number for the thirteen days preceding it.

To repeat: these statistical calculations may perhaps strike the reader as abstract, or even inhuman, because they refer to situations that were often a matter of life or death. However, they cannot be dispensed with if one is to accurately represent Swiss refugee policy as it was applied

⁶² P. 152, n. 273.

⁶³ The number of 1,628 rejections comes from summing up the monthly figures for August-December, 1942, in columns A and B in one of Koller's tables (*op.cit.*, p. 94). They include identified and anonymous rejections. However, it is not possible to add the numbers of these columns, as the report does, because some rejections listed in the second column are also included in the first (see a further discussion below under "Admittance chances per month"). The figure of 1,628 rejections is therefore an *overestimation* (the correct figure is 1,164), which means that the admittance chances calculated in the following paragraph are *underestimated*. – For an in-depth examination of the statistics on rejections, see the study mentioned in note 61.

⁶⁴ P. 143, n. 234.

⁶⁵ $314/527 = 60\%$, on the assumption that "527 refugees who had entered Switzerland" means all those who arrived at the frontier and not just those who were accepted. In the latter case the admittance rate would be 37% rather than 40%

⁶⁶ $40/259 = 15\%$, again on the assumption that these "259 refugees" were those who reached the border. If this number only represents accepted refugees, the admittance probability would be 87%.

⁶⁷ = 475-213

⁶⁸ = 527-314

in reality, and not in “theory”; and also if one seeks to separate the general from the particular – see the pertinent quote from historian André Lasserre at the beginning of this section.⁶⁹

A characterisation of Switzerland’s *practice* toward refugees up to the fall of 1943

For the period from August, 1942, to the fall of 1943, as well as for all sub-periods enumerated above with the exception of perhaps one, the general nature of Switzerland’s actual practice toward the refugees is therefore clear and can be summarised thus: apart from a very brief and in fact feeble crackdown in the few days immediately following the “theoretical” decision to close the border, applicants for asylum had, in reality and on average, relatively *high* chances of being admitted into Switzerland. (I will return to this concept of “average” chances.)

As a matter of fact, the country opened its borders rather widely. While *officially stated policy* was rigid, the actual *practice* was much more flexible. Later, starting with the winter of 1942-43, it became even more so, as did the official rhetoric.

Image and reality

It is quite clear that this conclusion, based on facts and substantiated by statistics, is in complete contrast with the image portrayed by the Bergier report, and largely conveyed by the press; the same is true of most other publications on the subject. Further on, I will venture a few comments on how some Swiss historians work when they take on questions that require a modicum of experience in handling numerical data.

Be that as it may, the Bergier report focuses on the authorities’ officially stated policy, a necessary endeavour of course, yet it fails to evaluate systematically the practice actually followed vis-à-vis the refugees.

Admittance chances per attempt for all refugees throughout the war

If we consider the entire wartime period, 51,129 “illegal” civilian refugees were admitted and registered in Switzerland – in other words the equivalent of more than half the population of the city of Lausanne at the time. When related to the total number of known rejections, this yields a global probability or average rate of acceptance of **68%** per attempt and for the entire war – roughly a two-out-of-three chance.⁷⁰

These civilian refugees were said at that time to be “illegal” refugees, in as much as they were asylum seekers who simply presented themselves at the border without a visa or other form of official entry authorisation. As for the “legal” refugees, altogether absent from the Bergier re-

⁶⁹ To argue, on an emotional level, that the refugee issue is too serious and tragic to be analysed statistically would be the same as saying that the more severe the disease, the less one needs *state-of-the-art* diagnostics.

⁷⁰ If we use André Lasserre’s quarterly figures (*op.cit.*, pp. 114, 174, 190), which cover the time period from the first quarter of 1940 to the second quarter of 1945, 57,309 refugees were admitted, which indicates a rate or probability of admittance of 70% per attempt. These quarterly figures were obtained from the Federal Archives and André Lasserre maintains that they are more homogeneous and reliable than monthly data. He however adds that they may include a number of military refugees.

port except for a few individual examples, they numbered no less than 9,909 according to Guido Koller who takes his cue from Ludwig.⁷¹

Admittance chances per refugee: A few probability-based calculations⁷²

Until now, I have concentrated on estimating admittance chances *per attempt*. From a humanitarian perspective, admission probabilities *per person* are obviously more relevant than those per attempt. But, what can be said about the refugees' chances as individuals? Can this question really be analysed considering the unfortunate lack of complete records listing by name the individuals who were rejected?

To be able to analyse, it is almost always necessary to simplify, or in other words to schematise. We shall therefore consider the situation through the following *schematic representation* (to be refined later in a few technical footnotes).

Asylum-seeking refugees who arrived at the border for the first time were either admitted or rejected immediately (or perhaps after a brief delay). If they were admitted, the analysis stops at this point, because they of course had no need to make a second attempt. So far, nothing very schematic. Now, by way of simplification, let us assume that *all* those who were rejected made a second *and* final attempt.⁷³ In other words, if rejected at the second attempt, they decided – we shall assume – to give up and did not make a third, fourth or *n*th attempt. Two attempts at most may in any case constitute a rather “conservative” estimate considering the numerous known examples of refugees who made multiple entry attempts.

Thanks to this simplification, the situation can now be analysed quite easily by means of standard probability theory. What we thereby lose in realism, we will gain in clarity. (The reader who is unfamiliar with probability theory may turn to the bottom of this page).

Let **N** be the total number of refugees who arrived at the frontier throughout the war; **A** the total number of refugees admitted after their first *or* second attempt; **D** the number of *definitive* rejections (those whose second attempt failed and who, by hypothesis, did not try again); **p** the

⁷¹ See G. Koller *op.cit.*, p.85 who writes the following which seems quite clear (my translation, italics supplied): “Carl Ludwig lists 295,381 asylum-seekers who *gained admission* during the war, of which: 103,869 ‘military refugees’, 55,018 ‘civilian refugees’, 9,909 ‘emigrants’, 251 ‘political refugees’, etc.” However, in a direct communication to the author, Guido Koller has speculated that these 9,909 “emigrants” had mostly arrived *before* the war. Henry Spira is of the same opinion. In short, this issue is far from clear and deserves further, more detailed investigation. It is therefore unfortunate that there exists no study, as far as I know, which specifically investigates those refugees with some sort of official entry authorisation who were admitted and who stayed in Switzerland during the war (one reason for this could be that the relevant data are dispersed in the archives of different Cantons). Also, Ludwig’s number could possibly include legal refugees who entered Switzerland from 1945 to 1950. The total of 9,600 visa requests which were granted during the period from the spring of 1938 to November 1944 (see report pp. 21 and 132), which is used again below, seems however to point to a significant number of new “legal” refugees who were admitted during the war.

⁷² The impetus for this section came from a colleague, Professor Ulrich Kohli, from the Department of Economics of the University of Geneva. For this I would like to extend to him my warmest thanks.

⁷³ The simplification here is that some asylum candidates, for various reasons, gave up definitively after the first failure. This is compensated by the fact that I am not considering the possibilities of 3, 4 or more attempts. See below.

admittance probability per attempt; and **R** the total number of rejections (temporary or definitive). We can then write:

- (1) $N \equiv A + D$
- (2) $A = N[p + p(1-p)]$
- (3) $D = N(1-p)^2$
- (4) $R = N[(1-p) + (1-p)^2]$

On first sight, it would appear that we are faced with an underdetermined system comprising six unknowns (N , A , D , p , D , R), but only four equations.⁶⁹ However, we know that $A \cong 51,129$ admitted refugees, and that $R \cong 24,398$ temporary or definitive rejections, which means four unknowns and four equations.

The system (1)-(4) can therefore be solved, so that we easily arrive at:⁷⁰

- $p \cong 0,678$, i.e. an *estimated* admittance probability of approximately 68% *per attempt*, just as before⁷¹;
- $N \cong 57,086$, i.e. an *estimate* of the total number of asylum-seeking refugees who arrived at the frontier; and
- $D \cong 5,957$, i.e. an *estimate* of the number of persons who were *definitively* turned back.

These numbers, calculated thanks to probability theory, give a deceptive impression of precision. Their interpretation is as follows: under the assumed conditions, the total number of refugees who arrived at the border throughout the war is estimated at approximately 57,000 and the total number of definitive rejections at about 6,000.

It is interesting that the estimate of some 6,000 definitive rejections is quite close to that of Serge Klarsfeld (approximately 5,000).

From the above results, we can calculate that a refugee's probability of being admitted after one or at most two attempts was somewhere around **90%**.⁷² This means that a refugee had roughly a

⁶⁹ The reason the term $(1-p)$ is squared in (3) and (4) is due to the hypothesis of a maximum of two attempts. If we expand (2), we see that p^2 appears in it too, for the same reason.

⁷⁰ In order to solve this system of equations, one can either use an iterative algorithm, supplying some initial guesses for the unknowns, or rewrite it in the following manner which allows the solution to be calculated by hand:

$$p = A/(A + R) \quad [p \text{ is obtained directly from the number of admissions and the number of rejections}]$$

$$N = R/[(1-p)+(1-p)^2] \quad [\text{equation (4) renormalized}]$$

$$D = N - A \quad [\text{equation (1) renormalized}] ,$$

i.e. inserting the values for R and A :

$$p = 51,129/(51,129 + 24,398)$$

$$N = 24,398/[(1-p) + (1-p)^2]$$

$$D = N - 51,129$$

The first equation serves to calculate p , the second then immediately determines N , and the third D . Thus, these three equations make up a recursive system. Equations (2) and (3) are not used, but it can be checked that they are satisfied by the values found with the preceding three equations.

⁷¹ Because p can be calculated directly with the formula $p = A/(A+R)$; see preceding note.

⁷² The probability of a definitive rejection after two attempts is $\sim 5,957/\sim 57,086 \cong 10\%$, which means a $\sim 90\%$ chance of admittance with one *or* at most two attempts.

two-out-of-three chance to be admitted on the first attempt and a nine-out-of-ten chance if, having been rejected once, he or she tried a second and last time.

The reader may be surprised, even shocked, by these results. I will show below what makes them “intuitively” credible.

The effects of a likely underestimation of rejection numbers

As we saw before, the number of 24,398 rejections is very likely an underestimation, because all rejections were not registered and the archives are either incomplete or have not (yet) been fully exploited.

If we assume for these reasons a plausible figure of approximately 30,000 rejections in all instead of 24,398 as above, the same approach indicates an admission probability of **63%** per attempt, a total number of asylum candidates of approximately 59,200 and about 8,100 definitive rejections.⁷³ The probability of being admitted after one or two attempts is therefore **86%**, just slightly lower than the figure we came up with above (90%). In these conditions, refugees had roughly a little more than a three-out-of-five chance to be admitted at the first attempt and close to a nine-out-of-ten chance if they made a second and last attempt.

It is thus clear that the potential underestimation of the number of rejections has very little effect on the estimates of a refugee’s chances. On this count, these estimates are therefore *robust*, in the statistical sense.

If, hypothetically, there had been only 20,000 rejections, the estimates would be respectively 72%, 55,500 and 4,400. Table 1 below gives a synthesis of these results.

Table 1

Number of rejections (<i>hypothesis</i>)	Admission probability per attempt	Number of refugees who arrived at the frontier	Number of refugees turned back definitively	Admission chances with two attempts
20,000	~72%	~55,500	~4,400	~92%
24,398	~68%	~57,100	~6,000	~90%
30,000	~63%	~59,200	~8,100	~86%

Hypothesis: refugees do not make more than two attempts, but they all make two if the first fails.

More than two attempts

As already mentioned, the above calculations do not allow for renewed attempts if the second one failed whereas one knows of a fairly large number of individual cases with more than two attempts. Table 2 shows the results obtained if we let the maximum number of attempts vary from one to four (taking the figure of 24,398 for total rejections).

⁷³ This figure of 8,100 definitive rejections is higher than Serge Klarsfeld’s estimate (5,000), but it seems that he only took into consideration the rejections at the border with German-occupied or Vichy-controlled France, but not those at the border with Italy, Italian-occupied France and Germany-Austria.

Table 2

Maximum number of attempts (= N)	Admission probability per attempt	Number of refugees who arrived at the frontier	Number of refugees turned back definitively	Admission chances with N attempts
1	~68%	~75,500	~ 24,398	~68%
2	~68%	~57,100	~6,000	~90%
3	~68%	~52,900	~1,700	~97%
4	~68%	~51,700	~570	~99%

Hypotheses: there were approximately 24,398 rejections as against 51,129 refugees admitted; refugees do not make more than N attempts, but all make N if the preceding attempt(s) failed.

Table 3 lists the same estimates as table 2, but uses the figure of 30,000 rejections, which seems more realistic.

Table 3

Maximum number of attempts (= N)	Admission probability per attempt	Number of refugees who arrived at the frontier	Number of refugees turned back definitively	Admission chances with N attempts
1	~63%	~81,100	~30,000	~63%
2	~63%	~59,200	~8,100	~86%
3	~63%	~53,800	~2,700	~95%
4	~63%	~52,100	~970	~98%

Hypothesis: there were approximately 30,000 rejections as against 51,129 refugees admitted; refugees do not make more than N attempts, but all make N if the preceding attempt(s) failed.

Once again, we see that the figure used for the number of rejections has little impact on admission chances. It is therefore clear that the margin of error or uncertainty around the estimate for the total number of rejections is of little importance. Note however that the hypothesis about the maximum number of attempts does make a difference.

The numbers in tables 1, 2 and 3 speak well enough for themselves and we do not need to comment further on them.⁷⁴ However, many will find them very surprising as they contrast so starkly with the generally accepted image of the chances and fate of the refugees who arrived at the Swiss border during the war.

Surprising results?

I do not wish, in any way, to belittle the grave situation faced by the several thousand refugees who were definitively rejected. Yet, not all would have perished and some would have managed to save themselves in other ways.⁷⁴ Of course, in a moral sense, each definitive rejection

⁷⁴ Some readers will no doubt consider the preceding reasoning and calculations to be too technical. There are however obvious advantages to applying probability theory. If we do not use it, we can only calculate, by means of a simple division, the admittance rate or chances *per attempt*, i.e. $p = A / (A+R)$. With the tools of probability theory, we can estimate the *per person* chances using the same A and R data, plus only a fairly “weak” (i.e. good) hypothesis about the number of attempts per refugee.

⁷⁴ According to present knowledge, only a comparatively small fraction of those refugees who were definitively

can be considered as one too many – however see below the discussion on how many refugees Switzerland would have been able to accept and support. In any case, the preceding results must surely modify the prevailing image of a Switzerland that systematically rejected most of the refugees who arrived at its borders.⁷⁵

The intuitive plausibility of these results can be made clear as follows.

Put **yourself** in the shoes of a “representative” (i.e. gravely threatened) fugitive who arrives at the frontier. You know that if you do not obtain asylum, chances are that sooner or later you will be arrested, eventually deported and sent to your death. You will then surely do absolutely everything in your power to reach safety on Swiss territory. If your first attempt does not work and you are not arrested on the other side of the border, you will try a second time, or more. If you are unsuccessful at a certain border guard post, you will try your luck at other points along the frontier. If your manner of presenting yourself fails, you will try another, etc.⁷⁶

As Doctor Samuel Johnson (1709-84) once put it, the perspective of imminent death concentrates the mind intensely.⁷⁷ In such extreme circumstances, human beings or at least many of them generally become quite inventive and tenacious, which allows them to defy fate more often than many, who luckily have never been in such a situation, would think.⁷⁸

This partially helps to explain why, despite the horrifying efficiency of the Nazi murder machine, 78% of French Jews successfully escaped the Holocaust (see below, table 5). Even 10% of the Jewish community survived in Poland, which was occupied by the Nazis for almost five years making any escape nearly impossible, and where much of the “Christian” population reportedly tended to “co-operate” with the occupying forces when it came to hunting down Jews.⁷⁹

rejected, and whose names are known, show up in the lists of the deportees from France to the Nazi concentration or extermination camps.

⁷⁵ A letter to the editor in the February 19, 2000, issue of *Le Temps*, signed by Brigitte Sion, provides an example of this prevailing image, since it contains this rather surprising sentence: “From 1938 on, the [Swiss] gates were shut for Jews who were headed for death”. The writer is Secretary General of the *Intercommunity Coordination Against Anti-Semitism and Defamation* (CICAD), Geneva.

⁷⁶ If, in a turn of bad luck, you are arrested on the other side of the border immediately after your attempt, or if you are delivered directly to your persecutors, as unfortunately happened on occasion (see report p.146), you would not have the opportunity to make a second attempt. However, the model (1)-(4) takes this into consideration. At the initial attempt, the risk consists of not gaining admission into Switzerland (if you are arrested before arriving at the border, you would not be included in the number of those attempting to enter the country). At a second try, there is the additional risk of your being arrested before you are able to make this repeat attempt. The model assumes that the risk is the same for the two attempts. This is justifiable because the additional risk you run before making a second attempt will often be compensated, at least in part, by other factors such as the fact that you are more familiar with the terrain, how to proceed at the frontier, what to say and what not to say, etc. Finally, the fact that the model rules out more than two attempts serves as a counterbalance to the possibly increased risk at a second attempt.

⁷⁷ “Depend upon it, Sir, when a man knows that he is to be hanged in a fortnight, it concentrates his mind wonderfully” (according to James Boswell in his biography of Johnson).

⁷⁸ To continue the discussion from n. 76, the fact that “you” have decided to attempt to find refuge in Switzerland means that you are not one of the unfortunates (or resigned or fearful) who awaited or had to await their fate passively.

⁷⁹ Of course, many of the survivors lived in the part of Poland that was occupied by the Soviet Union in 1939-1941 and presumably then fled with the retreating Soviet armies. – By chance, I happened to meet someone whose story

The report's unexploited data

As stated above, the report makes no attempt to calculate or estimate the refugees' admittance chances or rejection rates. This is difficult to understand for at least three reasons.

First of all, the report contains all the necessary data for such estimations, as I have shown. In addition, these estimates are extremely easy to calculate, at least for the chances per attempt (a simple division is sufficient⁸⁰). Secondly, how can it be possible to analyse – and judge – the decision to close the borders in particular, and Swiss refugee policy in general, without determining the essential characteristics and parameters of the situation? Thirdly, the (uncalculated) concepts of “admittance rates or chances” and “rejection rates or risks” actually appear in the text of the report, which proves that they should not be ignored – e.g.:

(...) Different groups of refugees had very unequal *chances* of obtaining asylum. The *risk* of being turned away at the border was very different for different groups of refugees⁸¹ (...) Along some stretches of the border, the rejection *percentage* was high whereas in other areas officials were much more liberal.⁸²

Why did these data remain unexploited? Why did the report not go further and attempt to estimate these “chances”, “risks” and “percentages”? Could it be that the researchers were trained solely in traditional history and therefore did not have sufficient experience with handling numerical data: an inadequate “numeracy”? Or, did they decide not to do the calculations because the results would possibly contradict the report's conclusions? Or did they do the calculations and not publish the results? Only the Commission could answer these questions.

High, but variable admittance chances

The passages quoted above from the report draw our attention to the fact that admittance chances obviously varied according to (1) time, (2) place and (3) the category of refugees: factors which, by definition, are not taken into consideration by general averages. Also, these average probabilities – the general, or the more specific ones which I will investigate below – are only valid for those fugitives who actually attempted to gain asylum in Switzerland, that is,

illustrates perfectly the inventiveness and tenacity that arises in many when faced with such circumstances. He was a young Jewish man living in Warsaw and who, at the occupation of this city, soon saw the direction events were going to take. He thus decided that he had to obtain a “certificate of Aryan origin”, which would allow him to pass for a Christian. A medical exam was necessary for this certificate, the main or only test being that of circumcision verification. He therefore made an appointment at one of the few ... female doctors in Warsaw, who provided him with the certificate without going through too close an examination. Thanks to other such “tricks” (changing his name, for example, by bribing a bureaucrat), he managed to survive the Holocaust and after the war, began a new life in Mexico and then in the USA, where I met him and where he lived until his death. His wife and daughter also survived. They found refuge in a convent and with a farmer's family, which proves that not all Poles participated in the hunt for Jews. For this reason, the family is and has always been quite attached to Poland and its people.

⁸⁰ As long as it is done correctly, which is not always the case. For example, some other works define the rejection rate as: “rejection rate” = “number of those rejected”/“number of those admitted”. If, in some hypothetical period, the number of refugees admitted were none, this would mean a division by zero...

⁸¹ P. 133; italics mine.

⁸² P. 140; italics mine; the word “percentage” is found in the French-language version of the report, but not in the English one.

Open or closed doors?

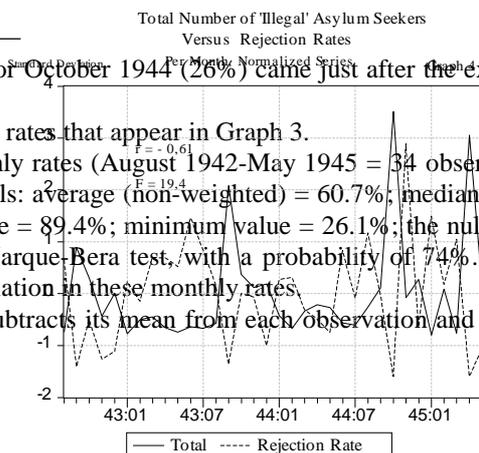
On that basis, we see that the monthly admittance probabilities seem to have greatly fluctuated over time. More exactly, in a few months, the borders were more closed than open, with estimated admittance probabilities of only 40-50% per attempt, or even just slightly higher than 25% in October 1944.⁸⁷ In other months, fortunately more numerous and not just at the end of the war,⁸⁸ the borders were in fact opened quite widely, with admittance chances per attempt of 60-80%, and even higher.⁸⁹

An inverse relationship

A close examination of Graph 3 reveals something quite interesting: at each of the four immigration peaks, when *pressure at the border* was intense, acceptance chances were relatively *high* (see shaded areas of the graph) and vice versa. Thus, in September-December 1942, these chances were close to 80%, after which controls tightened until the middle of 1943. We can observe the same pattern in the fall of 1943 and at the very end of the war, however not so clearly in the summer-fall of 1944.

Therefore, the rejection rate tended to be *low* when pressure at the border was *high*, and vice versa. The country in fact opened its borders at the most necessary and crucial moments from a humanitarian point of view. The reasons for this will be examined below.

This inverse relationship can be seen better – and the negative correlation can be tested – through the use of so-called normalised series.⁹⁰ Graph 4 and the data it contains demonstrate that this inverse relationship is highly significant.⁹¹



⁸⁷ However, the admittance rate for October 1944 (26%) came just after the exceptionally high rate for September of that same year (89%).

⁸⁸ There is no obvious trend in the rates that appear in Graph 3.

⁸⁹ The distribution of these monthly rates (August 1942-May 1945 = 34 observations) is characterised as follows, where it is justified to use decimals: average (non-weighted) = 60.7%; median = 59.2%; standard deviation = 15.6 percentage points; maximum value = 89.4%; minimum value = 26.1%; the null hypothesis of a normal distribution is not rejected according to the Jarque-Bera test, with a probability of 74%. Note that the standard deviation is high, which indicates a strong variation in these monthly rates.

⁹⁰ To normalise any series, one subtracts its mean from each observation and divides the resulting numbers by its

Why this inverse relationship?

If we accept, for the time being, that there was a direct and unidirectional causal link [i.e. an increased pressure at the border (= cause) tended to *induce* a drop in the rejection rate (= effect)], several non-mutually exclusive reasons for this link can be given. For our purposes, I will divide them into two groups. The first group consists of reasons resulting from Swiss decisions, official or not, but relatively conscious: decisions that would implicate the country. The reasons in the second group are of a more accidental or less conscious nature.

Relatively conscious decisions...⁹²

First of all, it is possible that the authorities explicitly decided that Swiss practice (but not the official line) should become more flexible and humanitarian at times of greater influx at the border, only to return to tighter control after the crises. This is certainly what happened in the period from the summer to the end of 1942, as we have seen. A high influx of refugees may also have led to increased involvement not only on the part of aid organisations but also of private citizens, as was demonstrably the case at some specific moments, particularly in the border regions of Geneva, Jura and Ticino. Also, the greater the number of refugees massed along the frontier, the more “visible” the rejections would be. This visibility might have made it more difficult to turn refugees away discretely, even if some of those in charge would have preferred to follow orders more closely. Finally, psychological stress might have been quite intense for those, in the field and elsewhere, who made decisions affecting the refugees: to turn one isolated refugee away is one thing, to reject a multitude is another.

standard deviation. One thus gets a “normalised” series with zero mean and unit standard deviation. If two different time series are normalised, one can verify by superposing them whether they tend to fluctuate together, in an inverse fashion, or independently.

⁹¹ An F of 19.4 is significant at the level of 0.011% (there is only a 0.011% chance that the two series are not correlated). It is however possible that this very high degree of significance is somewhat exaggerated. According to Guido Koller, the number of unregistered rejections could have been relatively higher at periods of increased influx. However, the underestimation would have to be extreme for this negative correlation to become non-significant. Strictly speaking, this correlation is only valid for identified refugees (multiplying a series by a constant, as here by 2.51, does not change its correlation with another series).

⁹² This paragraph, and the one that follows, expand on and clarify a section from my recent book; *op.cit.*, pp. 67-8.

...and contingent factors that were accidental or less conscious

In this second group of reasons it is possible that, at moments when the border was flooded with refugees, there was a lesser risk of being spotted, intercepted and turned back (if one refugee, or a group, was arrested and taken away, those who arrived next would find reduced surveillance at the border). Odds were also better for successfully crossing the narrow frontier zone where the risk of being expelled was generally higher. In addition, as refugees reached the border in greater numbers, they may have had a better opportunity to exchange information among themselves and help each other. Last but not least, it is also known that the border guards were simply overwhelmed at times when a large mass of refugees arrived at the frontier.⁹³

For moral and other reasons, it is quite important to determine which of these two groups of reasons was more influential in Swiss practice. Before discussing this, it is however necessary to examine a larger question.

A more general question

While this inverse relationship is statistically significant enough to constitute an observed *fact*, it presents a more general question that is central for understanding it, i.e.: is there a causal link between the rejection rate and the number of refugees seeking asylum in Switzerland? And if so, which factor was the cause and which was the effect? Or equivalently, what was the direction of causality?

This question is more complex than it appears on the surface. While it seems *a priori* plausible that the number of those arriving at the borders fluctuated mainly because of changes in the personal situation they faced (for example, the application of the “final solution” in 1942 or the occupation of Italy in 1943), these fluctuations may also have been partly *induced* by variations, either conscious or accidental but *autonomous*, in Swiss practice as measured by the variable rate of rejection⁹⁴, in which case the causal link would be in the other direction.

The direction of causality

Regarding the latter hypothesis, it is quite possible that at times of increased influx at the border and visibly more liberal acceptance practices, this encouraged (or “induced”) some – probably not very many – people, particularly from frontier regions, to attempt to enter Switzerland whereas, in ordinary circumstances, they would not have done so.

Nevertheless, the principal causal chain and its direction are quite evident when one consults the available historical information. At the outset, *independent* events occurred *outside of Switzerland*, such as the application of the “final solution” and the occupation of Italy, which made the lives of some inhabitants in Nazi-controlled or occupied areas difficult, dangerous or

⁹³ The report cites (on p.153) a memorandum dated March 1944 from a Colonel Bolzani who was stationed at the Ticino border: “We must face the fact that the guards at the outermost border have been overwhelmed by the influx of refugees, otherwise four-fifths of these people (sic) would have had to be turned back”.

⁹⁴ But not, *nota bene*, by changes in the (“theoretical”) guiding principles of official *policy*. I will return to this point.

unbearable. These events induced a more or less large proportion of these people – those who wanted and were able to, or who did not try some other way out – to try their luck in Switzerland. In turn, this incited or obliged Swiss decision-makers to demonstrate greater flexibility than at other times, for more or less conscious and accepted reasons. Hence a drop in rejection rates which was further strengthened by the accidental or less conscious factors described above.⁹⁵

Causality tests, another approach to the question, and conclusion

The so-called Granger causality tests, as used in modern econometrics, can help us here. These statistical tests are not perfect, in that they verify the extent to which a variable can be predicted by another variable, but they do not really test causality in its strict epistemological sense.⁹⁶ In any case, when applied to the situation at hand, they do indicate, although not in a highly significant manner, that the causality goes from the influx of refugees to the rejection rate, in other words in the same direction suggested by historical information.⁹⁷

This general question can also be broached in another manner, to arrive at the same conclusion. Since this other approach is rather technical, it is discussed in a footnote.⁹⁸

To wrap up this discussion, the following conclusion appears quite solid, even if it contradicts the generally accepted view: during the most critical periods, when a host of asylum-seeking refugees crowded the borders and when “pressure” on Switzerland was intense, the borders were in fact opened quite widely. The data allow little doubt on this subject.

The question remains as to whether this behaviour was *more* the result of conscious decisions, official or otherwise, or *more* the result of accidental or uncontrolled factors. All I can say about this is that the conscious and responsible decisions described above are *at least partly*

⁹⁵ Ulrich Kohli of the University of Geneva has suggested, and I thank him for this input, another possibility concerning this inverse relationship (i.e. the negative correlation between the two series); namely, that there might not be a direct causal link between the two, but that both might be influenced by a third factor. For example, a setback for the Allied forces or the rumours of a massacre could simultaneously create an influx of refugees and feelings of sympathy for them in the country.

⁹⁶ They could therefore suffer from the *post hoc ergo propter hoc* sophism.

⁹⁷ With three monthly lags, the null hypothesis that the rejection rate is not Granger-caused by the total number of refugees who arrived at the border is rejected with a 11% probability of error ($F = 2.21$). If data of higher frequency (weekly or daily) were available, the test could be more conclusive. Moreover, it is necessary to keep in mind that the monthly figures used were extrapolated from the numbers of rejected refugees who were identified by name.

⁹⁸ In this other approach, the answer to the question hinges on whether the number of refugees at the border is a good indicator of “pressure at the border”. This leads to the use of notions that standard demographic analysis applies to migratory movements, meaning *pull* factors (Switzerland’s “attractiveness” for the refugees) as opposed to *push* factors (motivations for refugees to seek asylum in Switzerland). In economics, one would analogously speak of “supply and demand”, which raises the problem, classic in econometrics, of “identification”. Many considerations lead to the conclusion that the numbers of refugees who arrived at the border trace the “demand” curve more so than the “supply” one, which means that the numbers of refugees at the border is an accurate measure for the pressure at the border (even though an econometric estimate of the “demand” elasticity would be biased toward zero, if it had to or could be calculated). It was a discussion with Guido Koller that prompted me to explore this different approach.

the reason why the country opened its borders widely, which is quite important from a humanitarian and moral perspective.

Variations in space

For factor (2), variations according to place, the report does not provide data that would allow for the calculation of admittance chances not only at specific moments in time but also at specific points along the border. No such data seem to exist. However, it is certain that admittance rates or chances also greatly fluctuated in space.⁹⁹

Dual nature of the official policy line toward refugees

These variations in space, and even more so in time, were inevitable as they were the results of the dual nature of the official refugee policy as it was first conceived, and then actually carried out in practice.

On the one hand, the authorities' rather rigid guiding principle was that official policy had to be restrictive so that, according to them, the country should not be submerged, or for still other reasons.¹⁰⁰ On the other hand, particularly after the experience in 1942 (see above), these authorities wanted – or were forced – to demonstrate a certain flexibility in practice, especially in circumstances such as when the borders were flooded with refugees or for specific categories of fugitives (children, women, elderly, etc.) whose numbers fluctuated in time.¹⁰¹ This flexibility also increased as the war neared its end.

As directives were often unclear, application was more or less decided upon by officers in the field, often leading to a general state of confusion.¹⁰² It was therefore inevitable that rejection rates would vary according to place and time. There is yet another reason for all of this, which I will examine below (the problem of the policy's credibility).

Jewish refugees

One factor remains to be examined, i.e. (3) the variations according to category of refugees, meaning in particular Jewish refugees. According to the report, the civilian Jewish refugees who were admitted during the war numbered approximately 21,304 people out of a total of

⁹⁹ “Along some stretches of the border, many refugees were expelled seriatim, whereas simultaneously in other areas officials were much more liberal” (report p.140). “The great majority of the expelled refugees were Jews from Belgium, Holland and France. A majority of them initially had attempted to cross the border in the Jura mountains, but the number entering through the Geneva Lake region over the course of the month [September 1942] amounted to more than 95% of all attempted border crossings” (p. 143, n. 234). It should be noted that a large majority of the Jews living in Belgium had kept their German or Polish citizenship, or had become stateless. On the other hand, Jews coming from Holland were for the most part of Dutch nationality.

¹⁰⁰ A guiding principle that is amply documented, and justifiably so, in the report as well as by Lasserre, Koller and others. In fact, many works on the refugee issue concentrate on the official policy line much more than on the actual practice... The official rhetoric tends to fascinate more than the general reality (individual case studies also tend to fascinate – and rather unduly so).

¹⁰¹ For the criteria adopted in September, 1942, see Koller, *op.cit.*, p. 36.

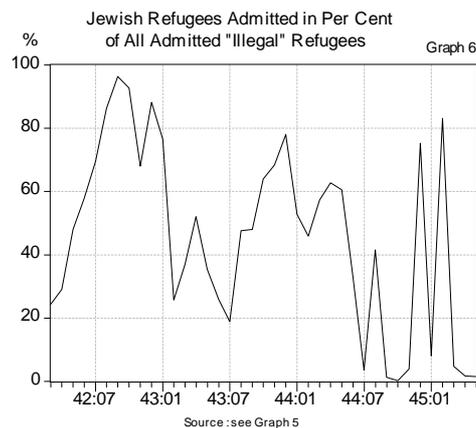
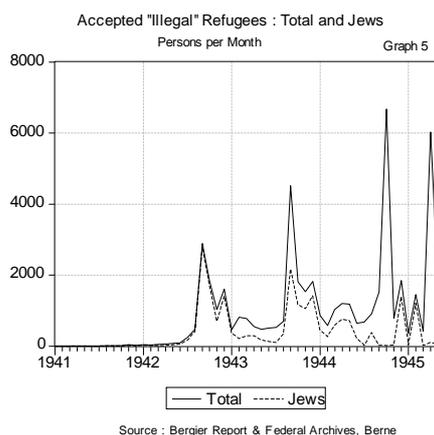
¹⁰² Report p. 144: “The Police Division's contradictory directives had created a confused legal situation that left decisions in individual cases up to the discretion of the individual border guard or another control authority”. This is described in detail in Koller, *op.cit.*, *passim*.

51,129, or 42%.¹⁰³ Therefore, contrary to general impressions, all the refugees were not Jewish – in fact, less than half were (of course, other refugees were also often in danger of being arrested or killed). In this respect the report tends to concentrate on the Jewish refugees, but does not comment much on the other groups.

Georg Kreis provides an identical breakdown of civilian refugee groups: approximately 42% were of Jewish faith or origin, 44% were Catholic and 5% were Protestant.¹⁰⁴ However, not all refugees divulged their religion, or in the case of the Jews, some certainly provided false information as a defensive measure. Therefore, the proportion of Jewish refugees to the total is likely underestimated.

Proportion of Jewish refugees

As demonstrated in graphs 5 and 6 below, the first “wave” of illegal refugees – from June-July 1942 until the beginning of 1943, when the “final solution” was implemented in Western Europe – included a large majority of Jews. This was only slightly less the case during the second wave (summer-fall 1943) at the Italian surrender and the *Wehrmacht*’s occupation of the Peninsula.



These statistics are significant from a moral – or any other – perspective in light of the fact, established above, that at times of greatest influx of refugees the borders opened the widest. This was consequently *also* very likely to be the case for the Jewish refugees. As for the two peaks in entries of Jewish refugees at the beginning of 1945, they are probably linked to the admission of Jews who, due to various initiatives, had been rescued from German camps.

To my knowledge, there exists no breakdown of *rejections* according to religion or “race”.¹⁰⁵ However, it is highly unlikely that all of those rejected were Jewish,¹⁰⁶ at all points of the bor-

¹⁰³ See table 2 on page 25 where it is explained that out of 21,304 Jewish refugees there were 1,809 people of another faith, but who were persecuted because they were of Jewish origin.

¹⁰⁴ This adds up to a total of 91%, which suggests that 9% of the admitted civilian refugees were of another religion, without a religion or did not provide the information. See G. Kreis, *Revue Suisse d'Histoire*, 97/4, p. 573.

¹⁰⁵ In theory, this should have been possible as early as December 29, 1942 for the religion of the rejected identified by name: it was at this point that authorities decided that the religion of those rejected should be registered. See G. Koller, *op.cit.*, p. 97, n. 233, as well as in a conversation on January 29, 2000.

der and at all times.¹⁰⁷ Even so, at specific moments such as the first week in September 1942, “the great majority of the expelled refugees were Jews from Belgium, Holland and France”.¹⁰⁸ However note that if most rejections in that and other similar periods concerned Jewish persons, this was because the overwhelming majority of asylum-seeking persons were Jewish.

Let us suppose for a moment that *all* those rejected over the *entire* war were Jewish. Under this extreme hypothesis, unlikely though it is, the average rejection rate just for Jewish refugees would be 53% per attempt,¹⁰⁹ or an average admission probability of 47% – roughly a one out of two chance per attempt. This latter estimate is certainly much too low, as will be seen.

Other hypotheses and approaches

Henry Spira, who has done some work on this issue¹¹¹, proposes a seemingly more realistic hypothesis that the proportion of Jewish rejectees to the total of those rejected was somewhere around two-thirds, or approximately 16,000 Jews turned away.¹¹² If this estimate is correct [but more recent research has shown it to be much too high], the average admittance rate or probability for Jewish fugitives would be 57% per attempt, throughout the war.¹¹³

On the other hand, Serge Klarsfeld has asserted, “no more than half of the 24,000 rejections found in the Bergier report were against people of Jewish origin”.¹¹⁴ According to this other estimate, the admittance probability for Jewish refugees shifts to 64%, again per attempt and over the entire war.

This issue can also be examined from another perspective. As already stated, the wave of refugees from June-July 1942, to the end of that year was primarily associated with the carrying out of the “final solution” in the occupied territories. In this period, the overwhelming majority of the refugees were Jewish (see graphs 5 and 6 above). The report indicates¹¹⁵ that between August 13 and the end of December 1942, approximately 7,899 refugees were accepted¹¹⁶ and

¹⁰⁶ The following is what G. Koller has written on the subject (*op.cit.*, p. 97, my translation): “The anonymous statistics on rejections convey no information about the share of Jewish refugees. The rejectees were by no means all Jewish and they included many non Jewish French and Italians who did not want to be drafted into the S.T.O., or into the German army, as well as Polish and Russian slave-workers who tried to escape from Germany”.

¹⁰⁷ Some historians do not hesitate to say so. For example, Heinz Roschewski (*op.cit.*, p.134) writes: “At least 30,000 Jews were registered as rejected”! This may be a slip, but a revealing one.

¹⁰⁸ P. 143, n. 234. However, the text of the report is ambiguous here and it is not clear whether this passage refers uniquely to the first week of September 1942.

¹⁰⁹ $24,500/(24,500+21,304) = 53\%$

¹¹¹ And who has studied in particular the fate of refugees at the Jura frontier.

¹¹² See *Le Temps* from December 17, 1999, p. 10. The article says that H. Spira bases his hypothesis “on his own [unpublished] statistics”. Also see his article in the *Revue historique neuchâteloise*, issue of January-March, 1998. – Research done after the French version of this paper was published has however shown that Spira’s estimated proportion is much too high; see the work done at the Geneva State Archives mentioned in note 53 and my study mentioned in note 61. In both cases, the conclusion was that Jewish refugees had higher than average chances of being admitted.

¹¹³ $21,305/(21,304+16,000) = 57\%$.

¹¹⁴ See the December 16,1999, issue of *Le Temps*, p.13. Klarsfeld’s proportion is however also too high, as more recent research has shown; see note 112.

¹¹⁵ P.143, n. 234 and p. 52, n. 273.

¹¹⁶ = $527+7,372$.

approximately 1,949 were rejected.¹¹⁷ Assuming that *all* of those accepted *and* turned away were Jewish, we come up with an admittance rate of no less than 80% per attempt at this moment of intense urgency. [According to more recent research as mentioned previously, the acceptance rate for Jewish refugees was actually in excess of 90% per person in that crucial period].

Summary, what may be retained, and further questions

Table 4 on the next page summarises the various estimates of admittance probabilities found in the preceding pages and notes [but excluding the results of more recent work].

Faced with all these estimates of admittance rates and probabilities, the reader may wonder which aspects are the most important to remember. I propose the following:

- For all asylum candidates, in all categories throughout the war, the average probability of gaining admission into Switzerland was somewhere around 67% *per attempt*, or roughly two chances out of three. Assuming, in general, that refugees made a second and final attempt if their first failed, the estimate jumps to nine chances out of ten *per person*. The latter estimate has been confirmed by a recent and very thorough archive-based study done by the Geneva State Archives for the situation in the Geneva region (where roughly 40% of all entries took place).
- For shorter time periods, estimated admittance probabilities for all refugees varied greatly, ranging according to month from 40-50% (or even 25% in one instance) to almost 90% per month and *per attempt*.
- For Jewish refugees, more recent research has shown that their acceptance chances were higher than average, both per attempt and per person.

One question could emerge from the data collected in this table: given admittance probabilities which, for the most part, were quite high or favourable, why is it that not more people in Europe, and Jews in particular, sought asylum in Switzerland? This question will be examined below.

Table 4
Summary: Estimated admittance rates and probabilities

Category of refugees	Admittance rate/probability (%)	Period	Source of data or estimates
All	82 ^a	8.42-12.43	Report
-"-	77 ^a	8.42-9.43	-"-
-"-	74 ^a	8.42-8.43	-"-

¹¹⁷ = 314+1,628; again an overestimate due to a faulty interpretation of Koller's data..

-"-	82 ^a	9.42-12.42	-"-
-"-	40 ^a	8.13.42-8.31.42	-"-
-"-	85 ^a	9.1.42-9.7.42 ^b	-"-
-"-	61 ^a	8.42-5.45 ^c	-"-
-"-	70 ^a	40.Q1-45.Q2	Lasserre+Report
-"-	68 ^a	The whole war	Report
-"-	90 ^g	-"-	-"-
Jewish	47 ^{a,d}	The whole war	Report
-"-	57 ^{a,e}	-"-	Spira + Report
-"-	64 ^{a,f}	-"-	Klarsfeld + Report
-"-	80 ^{a,h}	8.13.42-12.31.42	Report

a/ Rate or probability **per attempt**, not per refugee.

b/ "First week of September".

c/ Unweighted average of the monthly rates (graph 3); hypothesis: there is an approximately constant relationship between the total number of rejectees and the number of those identified by name.

d/ Hypothesis: all rejectees were Jewish estimate surely much too low.

e/ Hypothesis (Spira): about two thirds of the rejectees were Jewish; estimate much too low.

f/ Hypothesis (Klarsfeld): half the rejectees were Jewish; estimate still much too low.

h/ Hypothesis: in this period all the refugees and all the rejectees were Jewish; estimate too low.

g/ Estimated probability **per refugee**; hypothesis: at most two attempts.

Conclusion

To conclude this chapter on the ("theoretical") decision to close the border in August, 1942, I should like to underline that the most striking aspect of the report's treatment of this issue is the contrast between, *on the one hand*, the simple narrative, the individual case studies, the unexamined numerical data, etc.; and *on the other hand*, a clear and categorical condemnation of said decision. Between the two there is a sort of "quantum leap" and an essential link is missing, i.e. a reasoned, analytically coherent and verified (through numerical data, among other things) reconstruction of this "essential moment" in Swiss refugee policy.

The same applies to the entire report: the whole of Swiss refugee policy is never placed in the context of an analytic, reasoned, coherent and verified representation (or model). This lack, however, does not impede the report from reaching conclusions and formulating judgements that are, more often than not, utterly negative.

2. The “J” Stamp Affair

I would like to state from the very start that the manner in which the report handles this second central issue strikes me as, in part, rather tortuous and tortured.

To begin, it is important to investigate which side, the Reich or Switzerland, proposed the specific procedure of placing a “J” stamp in the passports of German and (former) Austrian Jews, so as to effectively establish the origins of this idea. The following are citations on the subject from various passages of the report. I suggest that the reader pay close attention to the wording (*italics* have been added for this purpose):

(...) Switzerland *participated* in stamping the passports of German Jews with a “J”¹¹⁸ (...) The negotiations between Switzerland and Germany after the annexation of Austria in 1938 *resulted* in the marking of passports of German Jews with the “J” stamp¹¹⁹ (...) The German authorities gave their consent when *Swiss officials proposed* a distinctive marking of passports limited to German “non-Aryans”. The choice of the marking, be it a stamp with appropriate wording, the underlining of the passport holder’s name in red, or a “J”, was only a matter of defining a *technical detail* once the *agreement had been reached in principle*¹²⁰ (...) The documents in the archives do not allow us to be *absolutely certain* about who – Germans or Swiss – proposed a distinctive “J” stamp marking for Jews in German passports.¹²¹

¹¹⁸ P. 17.

¹¹⁹ P. 273, “Conclusion”.

¹²⁰ P. 4 of the press release.

¹²¹ P. 82.

In another passage of the report, this lack of “absolute certitude” concerning the specific origins of the “J” stamp formula is however replaced by a clear *affirmation*:¹²²

This letter¹²³ was mentioned in the *NZZ* of May 5, 1988 (...) as evidence that the Federal Council yielded to the proposal of the German Foreign Office. *This can be affirmed for the specific form which the marking took (the “J” stamp).*¹²⁴

Reasons for this “nuance”

This type of “nuance” or internal contradiction – and there are others – is certainly the result of a process of collective writing, where one pen does not necessarily know what the others are doing. More generally, the sometimes inconsistent nature of the report most likely stems from the fact that the “deciding body” was ultimately the Commission itself. This nine-member committee had the responsibility of deciding what to retain, eliminate or modify in the initial drafts, or what should be added. These drafts were mostly written by the Commission’s numerous subordinate collaborators (who may sometimes have felt a little unhappy about their subordinate status).¹²⁵

According to what one hears, these Commission decisions, or at least some, were made through *majority voting*, which could explain why the final product is often somewhat heterogeneous and inconsistent.¹²⁶ In contrast, the unity and balanced nature of the Ludwig report (practically perfect in my opinion¹²⁷) as well as the Bonjour report (more debatable on some points, again in my opinion) are due to the fact that each of these reports was written by one and only one person, who then assumed full responsibility for the results. Unfortunately, these previous examples were not used as models. Clearly, it would have been preferable to entrust this official history project to one person, not to a Commission, and to provide this person with more ample means (funds, assistants, etc.) than what Ludwig and Bonjour had at their disposal.¹²⁸

¹²² P. 80, n. 35; italics mine.

¹²³ This letter dates from September 7, 1938. In it, Franz Kappeler, advisor to the Swiss Legation in Berlin, informed Bern of the German Foreign Office’s response to the Swiss propositions.

¹²⁴ The *NZZ* article in question was written by *Alfred Cattani*, historian and former associate editor of that newspaper, all of which the report fails to mention. Generally speaking, the Commission has a regrettable tendency to omit the names of its critics or those who think differently than it does. – In this quotation, here is what was omitted by the ‘(...)’ symbol: “(In the *NZZ* article, this letter) was mentioned without presenting the decisive words (‘to respond in every possible way to Switzerland’s wishes’) and was considered as evidence that, etc.” This could give the impression that Alfred Cattani deliberately omitted these “decisive” words in his *NZZ* article because they incriminated Switzerland in the “J” stamp affair. Actually, the “wishes” of Switzerland were to be able to distinguish German emigrants (Jewish *and* non-Jewish) from other travellers crossing the common border with Germany. It was therefore a general concern that was not particularly incriminating in the context of the time. See below.

¹²⁵ I am not the only one who finds the report to be somewhat inconsistent, incoherent and repetitious. Historian Jean-Claude Favez did as well: “The narrative is too long, sometimes confusing, often repetitious”; *Domaine Public*, January 14, 2000.

¹²⁶ In this respect, one recalls the well-known, ironic definition of a camel: “A horse designed by a commission”.

¹²⁷ Hence the dedication at the beginning of this text.

¹²⁸ The authorities were, however, aware of the problem: “The Federal Council agrees with the project of the Commission of Judicial Affairs [of the National Council] (...) [It] examines (...) the possibility of entrusting the general direction of this research to a person whose standing, both scientific and moral, is acknowledged by all *so as to guarantee that the final results are presented as a consistent whole.*” (See the Federal Council’s opinion on

Be that as it may, we can take it as a fact that the impetus for the specific “J” stamp formula came from the German side. However, this is not made clear at all in the report, which uses all sorts of methods to side-track the reader. For example, the “clear affirmation” above is found in a footnote.

An unimportant question?

When all is said and done, to affirm or insinuate, as has been done, that the origin of the specific “J” stamp formula is a technical question and therefore unimportant, can be justified from a historiographical perspective. In the overall context of the policy toward the refugees as well as that of Switzerland before and during the war in general, the “J” stamp was indeed just one episode among many others and it was indeed relatively unimportant at the time both for the refugees (I will return to this point) and for the authorities.

This issue however has had an enormous impact on the shaping of public opinion throughout the world concerning Swiss refugee policy, and it has become a symbol for Switzerland’s alleged guilt.¹²⁹ If, at the publication of the report, the German origins of the specific “J” stamp formula had been duly highlighted, the world’s image of Switzerland, as it was during the war and is now, would perhaps be different.

A shocking case of ambiguity, and its explanation

The following quote affords a particularly striking and extreme example of ambiguity. It is found in the most visible spot of the report, at the beginning of the final section of its conclusion¹³⁰ and at the top of its last page (at the time of the report’s publication, many, and in particular many journalists, most likely began their reading by the conclusion and did not read anything else due to time pressures in today’s news industry):

What would have happened if, in the summer of 1938, Switzerland had not *insisted* on having the passports of German Jews marked with the “J” stamp?¹³¹

Anyone reading this sentence, which appears after several pages without one reference to the “J” stamp, would most likely understand that during the German-Swiss negotiations of 1938, Switzerland not only (supposedly) proposed that the stamp be placed in the passports of German Jews but actually insisted upon it.

When I questioned him on this statement during a television debate,¹³² Marc Perrenoud, historian and scientific advisor to the Commission, explained however that this sentence should be interpreted differently, i.e. in the following context: at the end of the German-Swiss negotia-

the project and the comments from the Commission for Judicial Affairs of August 26, 1996, point 22 of the project’s article 2; italics mine).

¹²⁹ Even as balanced and normally serious a periodical as *The Economist* used the term “Swiss Shame” in, and as a title for, an editorial.

¹³⁰ The title of which is “Two Questions”; I will return to this final section of the report.

¹³¹ P. 285; italics mine

¹³² Sunday December 12, 1999, on the first station of the Swiss French-language television, on the program, *Droit de cité*.

tions and after an agreement had been reached with Germany, the latter often *delayed* marking the passports of German Jews with a “J”.¹³³

This delay is a fact, but it is easily understood because, at the time, the Nazis were doing their best to force German Jews to emigrate. It was therefore not in the German authorities’ interest to apply this measure in a timely manner. With unmarked passports, German Jews could enter Switzerland with no special form of authorisation, or at least their chances were relatively good. It is therefore understandable that Switzerland “insisted”, after the German-Swiss agreement had been signed, that the Germans uphold their part of the accord they had just signed. This is however not what most readers would have understood from the report.

...and as a result

As demonstrated by most articles published in reaction to the report’s publication, practically everyone, abroad and maybe a little less so in Switzerland, remains convinced today that the specific “J” stamp formula was a sign of infamy that Swiss negotiators had proposed to the Nazis, and had even insisted upon it. Thus, the report did nothing to dispel this myth and, in fact, worked to entrench it even further in public opinion.

A “decisive” charge...

Having diluted or “finessed” the issue of the “J” stamp’s origins, the report then presents, on several occasions, the charge which it considers to be decisive – thus, for example:

(...) The initiative and dynamics that led to the discriminatory marking came from the Swiss side¹³⁴ (...) The fact is that Germany gave in to Switzerland’s insistence on marking the passports of German and (former) Austrian “emigrants”.¹³⁵

... but hardly decisive in reality

This fact is effectively established, but it raises the question as to *why* Switzerland had to put Germany under pressure. The report contains all the necessary information about this, but its meaning and implications are never worked out. The following are samples of this information, taken from the report. These long citations are necessary in order to highlight – or remind the reader of – the situation in which Switzerland found itself at the time:

Following Germany’s annexation of Austria [in March 1938], 5,500 to 6,500 people took refuge in Switzerland, causing the number of refugees on the Confederation’s territory to climb to an estimated total of between 10,000 and 12,000 people.¹³⁶ [I.e., the number of refugees suddenly doubled].

On June 2, 1938, The General Consul of Switzerland in Vienna noted [in a report sent to Bern] that, since the middle of May, “the German authorities are working systematically to drive the Jews out as soon as they have complied with their financial obligations to the country.” The Germans even infiltrated Jews across the Swiss border [!]. On top of this, new per-

¹³³ See p. 84 of the report.

¹³⁴ P. 82.

¹³⁵ P. 80, n. 35.

¹³⁶ P. 83.

secutions were instituted, while in Czechoslovakia, Poland, and Hungary [i.e. the other countries bordering Austria], the authorities restricted the admission of refugees. In Italy, as in Sweden, Belgium, and France, obstacles to their arrival were growing. In July 1938, the Evian Conference's failure demonstrated the intense reluctance on all sides to do anything for the victims of the Nazis, whose discriminatory measures were multiplying. This development worsened the situation of Switzerland. Moreover, at the end of an inspection tour in Basel and Bern in August, 1938, Lord Duncannon, of the [League of Nations] High Commission for Refugees from Germany, stated that Switzerland had done everything possible for the refugees and that other members of the League of Nations should give it some relief by accepting to take some in as well.¹³⁷

In fact, the reactions from other governments, in Europe and elsewhere, heightened the Swiss authorities' concerns and made them feel more comfortable [sic] about their own restrictive decisions. While Italy adopted a set of anti-Semitic laws in September 1938, the French authorities were multiplying restrictions and tightening regulations as early as April 1938, which were then upheld by statutory order on November 12, 1938. Because of its geographical position (...), the Swiss Confederation was on the front line.¹³⁸

Switzerland under intense pressure

Faced with this situation, in particular the attitude of almost all other governments, Switzerland was indeed "on the front line", because German citizens and soon the (former) Austrians turned German citizens were able – following an agreement that went back to 1926 – to cross the common border without a visa by simply presenting a German passport. Due to its geographical location, Switzerland was thus at risk of becoming the main, if not actually the sole, haven for the multitude of Jews who were trying to escape Nazi persecution and who were even actively pushed out by the Nazi authorities, the latter wanting to "rid themselves" of the Jews, but not (yet) to exterminate them.

This being so, it is understandable, and it was natural, for Switzerland to attempt to protect itself in one way or another. It is just as natural that it would put Germany under pressure to mark the passports of would-be emigrants, a fact that the report does not emphasise or does not use to draw the logical and necessary conclusions.¹³⁹

If history could be rewritten...

However, it is quite clear today – as it should have been at the time – that Switzerland could have, and obviously should have, acted in this affair as it had initially intended, i.e. differently.

On August 10, 1938 (the critical phase of German-Swiss negotiations took place in September), the Federal Council denounced, as a precaution, the 1926 mutual agreement abolishing

¹³⁷ P. 76.

¹³⁸ P. 81.

¹³⁹ On page 77, the report states that "(...) The steps taken by Switzerland with the German authorities which led to the 'J' stamp go back to April 1938", which could be taken as an indication that it was Switzerland which had initiated these negotiations. Regarding this, I will simply reiterate what I wrote in my last book (*op.cit.*, p. 53, n. 26), on the authority of the Ludwig report (p. 124, letter m), namely that it is unclear which side initiated the negotiations, and in any case the issue is hardly relevant as both sides were in constant contact.

the requirement of a visa to cross the common border. Shortly prior to this, Swiss negotiators had proposed that a distinctive sign (*Vermerk*) be placed in the passports of all German candidates for definitive emigration, Jews and non-Jews alike. The exact proposal was as follows:¹⁴⁰

On August 22, 1938, at the request of Bern, the Swiss Legation in Berlin submitted the outline of an agreement to the *Auswärtiges Amt*¹⁴¹ by means of the following exchange of notes [the coming citation is therefore a draft of an agreement proposed by the Swiss side]: “In order to avoid that Switzerland should find itself obliged to enforce a complete and absolutely essential control of the entry of German emigrants by requiring visas in all German passports, we agree to the following: For ‘Aryan’ persons whose return to Germany is prohibited,¹⁴² as well as for ‘non-Aryans’, German passports will only be issued after the responsible German passport office has entered the following note on the first page of the passport : ‘To cross the Swiss border, a visa issued by a Swiss consulate is necessary’.”

Suppose for an instant that Switzerland had insisted on and succeeded in having its proposal accepted and that, instead of a letter “J”, the passports of German Jews and all other emigration candidates had been marked on the first page with the following stamp (in German, of course):

<p>To cross the Swiss border, a visa issued by a Swiss Consulate is required</p>

If this had been the case, it is highly unlikely that Switzerland would be criticised today, although the actual effect of this alternative stamp would have been exactly the same for the refugees.¹⁴³ The error, if not the fault, was therefore in accepting the German counter-proposal of the “J” stamp and not persevering in the original proposition. Better yet, the visa obligation should simply have been reinstated, as England did in the same circumstances, thereby allowing the influx of refugees to be controlled: a measure that had become indispensable and would have been entirely acceptable from a national and international legal perspective.¹⁴⁴ As we know, it was the Federal Council that, acting in last resort, unanimously accepted the agreement that included the German counter-proposal, in spite of the reservations and insistent objections of Heinrich Rothmund, the principal Swiss negotiator.

It should be added that this error, or fault, was made in the very critical international context the report describes in its introduction, but does not reintroduce at this juncture. More than sixty years later, it is essential to accurately portray this context.¹⁴⁵

¹⁴⁰ Report, p.78.

¹⁴¹ The German Foreign Office.

¹⁴² In other words, socialists, communists and other opponents to Hitler’s regime.

¹⁴³ In his recent and remarkable work (*Freedom from Fear*, Oxford UP, 1999), historian David Kennedy mentions (p. 399) that American citizens who, during the Spanish civil war, wanted to fight with the International Brigades had to travel with an American passport marked: “Not valid for travel in Spain”. Another example: American passports issued in 1968 carried the following warning: “Not valid for travel to, in or through Communist controlled portions of **China, Korea, Viet-Nam** - or to, in or through **Cuba**”. (The bold print as in an original copy in my possession).

¹⁴⁴ See W. Kälin’s legal opinion as discussed at the beginning of this text.

¹⁴⁵ The three following paragraphs are taken from my last book, *op.cit.*, pp. 53-4.

The international context of the time

First of all, the German-Swiss negotiations of 1938 took place nearly three years *before* the start of the Holocaust, when no one in Switzerland or elsewhere (Germany included) could have imagined what would eventually come to pass. Of course, everyone knew that German and formerly Austrian Jews were being persecuted in ways that were generally barbaric, odious and rapacious. It was also known that the Reich was trying to expel them through all possible means. However, to think that the Reich would eventually resort to the systematic extermination of the Jews was a leap that nobody made at the time. Almost no one, the Swiss authorities included, took heed of what Hitler had promised the Jews in *Mein Kampf*.

Secondly, the negotiations also took place just *before* the pogrom of November 9-10, 1938, (the *Kristalnacht* or “night of broken glass”) which finally revealed, in a striking manner, that Nazi anti-Semitism was more than just a temporary aberration and which marked a turning point. Here is what a historian has written on the subject¹⁴⁶:

At the rise of Hitler [in 1933], the Jews completely underestimated the danger. Some believed that the new regime would not last, while others thought that the Führer had too much political savvy to turn the powerful foreign Jewish lobbies against him, finally others were convinced that the Nazis would come to need them at some point (...) This naïve confidence is demonstrated by the fact that in 1934-35, 10,000 out of the 16,000 Jews who had left Germany, returned home. It was not until 1938 – after the “*Kristalnacht*” (...) – that they understood that no hope was left.

Thirdly, the crucial phase of the German-Swiss negotiations took place during the “Sudeten crisis”, at a time (September 1938) when Europe was literally on the brink of war. In addition, the Federal Council accepted the “J” stamp agreement just after the Munich agreement (September 29, 1938) in which the two great European democracies threw up a white flag to Hitler, whom, it appeared, no one wanted to resist in any way.

The effects of the “J” stamp on German Jews

With regard to the actual *effects* the “J” stamp had on German Jews who wanted to emigrate, here is what the report’s press release had to say:¹⁴⁷

The “J” stamp made emigration to other countries more difficult or even impossible for German Jews.

In the same vein, the following is a paragraph to be found on the all-important last page of the report:¹⁴⁸

The introduction of the “J” stamp in 1938 made it more difficult for Jews living in the Third Reich to emigrate. Without Swiss *pressure* [nota bene], the passports would not have been stamped until later, perhaps not at all. This would have made it less difficult for refugees to

¹⁴⁶ Jean-Jacques Langendorf in (p. 87) Fricker *et al.*, *La Suisse face à l’empire américain*, Geneva, Georg, 1997. See also M.-A. Charguéraud, *Tous coupables? Les démocraties occidentales et les communautés religieuses face à la détresse juive, 1933-1940*, Paris and Geneva, Editions Cerf & Labor et Fides, 1998, pp. 140 *et seq.*

¹⁴⁷ P. 4.

¹⁴⁸ P. 285.

find a country willing to accept them. In any case, many had no intention of settling definitively in Switzerland. Without the “J” stamp, many victims of National Socialism would have been able to escape persecution through Switzerland or another country.

Debatable speculations

The first sentence (“The introduction of the ‘J’ stamp in 1938 made it more difficult for Jews living in the Third Reich to emigrate”) is quite questionable. At the time, all other countries and official entities (with some rare exceptions, such as the “International Settlement” in Shanghai) carefully controlled immigration, paying particularly close attention to the Jews. Visas were required almost everywhere and to obtain a visa one had to provide all sorts of information including, undoubtedly in most cases, religious affiliation.¹⁴⁹

Moreover, the report indicates that¹⁵⁰

On August 17 [1938], the “Second [German] Decree on Carrying Out the Law on the Changing of Family Names and First Names” mandated “Israel” and “Sara” as first names for Jews.

German Jewish asylum-seeking refugees were therefore identifiable as Jewish, with or without the “J” stamp. It should be noted that the German-Swiss agreement was signed on September 29, 1938, and the German edict on the “J” stamp was issued on October 5.¹⁵¹ The German decree for the identical and obligatory first names of Jews therefore preceded the German-Swiss agreement.¹⁵²

The second sentence (“Without Swiss pressure, the passports would not have been stamped until later, perhaps not at all”) ignores the fact that, at almost the same time as Bern, Stockholm began negotiations with the Reich, and with similar objectives: to protect the country from a massive influx of German Jewish refugees while avoiding a comprehensive visa requirement for all bearers of German passports.¹⁵³ At the end of these negotiations, soon after those with Switzerland, Sweden adopted the formula from the German-Swiss agreement and, on October 27, 1938, the Swedish Minister of Foreign Affairs signed a directive making the “J” stamp part and parcel of Swedish foreign policy toward German refugees.¹⁵⁴

¹⁴⁹ Those who have gone through the American immigration process, such as myself, know just how curious the authorities can be. Everything and anything is asked, and must be answered.

¹⁵⁰ In its annex 1 (“Chronology”), p. 294.

¹⁵¹ *Ibid.*

¹⁵² This raises the question as to why the Swiss negotiators, who must have been aware of this name regulation, did not realise that it alone would have achieved their objective. Maybe they felt that, during the border control process, first names were more likely to slip past police inspection than a large stamp. It should be noted that, according to A. Lasserre, *op.cit.*, p. 57, the Reich ordered, on August 15, 1938, that all *Austrian* passports had to be replaced by German passports. This was therefore before the crucial phase of German-Swiss negotiations, which took place in September, so that the “special” problem of former Austrian passports was by then a non-issue.

¹⁵³ According to a letter to the editor, signed *Heinz Albers, Zurich*, and which refers to the Ludwig report as well as the work of A.J. Sherman (this letter appeared in the *NZZ* of 12.22.1999), the Reich had already proposed to England, on April 27, 1938, i.e. well before the German-Swiss negotiations, to put a distinctive mark in German passports for emigrants (Jewish and non-Jewish). England refused and resolved the problem by requiring visas.

¹⁵⁴ Swedish policy will be examined in detail below.

If Switzerland had not accepted the German proposal of the specific “J” stamp formula, would Germany have put forward this formula in its negotiations with Sweden, and would the Swedes have accepted it? This is possible, but unlikely. In this hypothesis, Sweden would have probably adopted the alternate solution agreed upon in the German-Swiss agreement (for example, a *Vermerk* as explained above). In any case, this question is of little import in this context, considering that the obligatory first names for German Jews made them identifiable as such at the frontier or, even more so, during the emigration procedures.

It follows that the final sentence of this paragraph (“Without the ‘J’ stamp, many victims of National Socialism would have been able to escape persecution through Switzerland or another country”) must be considered as a rather unwarranted speculation. It is much more reasonable to assume that the “J” stamp actually did not have much effect on the problems encountered by German and (former) Austrian Jews who tried to emigrate, although this does not lessen its discriminatory nature. For them, the real obstacles were mostly finding a long-term host country, obtaining a visa or some other form of official entry authorisation and perhaps, for many, a lack of, or insufficient, financial means.

In this respect, it must be underlined that the majority of German Jews (around 75%) and formerly Austrian Jews (around 73%) somehow managed to leave the Reich in time and therefore escaped the Holocaust, which struck above all the Jewish communities of Eastern Europe; see table 5 at the end of this chapter.¹⁵⁵ [For those who might find these statistics shocking – and their horror is truly unbearable – I would like to point out that they come from *The Encyclopaedia of the Holocaust*.¹⁵⁶]

Most curious is that nothing in the body of the report itself supports these speculations about the effects of the “J” stamp on the emigration possibilities for German Jews. In fact, they only appear in the general conclusion and press release. We can easily imagine what happened: these speculations, completely devoid of reality, were probably inserted at the prompting of one or several members of the Commission, but were never researched by the staff. Did the Commission intend to maximise the dramatic impact of its report? In any case, it is quite clear that here they tried not to “protest too much”, but to “prove too much”.

¹⁵⁵ Report, pp. 102-3: “Around 235,000 Jews had left Germany before the war began, as well as more than 10,000 artists and intellectuals and another 30,000 who had fled because of their political activities. A total of 7,631 refugees passed through the Basel train station between the months of March and May 1933 alone. For them, Switzerland was primarily a transit country, since the Swiss Federal Council had decreed the transit principle for Jews in March, 1933, and guaranteed only recognised political refugees residence of greater length.” According to the data for Germany in table 5 below, 424,500 German Jews escaped the Holocaust, of a pre-war community of 566,000.

¹⁵⁶ Obtained via the “Simon Wiesenthal Centre” in Los Angeles. See the documents entitled: “36 Questions About the Holocaust”, which can be found at <http://www.wiesenthal.com/resource/36quest1.htm>. I arrange the countries differently than in the original and add some missing European countries (United Kingdom, Ireland, Iceland, Turkey, Spain, Portugal, Sweden, Switzerland). I calculated the weighed averages using a little algebra. The original document mentions (question 3) that if the Jewish victims of the Holocaust numbered a little less than six million, the non-Jewish civilian victims (Gypsies, Polish intellectuals, Serbs, underground members in various occupied countries, German opponents, homosexuals, etc.) were almost as numerous, which is less well known, although it has been disputed (see Peter Novick’s latest book).

After this critical examination of the two central points of the report, I will now investigate several other issues that are treated or appear in it, but are not necessarily of the same paramount importance.

Table 5

European Countries: Percentage Estimates of the Pre-war Jewish Population who Fell to the Holocaust, and Absolute Numbers of Victims

Country	Percentage	Absolute Numbers
Western and Northern Europe ^a		
Netherlands	71	100,000
Luxembourg	56	1,950
Norway	45	762
Belgium	44	28,900
Austria	27	50,000
Germany	25	141,500
France	22	77,320
Denmark	1	60
Finland	0 ^b	7
Weighted average	30	Total I 400,499
United Kingdom	0	0 ^c
Ireland	0	0 ^c
Iceland	0	0 ^c
Sweden	0	0 ^c
Switzerland	0	0 ^c
Central, Eastern and Southern Europe		
Poland	91	3,000,000
Greece	87	67,000
Lithuania	85	143,000
Yugoslavia	81	63,300
Slovakia	80	71,000
Latvia	78	71,500
Hungary	69	569,000
Bohemia-Moravia	66	78,150
Romania	47	287,000
Estonia	44	2,000
Soviet Union	36	1,100,000

Italy	17	7,680
Weighted average	65	Total II 5,459,630
Bulgaria	0	0 ^c
Turkey	0	0 ^c
Spain	0	0 ^c
Portugal	0	0 ^c
General Weighted Average	60	Total I+II 5,860,129 ^d

a/ Including Germany and Austria

b/ 0.3%

c/ Subject to exceptions
(e.g. dual nationals)

d/ The source indicates a total of
5,860,000 victims, rounded up to 6 million

Source: see text

3. Other issues in the report

3.1 How to enter Switzerland: legally or “illegally”?

In addition to the rejections of “illegal” refugees, there is also the fact that of 24,100 visa requests registered between spring 1938 and November 1944 by asylum candidates at various Swiss offices (consulates, etc.), the Federal Alien Police refused 14,500 (60%) and accepted 9,600 (40%).¹⁵⁷ It is probable that among those whose request was refused, some later tried their chances at the border anyway. Therefore they would be included in the number of so-called ‘illegal’ refugees who were either admitted or rejected.¹⁵⁸

In general, these refusals of legal entry requests are interpreted¹⁵⁹ as having had an additional deterring influence on potential asylum candidates, in conjunction with rejections. What is there to say on this subject?

Let us imagine that, against all probability, none of those whose visa request was refused attempted thereafter to enter Switzerland “illegally”; that all of these visa requests, accepted or rejected, were made during the war; and finally that all of the 9,600 people who received visas actually came to Switzerland. In these conditions, the average admittance probability is 61% per legal or illegal attempt at a consulate or at the border.¹⁶⁰ For reasons I have just mentioned, double counting for example, this estimate is most likely too low. Therefore, chances remain roughly two-out-of-three per (legal or “illegal”) attempt even taking visa requests into account.

3.2 Why were there not more asylum candidates?

Considering the rather high admittance chances for illegal refugees as presented above (table 4 and graph 3), the question arises as to why more – possibly many more – people in Europe,

¹⁵⁷ Report p. 21. I do not know of any data concerning the composition and the timing of these accepted and refused requests. It would be interesting to know more on the subject.

¹⁵⁸ Mr. Guido Koller kindly confirmed this for me in a telephone conversation.

¹⁵⁹ For example in Koller, *op.cit.*, *passim*.

¹⁶⁰ $(51,129+9,600)/(51,129+24,500+24,100) = 61\%$. According to the report (table on p. 24), the total of 51,129 accepted refugees does not include legal refugees. It should be noted that the total given by the report is used here and not André Lasserre’s higher number; see above.

Jews in particular, did not spontaneously attempt to obtain refuge in Switzerland by going to the border without entry papers. It is impossible to give an exact number or even an approximate estimate of people (Jewish *and other*) who, due to various forms of persecution or for other reasons (draft into the S.T.O., for example), would have wanted to seek asylum in Switzerland during the war, but this “reservoir” of refugees surely included hundreds of thousands, if not millions of people.¹⁶¹

Three primary reasons

An initial response to this question is that reaching the frontier was hardly easy (travel difficulties in wartime, entry authorisations, etc.) or safe (frontier regions surrounding Switzerland as well as the other side of the border were under close surveillance¹⁶²) or affordable (some guides or “helpers” charged exorbitant fees¹⁶³).

Secondly, the trip to the Swiss border was nevertheless much more feasible for inhabitants of Western Europe (France, Belgium, Holland, Italy) than for those of Eastern Europe, even if the former generally had to cross Nazi-occupied areas. However, if we take the example of Polish Jews, or the many who had been deported to Poland, they would have had to cross the Reich itself (Germany and/or Austria), which was much more difficult and dangerous.¹⁶⁴ In fact, the vast majority of persecuted people, Jews in particular, were from or in Eastern Europe – see above.¹⁶⁵

Thirdly, as shown above, admittance probabilities fluctuated greatly according to time, place and refugee category. This *alone* would have had a deterring effect. If the admittance chances had been two out of three (per attempt) at all times and border points, and for everyone alike, this would have been more favourable than the actual situation where the chances were on average two out of three, but fluctuated in said three dimensions, and also in a largely unpredictable manner. In more technical terms, familiar to economists and statisticians, we must take into consideration not only the first “moment” of the distribution (its mean or expected value) but also the second (its dispersion or variance). Assuming risk aversion, which is the most common attitude, the higher the variance for a given mean, the more effective the deter-

¹⁶¹ While the Reich prohibited, from 1941, the emigration of Jews from its territory, there were a large number of asylum candidates in Western Europe. For example, alone in France’s so-called free zone, there were 170,000 foreigners (mostly Spanish Republicans) that the Vichy regime considered as undesirable, and whom it encouraged to leave.

¹⁶² For example, see Lasserre, *op.cit.*, p.172.

¹⁶³ For example, *ibid.*, p.159.

¹⁶⁴ The passage through Italy was relatively feasible for the inhabitants of the Balkans, at least till the German occupation of Italy. This is how refugees from Yugoslavia managed to reach Switzerland.

¹⁶⁵ After having read and commented on an initial version of this text, André Lasserre wrote the following to me, “The number of potential asylum candidates progressively decreased from the beginning of the war, or from 1940. The Germans systematically purged the entire Reich of Jews so that the country would be *judenrein*. To this end they created and filled the Polish ghettos before emptying them, at a later stage, into the death camps (...) One could escape from Brussels to Switzerland, but not from the prison-ghetto of Warsaw.”

ring effect. I will return to this point in the section dealing with the “credibility” of Swiss policy.

Plus an information problem, and a handicap

Finally, there could have been an information problem: while admittance probabilities can be estimated today more or less accurately, it is possible that they were commonly underestimated at the time. Yet, there are also indications to the contrary.¹⁶⁶ As for the majority of Jewish refugees, they suffered from yet another handicap: in contrast with some other refugees (e.g. the Dutch and Belgians, including Jewish nationals from these countries) who could count on the support of their authorities (in this case the Dutch and Belgian exiled governments and their legations in Bern),¹⁶⁷ Jews from other countries did not have this resource, and the same was true for those who were stateless or who had been arbitrarily stripped of their citizenship.

And if Switzerland had completely opened its borders.....

These four reasons, of which only the third is directly linked to Switzerland, sufficiently explain why the total number of asylum candidates (admitted, rejected or whose visa request was refused) was not larger, despite the relatively high average probabilities of admittance.

It would have been an entirely different situation however if Switzerland had completely opened its borders from the very beginning of the war and had kept them open for the duration. By definition, the admittance probabilities for such a hypothetical scenario would have been, everywhere and at all times, 100% with a zero variance. There would have been absolutely no deterring signals on the part of Switzerland and, as word of this would have spread quickly, it would have produced a massive and uncontrollable influx at the borders.

An explanation of the “official line” and the question of its credibility

As I have mentioned several times, the official rhetoric was often harsh and sometimes very harsh in regard to refugee policy, particularly during the first half of the war. The report concentrates on this official line, as does a large part of the literature (scientific and less scientific) on the subject. As a matter of fact, some declarations, instructions and correspondence of the time are rather repugnant when read today, that is in retrospect.

Were all of the authorities at the time inhuman, devoid of pity or compassion? In some cases, this was certainly true, if only due to the great diversity of the human psyche.

There is however a more general and rational explanation for the harshness of the official line; an explanation based on a branch of modern economic theory: the *signalling model* in game theory.¹⁶⁸ To understand this model in this context, let us suppose that instead of being severe, as it was most of the time, the official policy had been open, compassionate and generous in its declared principles as in all other overt or explicit manifestations, i.e. in all of the “signals”

¹⁶⁶ It seems that some refugees believed that they would be admitted with no difficulty.

¹⁶⁷ On this subject see Koller, *op.cit.*, p. 40 and Lasserre, *op.cit.*, p. 122.

¹⁶⁸ Refer to the works of Michael Spence, David Krebs and others. For a good summary, see *The New Palgrave Dictionary of Economics*.

sent out for the benefit of both the Swiss and foreign publics, particularly any potential asylum candidates.

If this had been the case, news would have travelled quickly, in Switzerland and abroad, even under wartime circumstances. This would have been soon followed by a strong influx of asylum-seeking refugees amounting to a mass migration. One does not need an in-depth knowledge of game theory to imagine such a scenario. Aware of this, the authorities rationally chose to disseminate, near and far, a hard official line. The real question is whether or not this line was *too hard*, or harder than necessary for the given objectives. Were the signals adequate or too strong? I have no response to this question because it would require one or several “counter-factual” experiments that would surpass the limits of reason.

Be that as it may, we have here a rational and founded explanation of the authorities’ official policy. This explanation is based on logical principles, not the oversimplifications that tend to arise so often when it comes to explaining human behaviour (“good guys” vs. “bad guys”). Is this explanation too forgiving? This is not the point, or at least it should not be the point for those researchers and specialists who take Fernand Braudel seriously when he urged that “The historian should not judge but explain and understand” to which he added “We no longer want to hear about the Court of history, with a capital C”.

However, one could ask whether it would have been possible to *constantly* maintain a hard line while at the same time pursuing an equally *constant* generous practice at the border; in other words, a practice that allowed for high admittance rates, which was the case, but with a low or zero variance. An initial response to this question has already been provided: a low or zero variance would have led to a much greater, even massive and thus uncontrollable, influx of refugees. Another response relies on the notion of “credibility” used in the modern analysis of economic policy.¹⁶⁹ If practice toward refugees had been constant, with a low or zero variance, news would have travelled and the hard line of the official policy would have *lost all credibility*. The chapter on official Swiss refugee policy is therefore closed with this rational and founded explanation.

3.3 Switzerland as a “transit” country

The fact that Switzerland saw itself as a “transit country” for refugees comes up often in the report¹⁷⁰ – in reference to the so-called corridor doctrine or policy adopted in the early 1930s and which was supported by almost unanimous consensus in the country.¹⁷¹ Yet, the question of whether or not this general principle was justified is not discussed in the report.

Could Switzerland have adopted another policy, for example to be a country of considerable and permanent immigration?¹⁷² Or again, should the country have opened its borders fully,

¹⁶⁹ See, for example, Olivier Blanchard, *Macroeconomics*, Prentice Hall, 1997, 2nd ed., pp.177-80.

¹⁷⁰ As well as on pp.15, 40, 48, 97, 102, 159, 354-55.

¹⁷¹ P. 354 of the report: “Even those who dared to criticise the manner in which the refugee issue was handled, primarily in the socialist newspaper, *Tagwacht*, did not question the transit doctrine”.

¹⁷² As it was adopted after the war, in an increasing manner, but in very different economic circumstances. Let us not forget that with a foreign population of approximately 20% (~25% of the work force), Switzerland is, at the moment and relative to its population, the European country with the highest immigration (if we exclude extremely

thus in fact doing away with them, and admit – before and during the war – all candidates on a more temporary basis, regardless of their number (which in these circumstances surely would have been very high)?

If the report does not raise these questions, it is because they would have necessarily led to the issue of the *limit* to the number of refugees that Switzerland could have possibly admitted in 1933-1945, either permanently as a country of immigration, or temporarily as a provisional refuge. As it would not have been possible, under penalty of a loss of credibility (!), for the report to argue for limitless admission, it passes over this issue without, or with very little, commentary (see below).

It is an undeniable although tragic fact that admitting everyone would have been physically impossible.¹⁷³ I have yet to encounter an opposing opinion when this question is asked or dealt with in an explicit manner. Since establishing some sort of limit was inevitable, and if the additional and essential issue of *dynamics* in this type of situation is taken into consideration (the more refugees admitted, the more numerous they become¹⁷⁴), there would have necessarily been rejections and consequently terrible human drama, difficult though it may be to say or to face this fact. This would have been particularly true if the limits had been set much higher than they actually were.

In short, orienting the report's discussion in this direction would have led to the classic conclusion that, when judged retrospectively, Switzerland probably could have admitted a somewhat larger number of refugees.¹⁷⁵ However, it would have been simply impossible for the country to become a more or less permanent haven for the hundreds of thousands, if not millions of potential refugees in Europe at the time. Practically all of those who have studied this subject concur with this conclusion. However, the report does not investigate the question or even mention it, perhaps because doing so would have been incompatible with the report's utterly negative judgments.¹⁷⁶

small countries such as Luxembourg).

¹⁷³ It seems that at least some refugees were aware of this: "I certainly understand that Switzerland is not able to take in all the refugees and that it is forced to turn some back (...)", letter from Frédéric G. to the Swiss legation to Vichy, September 10, 1942 (report p.148).

¹⁷⁴ I will not return to this issue of dynamics as it is discussed in my book. (*op.cit.*, pp. 68-69). The chapter dedicated to this subject begins with the following sentence: "When the second Bergier report is published, it will be interesting to see if it recognises the important problem of dynamics which is inherent to any refugee policy". Today, I can state that the report did not recognise this issue, or comment on it at all. – It should be added that the deterring effects associated with the odds for admission and their variance, as described above, is another, separate issue than this problem of dynamics. A higher admittance probability or a reduction in its variance would have produced a greater influx, in and of themselves.

¹⁷⁵ How many? In my recent book, I – perhaps recklessly – put forth the hypothesis that the country could have accepted approximately 80,000 more, i.e. more than twice the number of rejections and the number of those whose visa requests were refused; *op.cit.*, p.68. Today, I would be more cautious on this point – see my more recent work.

¹⁷⁶ The press release illustrates this tendency to judge and condemn: "Taking round figures, we can say that 51,000 refugees, of which – *in spite of all* – 20,000 Jews, were admitted into Switzerland during the war" (p.5; italics supplied). The words "in spite of all" are revealing. Moreover, it is not stated that these "51,000 refugees" only consisted of so-called illegal refugees, which means that the more numerous refugees in other categories are ignored.

However, on one or two occasions, the report indirectly touches upon the issue of the number of refugees the country could admit, e.g.:¹⁷⁷

There is no indication that opening the border might have provoked an invasion by the Axis, or caused insurmountable economic difficulties.

Notice the lack of qualifier: opening the border “completely”, or “more completely” than it already was? No one knows.

Or still:¹⁷⁸

By creating additional barriers at the border, Swiss officials helped the Nazi regime achieve its goals, whether intentionally or not.

Regarding these “additional” barriers, they must mean above and beyond the difficulties encountered when trying to reach the Swiss border itself (see above). Once again, the text does not say if the “Swiss authorities” should have created fewer barriers, or none at all.

In all of the report, the above sentence incited the greatest number of critical reactions, which is why I will return to it below.

3.4 A transit country – but to where?

To declare that the country can be, or wants to be, a transit country only is not enough to make it so; other countries would have to concur by providing long-term or ultimate asylum.

As demonstrated above, these asylum possibilities were anything but easy before and at the beginning of the war, but they did exist. After all, as I stated before, three-quarters of the German and Austrian Jews fortunately managed to reach safety, primarily overseas, while there was still time.

On this last point, a rather unknown fact which the report does not emphasise is that emigration from Switzerland was possible till the *fall of 1942*, i.e. till the occupation of the southern zone in France on November 11, or at least till shortly before this date.¹⁷⁹ This means that particularly from June to early November 1942 – critical months because the “final solution” was being implemented then in Nazi-controlled Western Europe – there *still was* a possible escape route from Switzerland: the Geneva “escape hatch”, Vichy France, the Iberian Peninsula, and from there overseas. Therefore the main obstacle, but not the only one, was obtaining an immigration visa or other authorisation, particularly for the USA, which was generally the destination of choice.¹⁸⁰

¹⁷⁷ P. 285.

¹⁷⁸ *Ibid.*

¹⁷⁹ See table 6 below. When I say that the report does not emphasise this fact, I am thinking of sentences such as the following, which was already quoted (p.15): “However, beginning in 1942 [sic] when the Nazi mass murder policy was in full operation, deportations from France had begun, and Vichy France had been occupied, Switzerland was the last hope for those able to reach its borders”. As I have just pointed out, occupation of Vichy France took place on November 11, 1942, in other words, almost at the *end* of the year.

¹⁸⁰ The situation was rather different for would-be refugees in occupied France, Belgium, etc. While reaching the southern French zone was not easy for them, it was still more or less possible. It was easier to leave from Switzer-

The report does provide the necessary numerical data confirming this escape route through Switzerland to the USA or elsewhere, until the fall of 1942 – see Table 6.¹⁸¹

Table 6

Period	Refugees able to emigrate from Switzerland ¹⁸²	Average per month	To the USA	
				%
10-12.1940	170	85	32	21
1941	1'201	100	566	47
1-9.1942	148	16	30	20
Total	1'519	66	628	41

The report also shows in various passages that Swiss authorities did their best to ensure that refugees who wanted to emigrate would be able to do so:¹⁸³

Hoping to make it possible for refugees to find asylum overseas, [Carl Bruggmann], the Swiss Minister [i.e. ambassador to the U.S.], contacted the State Department in Washington [in September 1942]. Bringing up the issue of the sheer number of Jewish fugitives [in Switzerland], which went beyond the economy's supportive capacity, and brandishing the threat of a German forced repatriation order, he hoped to obtain an increase in the [U.S. immigration] quota. To Bruggmann's great surprise, the American side answered that the United States had already been very generous and had accepted 200,000 immigrants since the beginning of the war¹⁸⁴ (...) "If the USA could help Switzerland by providing a greater number of visas (566 in 1941, 30 in 1942), *it would be possible [for us] to accept more refugees.*"¹⁸⁶ [This last sen-

land thanks to the Geneva "escape hatch", and maybe from Italy too.

¹⁸¹ I have put the numerical data from p.97 of the report into a table format. These indications however contradict what one finds on page 180 of the report (another example of internal inconsistency): "The Swiss Union of Jewish Mutual Help Committees (VSJF) organised continued migration for nearly 3,800 Jewish refugees between 1933 and the beginning of the war (...) Most of these projects ended abruptly when the war began. *Although further migration during the war was illusory in any practical sense*, refugees were by no means released from the 'transit principle' (...)" (italics supplied). It should also be noted that the report states on page 102: "(...) With American entry into the war in late 1942, the possibility of emigrating overseas disappeared as well", which is again in contradiction with the figures given by the report and found in table 6 (30 visas granted by the USA between January and September 1942 for people "leaving Switzerland by official convoys"). However, it is true that after the USA's involuntary entry into the war following the Japanese attack on December 7, 1941, American authorities became even more restrictive than before in regard to immigration. Moreover, safe possibilities for crossing the Atlantic became increasingly rare and thus more expensive, as they depended primarily on a small number of vessels under flags of neutral countries (Spanish, Portuguese and Latin American ships). This explains why, according to the above table, there were no more than 16 departures per month in the first three quarters of 1942.

¹⁸² Source indicated by the report "Statistics on the destination countries for refugees leaving Switzerland by official convoys from October 1940".

¹⁸³ P. 97, including n.108 for the sentence quoted.

¹⁸⁴ Bruggmann was justifiably surprised, as the figure of 200,000 seems exaggerated, if not far-fetched. Perhaps the American representative was referring to all of the immigrants to the USA starting from well before the war, or perhaps he said the true number and Mr. Bruggmann misunderstood. Henry Spira, *op.cit.* p. 319 indicates that the USA accorded asylum to only 15,000 Jews during the war.

¹⁸⁶ Italics mine.

tence is found in Mr. Bruggmann's directives from Bern] (...) In an attempt to head off potential criticism, Rothmund had research done on the British government's attitude toward refugees and on the obstacles leading to the death of refugees who attempted to settle in Palestine.¹⁸⁵

The report also recounts Paul Billieux's intervention, during a September 1942 special session of the Swiss National Council [Lower House] on the issue of refugee policy.¹⁸⁷ Mr. Billieux, who "was aware of the situation at Porrentruy",¹⁸⁸ proposed that "we should have the Red Cross ask the USA, etc., to accept more refugees."¹⁸⁹ This shows that, as late as September 1942, immigration to countries across the Atlantic was still considered physically possible, provided these countries granted the necessary authorisations.

As pointed out above, Spain and Portugal were rather generous in granting authorisations for transit through their territories, as long as it was only for transit:

Legal transit through Spain and Portugal was restricted almost exclusively to holders of visas for countries outside Europe (...) Only a few refugees were refused entry at the Spanish border, which thus enabled Spain to serve as a transit country to over 40,000 persons leaving Nazi Europe between 1940 and 1944.¹⁹⁰

As for transportation across France, the report says the following:

[Swiss] negotiators succeeded in inserting into the German-Swiss agreement the right to have trains carrying emigrants transit through France in the direction of the Iberian Peninsula.¹⁹¹

Therefore, it is clear that the main reason why only a small number of refugees, Jews in particular, were able to emigrate from Switzerland before the country was completely encircled by the Axis in November, 1942, has to do with the restrictive immigration policies of countries across the Atlantic. If these policies had been different, it would have been "*possible* [for Switzerland] *to accept more refugees*", to quote the instructions from Bern to the Swiss Minister [ambassador] in Washington. As the report accurately states, for many of these refugees "Switzerland would not have been the final goal of their flight"¹⁹², as their greatest wish was surely to find a safer refuge than exposed Switzerland.

3.5 Anti-Semitism and *Überfremdung*¹⁹³

¹⁸⁵ It would be quite interesting to see what this documentation contains, if it still exists.

¹⁸⁷ Or, more precisely, during a session of the "radical" (i.e. centre-right) fraction of the Lower House.

¹⁸⁸ Paul Billieux was the mayor of Porrentruy from 1939 and a "radical-liberal" member of the Lower House from 1934 to 1943. Due to its location on the French side of the Jura mountains, the Porrentruy region experienced a strong influx of refugees. See Spira, *op.cit.*, p.301.

¹⁸⁹ P. 95.

¹⁹⁰ P. 102 including, for the second sentence, note 4. It should be noted that Spain still carried out a significant number of rejections or admission refusals (as did Portugal, according to H. Spira who says he has proof of it), the most famous case being that of the German philosopher, Walter Benjamin, who committed suicide rather than face the Gestapo.

¹⁹¹ P. 52. These convoys were sometimes known as *Emigrantenzüge* or *Israelitenzüge* (same page, note 83). The report does not say which German-Swiss agreement it is referring to; perhaps it is that of spring-summer, 1940.

¹⁹² P. 285.

¹⁹³ I use the German expression, as the translation "overpopulation by and excessive influence of foreigners" is

In order to explain the restrictive official line of the Swiss authorities, while minimising or eclipsing the fact that admittance practice was much more liberal and generous, the report presents the following thesis as stated in its press release:

One of the arguments used to justify the closing of the borders was the problem of food supplies. The sources, however, attest to the fact that neither the pressure coming from abroad, whether military or political, nor the scarcity of food supplies played a decisive role. The question therefore emerges as to why Switzerland, despite its knowledge [of the Holocaust] and in the absence of any compelling necessity [*sic*], turned back thousands of refugees in the summer of 1942 and in the following months, and thus became a party to the crimes of the Nazi regime [*sic!*] by abandoning the refugees to their persecutors (...) As we [the Bergier Commission] see it, anti-Semitism represents a particularly significant reason why the persecution of the Jews was either not given the attention it deserved or, despite knowledge of the fact, produced no reaction beneficial to the victims (...) Anti-Semitism was embedded in a population policy which, since the First World war, had been opposed to the country's *Überfremdung* [overpopulation by and excessive influence of foreigners] and in particular to its so-called *Verjudung* [overpopulation by and excessive influence of Jews].¹⁹⁴

This thesis thus embodies a causal chain, which can be depicted in the following diagram:

Fear of *Überfremdung* → anti-Semitism → inhuman policy toward refugees

The first two elements of this chain need to be examined; the third has already been discussed (Swiss *practice* was not inhuman). I will demonstrate that this causal chain is anachronistic and also, frankly, rather simplistic.

The report dates the origins of the fear of *Überfremdung* to World War I, which is inaccurate inasmuch as popular sentiment is concerned.¹⁹⁵ However, it is true from a more general perspective that the 1914-18 *Urkatastrophe* marked the start of Europe's decline in the twentieth century, if not its decadence,¹⁹⁶ in much the same way as the Peloponnesian war ushered the decline of Ancient Greece.¹⁹⁷

Four years of nameless carnage and savage fighting in the mud of the trenches not only decimated an entire generation, but also ravaged the survivors. It was no doubt primarily because much of European society was so deeply brutalised by World War I that the ensuing years saw the rise, mostly in the defeated nations, of fascism, communism, eventually Leninism-Stalinism, Nazism and other more or less conspicuous extremist movements on the far right and far left.¹⁹⁸ In short, European society between the two wars, and the dominant mentalities

rather too long and cumbersome. No good French translation exists either.

¹⁹⁴ P. 4 of the press release; see also p. 45 and forward in the report.

¹⁹⁵ Because these fears existed even before 1914; see for example page 675 of *Nouvelle histoire de la Suisse et des Suisses* (Payot, Lausanne, second edition in one volume, 1986).

¹⁹⁶ See the first chapter of my book, and its sources.

¹⁹⁷ The paths of many civilisations are characterised by such breaking points. Another example is the eventually irreparable defeat of Byzantium by the Turks at the battle of Manzikert in 1071; see the commentaries of Steven Runciman, *A History of the Crusades*, Harper, 1951, vol. I, p. 64.

¹⁹⁸ Of course, the "heritage" of World War I was not the only factor: the Great Depression of the 1920s and the

in particular, were a deplorable if not revolting spectacle for those who maintained hope and faith in democracy as well as sense of decency, humanism and humanitarianism.

The European cesspool

In the 1930s, with the Great Depression, the Nazis' rise to power, the increasing barbarism of Italian fascism and other "misfortunes" (which is something of an understatement), it would hardly be excessive to refer to a *European cesspool*: a Nazi Germany; a fascist Italy; an England in the illusory and hazardous grip of pacifism and appeasement; a weakened and demoralised France, torn between virulent far-right and far-left movements, and headed from 1936 on by an anti-liberal, anti-bourgeois Popular Front government; a Russia in the throws of the "communist experiment"¹⁹⁹; a drift towards dictatorship in most of the other countries (Poland, Spain, Portugal, Greece, Romania, the Baltic countries, etc.) – this was the sombre and pathetic portrait of most of Europe in this period. A profoundly isolationist and anti-European America completes the picture.²⁰⁰

An informed and rational attitude

Under such circumstances, it was a *natural, rational, informed and sound* reaction if very many in Switzerland, especially in the German and Italian speaking areas, attempted to *distance* themselves more and more from, if not the rest of the world, then the rest of Europe and particularly the nearby countries, and if in these conditions many Swiss increasingly feared an eventual *Überfremdung* of their small and exposed country.²⁰¹ The contemporary international context thus largely explains Switzerland's withdrawal into itself; the fear and rejection of foreigners; the unyielding (and thus sometimes rather narrow) patriotism and the vigorous defence of the "Swiss exception" in general and of the Swiss conception of democracy in particular. Continental Europe at the time was more and more a land of extremists and dictators, large or small, from both the left and the right. It was therefore quite different from what it is today, as were the underlying reasons for the fear of *Überfremdung*. To ignore this fact opens the doors to unjustifiable and invidious comparisons with today's situation (i.e. Switzerland's current aloofness vis-à-vis the European Union, whether justified or not).²⁰²

It is therefore rather paradoxical that some historians, apparently including those of the Bergier Commission, who take to retrospectively decrying Nazism and fascism (but rarely commu-

1930s also played a decisive role; cf. my book, pp. 20-2.

¹⁹⁹ In retrospect, it is very difficult to understand why so many Europeans of the time and most intellectuals in particular did not instantaneously grasp the true nature of the "Moscow trials" in the mid- and late 1930s, to name only this one example of what Russian communism really was.

²⁰⁰ On this last point (a "largely anti-European" America), see in particular the eloquent tableau in David Kennedy, *op.cit.*

²⁰¹ Of course, many other Europeans shared this revulsion towards the aberrations and the barbarity of almost all of Europe. Similarly, obviously not all Americans were isolationist or anti-European.

²⁰² One cannot help but be surprised when reading sentences in the report such as the following: "It has meanwhile become well-known that the fear of being 'overrun by foreigners' (*Überfremdungsangst*) at a time when the words 'Jews' and 'anti-Semitism' were associated with Nazi Germany, became a symbol for the taboo [?] subject of anti-Semitism in Switzerland that is still under-researched". In my opinion, this example demonstrates a certain adolescent or cheap sociology.

nism), profess to be shocked and incensed by the aversion toward foreign influences, in particular those of Europe, demonstrated by many Swiss at the time.

An authentic special case (or *Sonderfall*)

At the time the country's people were highly aware of this Swiss singularity, as confirmed by many accounts. The memories and recollections of those still alive today also attest to this, as they are often saddened or offended by the lack of understanding demonstrated by some of today's self-righteous and virtuous historians. Can we refute these protests from survivors when they deplore historians who are unable, or simply refuse, to imagine or comprehend the situation and perceptions of the time and choose to align themselves on the conformist morality of today's neo-puritanical "political correctness"?²⁰³ Anyway, how is it possible to effectively analyse an entire era without attempting to accurately represent and comprehend the situation? These historians seem to have forgotten, or ignored, the warning from one of their greatest colleagues, Marc Bloch, who, over fifty years ago, denounced "the obsession with judgement, which is the satanic enemy of the true social sciences". (See also the quote from Fernand Braudel, another great historian, at the beginning of this text.)

The reasons for the "causal chain"

It is not difficult to come to the conclusion that the object of the report's causal, or rather pseudo-causal chain is more the Switzerland of today than that of the period in question. One can wonder whether these historians are not actually attempting, in a more or less conscious and deliberate manner, to influence current attitudes and policy. From the irreproachable position of "anti-anti-Semitism", they denounce all that can be accused of xenophobia and finish by pleading the case for all asylum seekers – those of the time, but also indirectly those of today. This is an unfortunate implementation of history for political ends. If there was ever a field that should remain above all of the quarrels of the present day, it is history, by its definition and vocation.

Was Switzerland deeply and virulently anti-Semitic?

With regard to anti-Semitism, the report rightly states that it is impossible to measure the degree to which it was then prevalent in Switzerland, as surveys were unknown in the country at the time. The most likely hypothesis is that of a latent and widespread, but rarely hostile, anti-Semitism.²⁰⁴ However, it is excessive to maintain or to suggest that anti-Semitism tainted the whole of Swiss society. It is difficult to imagine such a prejudice within groups like the social

²⁰³ Near the end of his life, André Malraux (1901–1976) reportedly predicted that the twenty-first century "will be religious, or it will not exist at all". In light of the current ravages of "political correctness" and the increasing influence of a new moral orthodoxy, we should probably fear instead that the twenty-first century – the beginning in any case – will not be religious, but rather ... "righteous".

²⁰⁴ It seems that there was only one case of serious physical violence against a Jew in Switzerland, before and during the war (the murder of a cattle merchant at Payerne, which it seems had other motivations too). Obviously, this is one case too many, but the contrast with Germany or even France (the near lynching of Léon Blum in a Paris street in 1936, for example) is striking.

democrats, or even within all the various circles of bourgeois society, which was then far from homogenous or unanimous, in this respect as in others.^{205,206}

The report also recognises that anti-Semitic sentiments prevailed throughout the rest of the world at the time, with varying degrees of virulence. According to surveys, which were already in use in the United States at the time, more than half of that country's inhabitants and almost half the members of Congress openly admitted to anti-Semitic feelings, whereas in Great Britain and in Italy, the percentages were much lower.²⁰⁷ Peter Novick has however pointed out recently that anti-Semitism in the United States was actually rather shallow, which explains why it disappeared quickly and almost entirely after the war. Much the same was most probably true of Switzerland too, a point altogether missed by the report.

Moreover, what is basically problematic with the report is its insistence on a direct and unequivocal causal link between anti-Semitism and official refugee policy. The latter actually resulted from an entire spectrum of other factors, real or more imaginary, justified or not, and more or less shared by the population, i.e.: the food situation;²⁰⁸ national security; the feeling of being surrounded and hemmed in on all sides; unemployment and the state of the labor market; the fear of possible retaliation from the Germans; the fear of *Überfremdung* (see above); finally, the feeling that "we already have enough problems" – and implicitly: "without having to care for all of these refugees", i.e. a national egoism which ordinarily remains more or less latent or repressed, but which can surface at times of war, insecurity, hardship, etc.²⁰⁹

No other possibility but a counter-factual approach

In order to determine the relative importance of anti-Semitism among all of these other factors, the only method is that of a counter-factual (mental) experiment. In other words, one must ask what the official refugee policy *would have been*, for Jews and non-Jews, in the (hypothetical) *absence* of anti-Semitic sentiment, maintaining all the other motivations, whether realistic or not.

Counter-factual experiment cannot, of course, provide results that are as reliable as controlled laboratory experiments (or at least most of them). In other words, an answer to the above question can only be speculative, particularly when lacking a formalised and verified model that could be simulated to that end. For whatever it is worth, my opinion is that official refugee policy would not have been very different in the (hypothetical) absence of anti-Semitism, pre-

²⁰⁵ In this respect, the report sometimes drifts into generalisations and suggestive formulations, such as: "(...) the anti-Semitic and xenophobic mentality [was] present at every level of the army (...)" The unaware reader may take this to mean that all or most members of the army, at all levels, were anti-Semitic.

²⁰⁶ It should be noted that of the 67 accounts that Ken Newman (*op.cit.*) gathered from Jewish refugees admitted into Switzerland during the war, not one claimed to have been the victim of anti-Semitic behaviour or remarks. This clearly conflicts with the hypothesis of a "latent and diffused anti-Semitism", although memories can be selective.

²⁰⁷ On this subject, see my book, pp. 27, 42-3, 57 (n. 39), 71 and 251 (n. 31).

²⁰⁸ On this issue, the report states the following: "A system of food rationing and an increase in agricultural production made it possible to decently feed (*sic*) the population living in Switzerland". During the televised debate mentioned above (*Droit de cité* on 12/12/1999) the Commission's president however said, and I quote: "We were hungry, I remember it well". See also my book, pp. 69, 95, 99-100, 151-3, 153 (n. 106), 155.

²⁰⁹ See my book, pp. 69-72, including note 174.

cisely because it responded to *so many other factors*. As I see it, the total number of admitted refugees would have been more or less the same.

Comparisons across countries often help to verify the findings of a counter-factual experiment. Thus, the government of Great Britain, where anti-Semitism was rather weak at that time, followed a hard line against Jewish refugees trying to emigrate to Palestine, which was then under British mandate.²¹⁰ This was due not so much to anti-Semitism as above all to the British authorities' desire to avoid a more or less massive Jewish immigration, which would have caused problems with, or a new revolt from the Arab population, and would have made the management of the British mandate even more difficult.²¹¹

What is disturbing in the report is not so much its thesis that anti-Semitism was *the* driving force of Swiss official line toward foreigners in general and refugees in particular but that it presents this thesis as an established fact without attempting to substantiate it in a counter-factual manner.

Where the report delves into cheap sociology

Continuing with the topic of anti-Semitism, the report makes the following statements that warrant commentary:

Jewish presence in influential spheres [in Switzerland] was limited to a handful of people, none of whom held a government post or worked in the upper echelons of the [Federal] administration.²¹⁵ This anti-Semitism was mostly unspoken and kept below the surface, but was deeply ingrained in the social fabric, and the cause for the social, economic, and political marginalisation of the small Swiss Jewish minority. It led to under-representation of Jews in the administration, economic organisations and the military.²¹⁶

At the time, Switzerland's Jewish community numbered at most 20,000 people.²¹⁷ With a total population of 4-4 ½ million in those years, this represented 0.5% or a little less: five people in one thousand. Did the Commission attempt to verify if this "handful" of Jews "in the administration, economic organisations and the military" constituted a smaller percentage than that of the Jewish community to the entire population?

As for the fact that there was no Jew in the seven-member Federal government, it is difficult to see, considering the circumstances, why this should be extraordinary or necessarily discriminatory.²¹⁹

²¹⁰ See above the documents that Rothmund had had prepared on this subject.

²¹¹ As one knows, the British finally threw in the towel in 1947-49. This was largely due to the fact that Palestine had become uncontrollable for an exhausted Great Britain, that is barring drastic and unpalatable measures.

²¹⁵ Pp. 88-9.

²¹⁶ P. 276.

²¹⁷ Approximately 18,000 is the number generally given for the Jewish community in Switzerland at that time. Many of them did not hold Swiss citizenship, which is significant in this respect (positions in the governments or upper echelons of the administration, for example, could only be held by Swiss citizens).

²¹⁹ If we assume that the membership in the Federal government changed completely every four years at election time, and if we insist upon a strictly proportional representation of the Jewish community, there would have been the probability of one Jew in the government every 114 years. With only partial change in the Federal Council, this probability would have been even lower.

In fact, how many people were there in the “upper echelons of the [Federal] administration”, which was then much smaller than today? If there were less than one hundred people in these upper echelons, the probability of having one Jew among them was practically nonexistent.²²⁰ In addition, it seems that despite the low numbers of the Jewish community, there were several Jewish general officers in the army.²²¹

Finally, the Jewish community was not absent or even under-represented in the economy. It is a fact, completely coincidental, that several large department stores of the time belonged to Jews.²²² As these establishments created unwelcome competition²²³ for the numerous, and politically powerful, smaller shops and their complementary activities (artisans), the strong Jewish presence in the sector of department stores was highly visible at the time. Or perhaps, it was made visible by, among others, a few small fascist-leaning groups desperate for voters. This probably added to the latent and diffused anti-Semitism, without of course justifying it in any sense.

In general, these pseudo-sociological comments from the Commission on the supposed exclusion or under-representation of Jews are examples of what German-speakers would call *Quota-Denken* (i.e. all groups in society have to be represented proportionately in the administration, the economy, etc.) In any case, it is difficult to understand why these comments appear in a report dedicated to Swiss refugee policy during World War II. Is the Commission trying to prove too much, once again?²²⁴

3.6 “Impossible to compare... but Sweden was better!”

In its introduction and further along in its text, the report states the following:

The complex nature of the source material did not permit a systematic comparison of Swiss refugee policy with that of other countries, since it would have gone beyond the scope of this report²²⁵ (...) Only a meticulous, comparative study would allow us to establish with precision each nation’s merits and deficiencies.²²⁶

Unless I am mistaken, these are the only two instances where the report justifies its refusal of the international comparative perspective. However, the press release is much more explicit – and lengthy – in this matter:²²⁷

²²⁰ The proportion of five Jews to one thousand corresponds to 0.5 Jew in one hundred people. With less than one hundred people in the federal government, this figure would drop to less than 0.5, which must be rounded down to zero, given that a human being cannot be divided in two.

²²¹ Thus, the chief warrant officer of the army (Superintendent Dollfus) and one of the Corps leaders (Constam) were apparently Jewish, see my book, p. 43, n. 12, including the sources. However, Henry Spira has expressed serious doubts about the first case and maintains that the second person was a convert to Protestantism.

²²² Such as *Innovation* and *EPA/Uniprix*; but by no means all, for example: *Jelmoli*, *Globus* or *Grieder*.

²²³ As did, for example, *Migros*.

²²⁴ I will not insult them by suggesting that they are favourable to an overrepresentation of Jews in the given areas.

²²⁵ P. 10.

²²⁶ P. 42.

²²⁷ P. 3 of the French version, with some extra passages taken from the English version.

Already before this report had been published, critical voices could be heard to the effect that we have not taken into consideration the international aspects of the issue. This reproach is unfounded. The point here is not to confuse two different things, namely the question of the analysis taking account of the international context at the time, on the one hand, and that of comparability on the international level, on the other.

The international context [underlined in the original] is omnipresent in the report. How could it be otherwise? In both of the introductory chapters, we recall the escalating German policy of aggression following Hitler's assumption of power. We depict the failure of the international community with respect both to German power politics and to the refugees, as shown by the failure at Evian in 1938. We distinguish between the first half of the war, with Nazi Germany marching from victory to victory and simultaneously shifting from a policy of expulsion to one of extermination, and the second half with the Allied victory in sight. Thus, the international context is indeed systematically taken into account and the specific role of Switzerland examined within the international setting. Switzerland's specificity lay in its neutrality and in the humanitarian and diplomatic tasks incumbent thereupon [this last affirmation – the link between neutrality and humanitarian duties – is anachronistic²²⁸], its tradition as a land of asylum, its role as a financial centre, and, from 1942 on, its increasing isolation.

Now, as to comparing [underlined in the original]: it goes without saying that the Commission did debate the question of whether or not it was possible to compare Swiss policy with that of other countries, for instance, with that of Spain, Sweden, or the United States. It decided not to do so for two reasons. On the one hand, an authoritative comparison going beyond a mere juxtaposition of figures is scarcely possible given the considerable differences in the degree to which the various countries have carried out research on the topic, not to mention the quality of the figures available on the acceptance or rejection of refugees. And, on the other hand, there are significant dissimilarities when we consider the geographical realities as well as the military, political, and economic situations of the individual countries at specific points in time. Had a comparison been undertaken, an overwhelming number of heterogeneous variables would have had to be taken into consideration, and it is doubtful that if we take the summer of 1942 for instance, there was any other country whose situation could be deemed comparable to that of Switzerland.

An initial question

One question to begin with: how can it be possible to integrate an “omnipresent” international context into the report while leaving out the asylum policies of other states²²⁹, and especially their probable diversity? This latter aspect was essential for the refugees attempting to escape Nazism (were admittance policies of all countries equally restrictive or were some more lenient than others?) These same refugees are however supposed to be at the heart of the Commission's report.

Swiss policy was not developed in a vacuum

²²⁸ The doctrine of neutrality as it was understood at the time did not include any humanitarian obligations, from a legal or moral perspective. This came much later, after the war (conceptions of “active neutrality” and “neutrality and solidarity”).

²²⁹ The report explicitly points out the necessity to do so, as the above quote includes the following sentence: “A clear distinction is drawn between the various phases of refugee policy, i.e., before the war broke out and against the backdrop of the democratic states' failure in Evian.”

As demonstrated above, the refugee policies of other countries, that of the United States for example, affected Swiss policy, which is the subject matter of the report. If only for this reason, it is difficult to understand how Swiss policy could be analysed without taking into consideration policies in other countries. However, determining the nature and probable diversity of national policies obviously requires comparison between them. On this point, the report's logic is confounding.

The moral angle

The probable diversity of national policies becomes extremely important if the objective is not only to describe and analyse Swiss policy, but also to judge it (despite Marc Bloch's and Fernand Braudel's urgent warnings). If all countries, Switzerland included, were restrictive to exactly the same degree, Switzerland might still be judged and condemned on the basis of some universal and absolute moral standards. It would then be difficult, however, not to judge or condemn all the others as well, at least implicitly.

Suppose now that Swiss policy were to turn out to have been – in practice if not in “theory” – significantly less restrictive than that of most other states, as at least one specialist in the field has concluded:

It is undeniable that in terms of admitting [Jewish] refugees Switzerland was, considering its small size, more generous than any other country, except for Palestine.²³⁰

Even then, it would be again possible to judge and condemn Switzerland according to the commandments of some absolute morality (“It did more than others, but not enough”), but it would be somewhat awkward to do so *in abstracto* without examining the standards and the various other practices at that time.

However, in practice...

There is also the Commission's “practical” argument: to compare national refugee policies would have been “complex” and would have required a “meticulous study”, not to mention the uneven “quality of figures available on the acceptance or rejection of refugees for the concerned countries – Sweden, Spain, or the United States, for example.”

The quality of these figures is indeed uneven. For example, ample research is available for the United States and Canada, whose refugee policies and practices have been the subject of numerous studies, usually highly critical and severe.²³² However, we have less or much less information for other countries (Sweden, the Iberian Peninsula, the countries of Central and South America, Palestine, etc.) Yet, a recent discussion on the case of Sweden in the pages of the *NZZ*, the leading Swiss daily, demonstrated that there is a substantial number of studies and sources on the Swedish case, to which I will return.

²³⁰ David Wyman, *The Abandonment of the Jews: America and the Holocaust, 1941 – 1945*, New York, Pantheon Books, 1987; p.301. Note however that some other parts of Wyman's analysis have lately come under strong attack by – among others – Peter Novick.

²³² See the following footnote.

A comparative analysis of the principal national policies, complete enough to allow for a satisfactory overview, could have been carried out without excessive expenditure of time and money if the Commission had really wanted to. It is well known that the Commission's budget was 22-24 million francs (around 15 million US\$), an unprecedented sum for historical research, at least in Switzerland. In my opinion, using a part of the enormous resources available to the Commission for this task would have been a far better investment than the money spent on the aforementioned annexed report, *Switzerland and the German Ransom Demands in Occupied Holland*. Although interesting, this study is of secondary importance to the report's objectives, as the Commission has acknowledged. In any case, it is much less useful than a comparative, possibly outsourced study of various national refugee policies would have been.

Such a study would not have had to start from scratch, as there is a fairly large extant body of writing on the refugee policies of various states during World War II.²³³ Moreover, several works in this field contain elementary, and sometimes more developed, forms of comparative international analysis, for example the above-cited books by D. Wyman, M.-A. Chaguéraud and J.-J. Langendorf. By using these existing comparative elements and consulting the literature on various national policies, a single efficient researcher would certainly have been able to draft a useful and relatively complete comparative study in a few months, without the need for long and costly archival research.

Methodological obstacles?

Finally, we have the methodological obstacles, which the report's press release describes in the following passage (repeated from above):

There are significant dissimilarities when we consider the geographical realities as well as the military, political, and economic situations of the individual countries at specific points in time. Had a comparison been undertaken, an overwhelming number of heterogeneous variables would have had to be taken into consideration, and it is doubtful that if we take the summer of 1942 for instance, there was any other country whose situation could be deemed comparable to that of Switzerland.

This line of reasoning is really quite surprising. As a matter of fact, modern social sciences, history not excepted, essentially aim at *making different situations comparable*.²³⁵ What is the interest or utility of analysis if we must limit ourselves to cases and circumstances that are completely, or practically identical? Below, I will demonstrate how it is possible, even now, to make rough comparisons between Swiss and Swedish policies while taking into account their differences in situation and context.

Even so

²³³ For references, see my book, p. 47 (n. 2) and p. 50 (n. 14).

²³⁵ Suppose that, in the approach used in economics and econometrics, we wanted to compare a given variable (Y) in two different economies, A and B; this variable could be, for example, the budgetary deficit in the two countries. We would do so by comparing Y_A and Y_B after "controlling" for the various variables, X_{A1} , X_{A2}, \dots , and X_{B1} , X_{B2}, \dots , which affect Y_A and Y_B . An example of an X variable could be a different economic situation in the two countries. By "controlling" for this and other X's, we can thus calculate and compare, in a valid manner, the "structural deficit" in the two countries, as the O.E.C.D. actually does on a regular basis. This methodological point is really elementary.

Even while refusing, in principle, all comparative analysis, the report often stumbles into parallels between national policies. For example, consider what we find in one passage alone (*italics mine*):

Even after they were informed about the unbelievably cruel events taking place on a large scale, the [Swiss] Federal authorities – *like the governments of most other states* – made few changes in their policies regarding refugees. Most frequently, *the Neutrals* demonstrated indifference and passivity or attempted to find accommodations with the Nazi regime. Thus, in both 1938 and 1942 Switzerland was able to use the actions of *other democratic states* as an argument to justify closing its borders.²³⁶

If the report contains frequent comparisons like these, someone obviously must have found them to be necessary. Why then not carry this comparative process through to a systematic, or more systematic, analysis?

Sometimes misleading comparisons

What is more, the comparisons found throughout the report are sometimes misleading, for example:²³⁷

As far as [pre-war] international agreements and certain initiatives on behalf of refugees from Germany were concerned (...), countries like Belgium, Denmark, the Netherlands, and Norway proved to be less timid than Switzerland, even though the Swiss “admission rate” was comparable to that of Belgium, for example. [At this point, the following footnote is inserted.] In summer 1939, the director of the “Council for German Jewry” (London) put the number of Jewish refugees at 12,000 for Belgium, 10,000 for Switzerland, and 5,000 for the Scandinavian countries (source: Ludwig, 1957, p. 144)

According to these figures, which the report apparently accepts, Switzerland admitted immediately before the war twice as many refugees (10,000) than all of the Scandinavian countries combined (5,000). Was Switzerland consequently more “timid” than Norway or Denmark? Moreover, Switzerland, with a population of 4.192 million in 1938, granted asylum to 10,000 Jewish refugees, which means an admission rate of 24 refugees for 10,000 inhabitants. This rate is close to double that of Belgium: with 8.374 million inhabitants and 12,000 Jewish refugees, the Belgian admission rate was 14 Jewish refugees for 10,000 inhabitants.²³⁸ It is really difficult to comprehend why the author(s) of this passage did not figure out this simple arithmetic.

The most surprising aspect

However, the most surprising instance of this alleged rejection of any international comparison transpired at the press conference where the report was presented to the public and media. On

²³⁶ P. 277; other international comparisons appear on pp. 76, 81, 83, 102 (n. 5), 103 and 140.

²³⁷ P. 42; *italics mine*.

²³⁸ For population figures in 1938 see: *Annuaire statistique suisse*, 1954, p. 538. A footnote on page 42 of the report cites the number of “20,000 refugees admitted in six years” by Holland. In relation to the Dutch population in 1938 (8,433 million), this means an admission rate of 24 Jewish refugees for 10,000 inhabitants, i.e. exactly the same rate as in Switzerland.

this occasion, Saul Friedländer, an eminent foreign member of the Commission and signatory of the report, ventured into a set of comparisons between Switzerland and Sweden. According to one newspaper, he stated that:

Sweden [unlike Switzerland] admitted Jews from *everywhere*.²³⁹

In an interview with another daily paper, Mr. Friedländer said the following:

The [Swiss] people remained passive. This attitude was widely shared throughout Europe. However, the Swedish case proves that attitudes could change. While its people were just as anti-Semitic [?], perhaps even more so, Sweden changed its mind when it learned of the reality of the concentration [extermination?]²⁴⁰ camps in the summer of 1942. From that time on, the country admitted Jews from Norway, Denmark *and elsewhere*. This is extraordinary (...) Even though it no longer made military sense by then, the Swedes still feared a German invasion as late as 1944. They nevertheless followed a policy favourable to the refugees.²⁴¹

That very same evening, on the news show of the French-language Swiss television, Mr. Friedländer uttered phrases such as, “*You* did much less than the Swedes” – “*you*” obviously meaning the entire Swiss people, then and today. The following are similar excerpts from the aforementioned interview:

When *you* were in a position to help people who were threatened with death, and *you* did nothing in full knowledge of the situation, *you* stopped being passive witnesses and went over to a certain degree of acceptance.

Sweden

So, what about the case of Sweden? What follows is some material I have been able to find on the subject in sundry sources,²⁴² but not an in-depth study based on extensive research.

Before the war, Sweden saw itself as a transit country, in much the same way as Switzerland. Similarly, funding for refugee programs had to be private (see below). Toward the end of the 1930s, Sweden, just as Switzerland, did not consider Jews to be political refugees. After the annexation of Austria, it likewise instituted a visa requirement for bearers of Austrian passports. Soon afterward, in the summer of 1938, almost at the same time as Bern, Stockholm began negotiations with the Reich, and with the same objective: avoid a visa requirement for all holders of German passports. In the end Sweden adopted the same system as Switzerland, meaning that Rothmund was quicker. On October 27, 1938, the Swedish Foreign Office adopted an official directive making the “J” stamp part and parcel of Swedish immigration policy too.

²³⁹ See the January 4, 2000, issue of the *NZZ*, which cites the *Tagesanzeiger*. I added the italics for reasons that will be obvious further on in the text.

²⁴⁰ The existence of concentration camps (*KZ* in German) was widely known long before the war, in contrast with the extermination camps.

²⁴¹ *Le Temps*, December 11, 1999. Italics mine.

²⁴² I base my study on the aforementioned works of D. Wyman, M.-A. Charguéraud and J.-J. Langendorf, as well as on a well-researched article by Felix Müller on Swedish refugee policy (*NZZ*, 1/4/2000) and two letters to the editor from the same newspaper (from the 12/28/1999 issue, signed *M.U. Balsiger* and the 1/11/2000 issue signed *Georg Kreis*, Commission member and signatory of the report).

Then, in the fall of 1941, the Swedish government decided to extend the statute of ‘political refugees’ to all Jews. At the end of 1942, in reaction to the deportation of Jews in occupied Norway,²⁴³ the Swedish borders were generally opened to refugees. For practical reasons (interdiction for the remaining German Jews to leave the Reich, the near impossibility of crossing Europe in order to reach Sweden), this opening however had practically no effect. Indeed, an official Swedish report²⁴⁴ states “only a very small number of refugees from the European continent could take advantage of this change in Swedish refugee policy”. Those refugees that did enter Sweden included a few hundred Norwegian Jews at the end of 1942 and, in October 1943, almost the entire Jewish community of Denmark (approximately 7,000 people). Finally, in the beginning of 1945, a few [Jewish?] refugees from the Baltic states managed to reach the Swedish shore.

More data on Sweden

The scattered numbers and statistics one can find on the Swedish case are not always consistent. This is probably due to the same reasons that were characteristic of the Swiss case until recently: the different sub-periods were not always distinguished clearly as was the case for the different categories and statutes of refugees. According to a credible newspaper report,²⁴⁵ Sweden accepted from 1933 to 1939 approximately 4,000 asylum candidates, the majority of whom were not Jewish. In the same period, Switzerland accepted 10,000 refugees, 6,600 of whom were Jewish.²⁴⁶ The same report points out that, due to its geographical location, only Scandinavian Jews sought asylum in Sweden.

According to the more global figures in this report, Sweden admitted approximately 187,000 refugees from 1933 to 1945, including 50,000 Danes and Norwegians as well as 70,000 Finnish children. Switzerland admitted a total of 295,000, including 104,000 military personnel and 60,000 children. 20,000 of the refugees in Sweden were Jewish compared to 29,000 in Switzerland; this means a practically identical percentage (around 10%).

However, David Wyman contends that Sweden only admitted 12,000 Jews toward the end of the war, including 8,000 from Denmark, 1,000 from Norway and 3,000 who came from Central Europe before the war. Obviously, the statistics on Sweden need to be clarified and refined. It would have been helpful if the report had tried to do so.

Swedish and Swiss policies

Until the end of 1941, Sweden’s policy and practice were harsher and more restrictive than those of Switzerland. After that date, striking parallels developed between the two countries, with a certain time lag. Sweden’s relaxation of its restrictive stance at the end of 1941 corresponds to the official liberalisation in Switzerland in the fall of 1943. Sweden’s generalised

²⁴³ See *supra*, table 5.

²⁴⁴ See n. 242.

²⁴⁵ F. Müller, *op.cit.*

²⁴⁶ However, recall the figure of 10,000 Jewish refugees taken from the report and mentioned above.

opening of its borders at the end of 1942 calls to mind that of Switzerland in July 1944. Paul A. Levine maintains in this book²⁴⁷ that Sweden's shift in the second half of the war was motivated by a desire to have the Allies forget or forgive the country's attitude at the start of the conflict.²⁴⁸

In reality, a very small number

One thing that should be retained from all of this is that when Saul Friedländer speaks (above) of Jewish refugees arriving in Sweden from “*elsewhere* [than Norway and Denmark]”, or “coming from *everywhere*”, his remarks are misleading. The majority of refugees in Sweden actually came from Scandinavia; Jews from elsewhere accounted for only a very small number. It could not have been any different. A quick glance at a map of Europe is proof enough: cut off from the continent by the Baltic and the Danish straits, Sweden was for all intents and purposes a far-off island, the access to which was particularly difficult in wartime. Sweden was surely much more difficult to reach than a Switzerland situated at the very centre of the continent.²⁴⁹

Allowing for differences by “controlling for them”

In these objective circumstances (and geography is after all undeniably objective), which were obviously known to the Swedish authorities, it was easier for Sweden to adopt liberal principles and to enact – more or less opportunistic – shifts in policy earlier than Switzerland. But, how would Sweden have reacted if it had been faced with an influx of refugees the size of that actually encountered by Switzerland, or if it had had to take into account the potentially massive migration of refugees that would have occurred if Swiss policy had been different (see above)?

By neglecting the differences in the context of the two countries – or, in scientific language, by not “controlling for” these variables – Mr. Friedländer unfortunately stumbled into exactly the sort of superficial comparisons the report uses as an excuse to justify its avoidance of any and all international comparisons. In my opinion, this is rather ironic and sad.

Denmark

The case of Denmark also deserves our attention.²⁵⁰ In reality, it is much less exemplary than generally alleged. During the war, the Danes did save almost all “their own” Jews, a small community of six to eight thousand, by ferrying them to Sweden when the German occupying forces wanted to arrest them. Before the war, however, Denmark did not demonstrate any more

²⁴⁷ *From Indifference to Activism*, Upsala, 1996.

²⁴⁸ “And it succeeded in doing so”, concludes Felix Müller in his *NZZ* article.

²⁴⁹ One should remember that Switzerland is not entirely surrounded by an impenetrable wall of mountains, since in particular Geneva and Ticino are and were completely accessible. In that respect, there is and was also a significant difference between the (low) Jura mountains in the west and the (high) Alps in the south and east, particularly insofar as the Ajoie region is concerned, its being located on the French side of the Jura range.

²⁵⁰ The rest of this paragraph and the following are taken from my book, *op.cit.*, pp. 75-6.

generosity than other countries when it came to admitting foreign Jewish refugees. One historian²⁵¹ mentions the figure of 1,500 Jewish refugees who were admitted by Denmark before 1940 (compared to 8-10,000 by Switzerland) for a population (3.7 million), which was only slightly lower than that of Switzerland.

It should be noted that Denmark is, like Switzerland, an immediate neighbour of Germany and therefore was more accessible to German refugees than other, more distant lands. As for saving Danish Jews during the war, one could argue that by escaping invasion (for various reasons which we cannot go into here²⁵²), Switzerland assured the survival not only of the entire Swiss Jewish community of some 20,000 people, but also of about the same number of foreign Jewish refugees who had found asylum on its territory, making for a total of about 40,000 Jews who did not fall into Nazi hands.

Another justification?

In the course of a televised debate that was mentioned earlier, the president of the Commission presented still another argument to justify its refusal of an international comparative dimension: this dimension was not part of the *mandate* conferred upon the Commission by the Parliament and the Federal Council. I will demonstrate below, in a “legal parenthesis”, that this mandate was actually interpreted in a very elastic manner. Therefore, it could have been the same for the international comparative dimension. Moreover, and even if it would have meant interpreting its mandate loosely, the Commission would have been forgiven: as we know, the reaction from the Federal Council following the publication of the report clearly deplored the lack of an international comparative perspective.

To conclude, I cannot help suspect, at least until proven wrong, that the reason the report does not compare the different national refugee policies is that this endeavour would have risked exonerating Switzerland.

3.7 A legal parenthesis: the Commission’s mandate²⁵³

The report’s introduction describes the mandate conferred upon the Commission by a decree of the Federal Council dated December 19, 1996, a mandate which is quoted as

(...) demanding [sic] in its art. 2.1.2 that the Commission investigate the “importance of the policy toward refugees in as much as it is related to the economic and financial relations of Switzerland with the Axis powers and the Allies»; see: Sarasin/Wacker, *Raubgold*, 1998, p. 164.²⁵⁴

Intrigued to see a private work cited as a source for a decree of the Federal Council, I decided to investigate further. Moreover, I had the privilege of testifying before the Legal Affairs Commission of the Swiss Lower House on April 27, 1999, in the course of a hearing concern-

²⁵¹ Langendorf, *op.cit.*, p. 60 ; see also Charguéraud, *op.cit.*, pp. 179 and 211-2, which mentions the number of 1,351 Jewish refugees admitted into Denmark.

²⁵² See chapter 10 of my book, *op.cit.*

²⁵³ I would like to thank Mr. Simon Hotte for his help on this “legal parenthesis”. Mr. Hotte is one of my assistants who is currently working on his thesis in international law.

²⁵⁴ P. 9 of the report.

ing the first Bergier report. On this occasion, and also following several private conversations, I came to feel that the origins and the nature of the Commission's mandate were far from clear.

The legal sources I consulted thereupon²⁵⁵ clearly establish that this mandate concerns above all, if not exclusively, “the fate of assets that arrived in Switzerland following the rise of the Nazi regime”.²⁵⁶ In other words, the Commission's research should have concentrated on the problem of dormant funds as its principal, if not unique, objective.

It is however true that the Federal Council's order of December 19, 1996, which was not published as such but is available on the Commission's web site, explains – in a single sentence of an otherwise lengthy text – that one of the issues that the Commission could examine was “the significance of refugee policy *in as much as it is related to Switzerland's economic and financial transactions with the Axis and Allied powers*”.²⁵⁷ Moreover, the Federal decree of December 13, 1999, states (art. 1.3) that “following an eventual proposal by the experts [of the Commission], or of its own initiative, the Federal Council has the power to modify the area of research *in order to take account of new elements or the work done by other [i.e. foreign] research bodies*”.²⁵⁸

Dealing, as it does almost exclusively, with refugee policy considered per se, the second Bergier report has obviously overstepped the field of investigation assigned to the Commission as per these various legal decisions. This is not to suggest that in doing so the Commission actually broke the law, because it is possible that the decision to proceed with a general study of refugee policy was made with the consent of the Federal Council.²⁵⁹ On that particular point, however, the Commission's initial mandate was certainly interpreted loosely, or redefined very broadly. Yet, as we saw above, this interpretation or redefinition did not go so far as to include the international comparative dimension because, according to the president of the Commission, it would have been contrary to its mandate...

Nevertheless, these legal constraints must be the reason for the rather long chapter in the report on *Financial and property considerations* [as supposedly related to the refugee issue].²⁶⁰ For some readers, such as myself, this chapter seems to be a foreign body in the report. Beyond a

²⁵⁵ (1) The Federal Council opinion, dated September 16, 1996, on the parliamentary initiative proposing a Federal decree concerning legal and historical research on the fate of assets deposited in Switzerland as a result of the Nazi regime (RO 1996 - 549, ad 96.434, pp. 1190-5); (2) The Federal decree dated December 13, 1996 (RO 1996, pp. 3487-9), and (3) its initial draft (*Feuille fédérale*, 148th year, no. IV, pp. 1197-9); (4) The Federal Council decree of December 19, 1996 (the source is indicated in the text).

²⁵⁶ To quote the title of the key text of September 16, 1996.

²⁵⁷ Italics and translation (from the original German) mine.

²⁵⁸ Italics supplied.

²⁵⁹ The Commission obviously works independently, but that does not mean that it is entitled to redefine its mandate on its own initiative and as it wishes. Recently, it has come to my ears that, following an emotional discussion, the Federal Council did agree to a general study of refugee policy. The question therefore becomes whether it was rightfully entitled to decide such a far-reaching redefinition of the Commission's mandate without prior consultation of the Parliament. Indeed, there were no “new elements” I can see, and no new “work done by other research bodies”, to justify extending or redefining the Commission's mandate. I am no legal expert, but all this seems more than a little “fishy”.

²⁶⁰ Pp. 183-247.

few interesting but secondary and extraneous details, I found nothing new in it, which is why I will limit myself to just one or two critical commentaries.

Thus, one reads:²⁶¹

The Federal government relied on the Swiss Jewish community for financial assistance to the community's needy members. Such a practice seems more than a little questionable, considering the principle of equal rights for all.

This is anachronistic.²⁶² At that time, the Swiss “welfare state” was in its embryonic stage and consensus in the social field was very different from what it is today. It was widely accepted that everything should be done to prevent anyone, not just refugees, from becoming dependent on society at large. Whenever there was one or more private guarantors, social aid was considered to be their duty and responsibility: “Protestants take care of Protestants, Catholics of Catholics, and Jews of Jews” – such was the consensus at the time, in Switzerland as well as elsewhere.²⁶³ Therefore to speak of “equal *rights*” in this context is simply not appropriate.

Still in the general financial area, the report states the following in another chapter:²⁶⁴

In 1947, one could read [in a report by the Federal Council] that the Swiss Confederation represented a safe-haven during the world conflict:

“In the midst of a Europe in turmoil, Switzerland became a land where every individual sought asylum for his person and *for his property*.”

While acknowledging that Switzerland as a financial centre underwent *a decisive phase in its development* [in the 1930s? and/or during the war? or because of it?], this retrospective view ignores the discriminatory criteria that were applied depending on whether property or persons were involved. The influx of European capital took place with practically no obstacles, whereas the border was often hermetically sealed [!] against persons in need of asylum.

The assertion about a “decisive phase in the development” of Switzerland as a financial centre that allegedly took place in the 1930s and/or during the war is contrary to well-known facts and thus constitutes one more myth. Banking statistics demonstrate that the consolidated balance sheet and hence the global assets and liabilities of Swiss banks were slightly lower in 1945 than in 1930 when measured in nominal terms, i.e. in current francs. Taking into consideration the increase in prices between 1930 and 1945, there was a drop of no less than 25% in real terms. The development of Switzerland as a major, or at least significant, financial centre actually experienced its “decisive phases” in the second half of the nineteenth century (up to 1914),

²⁶¹ P. 192.

²⁶² For more details, see my book, p.77 (“Financing the refugees”).

²⁶³ As the report recognises (top of page 205). Also note the following sentence (same page, n.155, italics supplied): “It was not *until* the summer of 1942 that Protestant aid programs for refugees provided financial support to Jewish refugees”. The “until” is quite shocking. In fact, as we saw above, it was exactly in the summer of 1942 that the influx of Jewish refugees began. Or again: “The vehemence with which the Confederation refused any financial responsibility until the end of the war, etc.” This statement is in stark contradiction with André Lasserre’s finding in regard to the Confederation’s financial involvement (*op.cit.*, p. 78 ; see also my book, p. 77).

²⁶⁴ P. 53. Italics mine.

in the 1920s, and most especially after World War II. In the 1930s and during the war, it first stagnated and then declined.²⁶⁵

3.8 Miscellaneous

The present critical evaluation of the extremely bulky Bergier report (more than 800 pages with the annexed studies) cannot possibly be exhaustive, or it would have to be much longer. Among the other aspects of the report that deserve investigation, I will therefore limit myself to the three issues.

“They knew”

On several occasions, the report insists upon the fact that Swiss leaders and authorities were aware of the horrible events, the Holocaust in particular, taking place in Nazi-controlled Europe.²⁶⁶

In this respect, the report takes precautions by mentioning: (1) the genuine problem of sorting out pertinent information from the mass of reports and other information arriving in Bern or elsewhere in Switzerland; top priority was of course given to issues dealing with Switzerland’s own survival, given that the country could hardly control the world-wide conflict; (2) the credibility of much of this information on account of the experiences from the First World War, which had not been forgotten (the Allies’ “atrocities propaganda” or *Greuelpropaganda*).

However, in the rest of the report, these preliminary precautions are forgotten, as demonstrated in the following citations, to make way for abusive assertions (italics) or generalisations (underlined):

In August 1942, facts about the systematic extermination [of Jews] were not yet widely known; but *for those involved in asylum policy* [consequently, all authorities and leaders such as Rothmund] *there was little doubt* about the horrible fate awaiting the victims of deportation. It was in this context that the Federal authorities made decisions that were fraught with consequences (...) The military *had precise information* as early as the beginning of 1942 about the massive scale of the massacres being perpetrated in Europe.²⁶⁷ At the same time [summer 1942], Swiss authorities were *in possession of extensive and precise information* [on the Holocaust]. Despite this, they decided to close the border, to take in only a small number of persecuted people (...) ²⁶⁸ Even after *they were informed* about the unimaginable events taking place, the Federal authorities – like the governments of most other states – made few changes in their policies regarding refugees.²⁶⁹

In short, “they” knew everything; or more precisely, everyone knew everything.

²⁶⁵ For more details, see my book, pp. 159 -160 and 202.

²⁶⁶ See in particular, on pp. 86-92, the section entitled “Information on the extermination of Jews”.

²⁶⁷ P. 89.

²⁶⁸ P. 273.

²⁶⁹ P. 277.

The main problem in this context is given short shrift in the preliminary precautions, through a one-sentence-long paragraph, which uses a phrasing meant to minimise the issue (*italics mine*):²⁷⁰

A third *filtering method* was a result of a certain disbelief when faced with massacres on such a massive scale, without precedent in human history.²⁷¹

Raoul Hilberg, a leading expert on the Holocaust, defined much better than I ever could this principal problem, which the report all but ignores. At a conference in Zurich in 1997, he stated that governments at the time simply could not bring themselves to believe that such an attempt at extermination could take place “in Germany, in – of all places – that nation of culture”.²⁷²

When Gertrud Katz – one of the Swiss “mothers of refugees” – came to beg Federal Councilor E. von Steiger, in August 1942 during his vacation on Mount Pélerin, not to close the frontier to refugees, the head of the Department of Justice and Police responded by saying it was unthinkable that the “country of Goethe” would want to kill millions of Jews.²⁷³ Was this a sincere expression of incredulity in reaction to such news, or the hypocritical excuse of someone ‘who knew’? Everyone can draw his or her own conclusions.

Geneva indicted

The report dedicates no less than seven pages to a detailed examination of “*the practices used in Geneva during the fall of 1942*”,²⁷⁴ adding a bit further that “this affair is of considerable historical significance, as it typifies the most fundamental problems in [Swiss] asylum practice”.

Said sordid “affair” concerns some truly offensive acts against asylum candidates committed by two civil servants, then stationed at the Geneva border, who will remain anonymous here.²⁷⁵ The principal instigator of these acts was arrested in October 1942 and sentenced to three years in prison. In fact, the minutes of his trial provide the bulk of the information we have on the crimes of these two guards (among how many others?).

²⁷⁰ P. 88.

²⁷¹ Without precedent? This is hardly certain considering for example the massacres perpetrated by Gengis Khan and other Mongols, or closer to us, the Armenian massacre of 1915, or still more recently the horrors of China’s cultural revolution, which resulted in nearly 30 million victims, etc. (Cf. my book, p. 75). The horrifying specificity of the Holocaust was its industrial, cold organisation and its bureaucratically modern nature. Moreover, it is only recently that the world has really become conscious of the moral implications of the Holocaust.

²⁷² *In Deutschland, ausgerechnet in der Kulturnation Deutschland*. Cf. my book, p. 45, n. 19; and pp. 43-5.

²⁷³ Unless I am mistaken, the report does not mention this episode.

²⁷⁴ Pp. 144-51; *italics mine*.

²⁷⁵ Because it seems that one of the two is still living and has recently appeared on television, and they both may have living children. By naming them, the report infringes on the moral, if not legal, rights of those who have paid their debt to society, not to mention their right to a moral statute of limitations. In the United States, this would probably have led to a federal trial, with high compensation claimed for damages. Even in Switzerland, one wonders if one of the two guards in question, who is apparently still alive and was *not* convicted (report p.151, n. 270), could not file a defamation lawsuit due to the very negative and disrespectful remarks about him – see, among others, pp. 150-1. Finally, it should be noted that the report is much more respectful in preserving the anonymity of individual refugees, as it usually only gives first names and/or initials.

The fact that there were a few other incidents of this nature has been established.²⁷⁶ However, they were not nearly representative. The report itself demonstrates this, as in the following passage, already cited (*italics mine*):

(...) [In the last two weeks of August 1942] von Steiger informally told the Geneva authorities that until the protests had died down, they were not to expel any Jewish refugees, and that no one was to be turned over directly to the Germans. From then on, *the Geneva authorities by and large no longer applied the regulations of August 13, 1942.*

However, this does not impede the report from stating the following in its conclusion:²⁷⁷

[The heartless, callous and violent behaviour of officials at the border] is documented by *the methods used in Geneva to expel refugees in the fall of 1942 (...) Conditions there cannot be considered exceptional.*

With the Jura and Ticino, Geneva was one of the most important entry points for refugees. As shown above, refugees generally had high admittance chances. If all guards at this sector of the frontier, or even most of them, acted like these two, how is it possible that so many were admitted in the summer-fall of 1942 and later? Moreover, it has been proven that certain groups in Geneva, Protestants in particular, and a part of the population of this city were active in an effective, long-lasting and admirable effort to help the refugees.

In cauda venenum

The final page of the report is entirely taken up by a section entitled “Two Questions” (suddenly counter-factual in nature) although it mainly offers a set of affirmations in response to these two questions.

In the whole report, this page is the most visible and, at the time of publication, was certainly read by a large part of the media who then had to report on the endeavour without having time enough to read the full text or even to leaf through it.

The principal sentences of this final page, those that are most problematic, have already been examined above, but at different points. In order to save space and time, I will not re-examine them as a whole, even if such an analysis would underline one characteristic that the second Bergier report has in common with its predecessor. To be specific, the two reports are like sandwiches: in the centre one finds some often questionable analyses, but which by and large maintain a scientific tone; the two edges, the introduction and conclusion, however consist of two “slices” of definitive judgements, which are often not substantiated by the analyses found in the centre. The second report is in fact a truncated sandwich, as the judgements are primarily located in the conclusion and particularly on the last page.

Of all of the judgements, the following incited the most virulent criticisms (*italics mine*):

²⁷⁶ See pp. 146-9.

²⁷⁷ P. 278, *italics mine*. See also Koller, *op.cit.*, pp. 29, 41, 42, 51.

By creating additional barriers for [the refugees] to overcome, Swiss officials helped the Nazi regime achieve its goals, *whether intentionally or not*.

The insertion of the phrase “intentionally or not” necessarily indicates that the report’s authors *did not exclude* the possibility that the Swiss authorities acted in an intentional manner – in other words, that they were active accomplices of the Nazis.

The day after the report’s publication, Saul Friedländer stated, in an interview cited above:

The report refers to an “intentional or otherwise contribution” on the part of Switzerland. To be as fair as possible, I believe that “*conscious or not*» would be a better expression.

The nuance is thin, as the complicity becomes passive but is still present.

If the report’s conclusion absolutely had to express a judgement in this matter, and it is far from obvious that it had to, the following phrasing would have been a little more diplomatic, as well as more accurate: “and no matter that it was unintentional”. As it reads, however, a jury would certainly find that, to the extent that no fault may be involved, there was at least extreme negligence in the choice of words that call into question – *intentionally or not*... – the honour and historical reputation of an entire country and an entire people.²⁷⁸

4. General conclusions on the report and a new model of Swiss policy and practice toward the refugees

The historian depends on the other social sciences,
but it is an enriching dependence.
F. Braudel, 1902-1985²⁷⁹

²⁷⁸ In a conversation following the aforementioned televised debate, the president of the Commission told me, “I will grant you that this choice of words was unfortunate”.

²⁷⁹ *Op.cit.*, p. 48. Fernand Braudel adds that the historian nevertheless occupies a “separate place”, which seems obvious to me. There is no, or should be no, place for imperialism in the social sciences, even if several fellow

The researcher's 'tool box'

In the spirit of the above quote, the following is a list of the technical tools and instruments, in no particular order, that I had to borrow from various sciences (social or other) in order to study the *historical* problem of "Switzerland and Refugees in the Nazi Era»: ²⁸⁰

- the classic theory of probability, which is part of mathematics;
- the *signalling model*, from game theory;
- the notion of "credibility" as used in the analysis of economic policy;
- Granger's causality tests, taken from modern econometrics;
- the notion and problem of "identification", also borrowed from modern econometrics;
- the so-called "counter-factual" approach, which comes from modern economic history;
- notions taken from demography, such as push and pull factors in the study of migratory movements.

A new interpretation

Without these tools and instruments, it would not have been possible to construct and present a general interpretation of the refugee issue. This interpretation may be complex at times, however I feel it is coherent and, at least in some parts, original.²⁸¹ The present study therefore proposes a relatively *new model* of Switzerland's policy and practice toward refugees; by "model" I mean any collection of reasoned, consistent and verified propositions that do not necessarily have to take the form of equations.

The principal traits of this model are **summarised** in the box on the following page, in as compact a format and as succinctly as possible.

As the reader will notice, or may have already noticed, this model emphasises the numerous parallels between Swiss refugee policy during the "Nazi era" and that of today. Today's context is, in general and fortunately, less dramatic; however, the problems, behaviours, mechanisms, constraints, dilemmas and feasible choices are basically the same.

Major features of my model of Swiss policy and practice toward refugees

economists, too proud of the "sophisticated" tools of their field, sometimes have a tendency to succumb to it.

²⁸⁰ Some of these technical tools and instruments are only found in footnotes, which are of a more technical nature than the body of the text.

²⁸¹ It is of course possible that there are still other tools or theories that would have been helpful to this study, but that I either am not familiar with or that I did not think of using.

- (1) The model rests on a fundamental distinction between the *official policy line*, on the one hand, and the *actual practice* toward refugees, on the other.
- (2) The publicly stated principles of the official policy line were both rigid and restrictive throughout most of the war.
- (3) The main objective, conscious or more instinctive, of this rigid and restrictive official line was to send out deterring signals to the mass of potential refugees in Europe. To accept each and every one would have been physically impossible, whether it was for permanent immigration or more short-term shelter. Moreover, this official line was not conceived in a vacuum, but was influenced by the restrictive policies and practices of other states.
- (4) The actual practice toward refugees who actually arrived at the Swiss border was quite different from the official policy line. Average admittance chances were generally high not only per attempt (roughly two chances in three), but even more so per person (with an estimated average admission probability of around 85%). The border was never really closed, not even during the few days in August 1942 that followed an official decision to that effect. Consequently, the estimated number of “definitive rejections” amounts to a few thousands while more than 51,000 “illegal” civilian refugees were admitted, in addition to an unfortunately unknown number of “legal” refugees (those with appropriate papers).
- (5) Practice toward Jewish refugees was more generous and liberal than toward other refugees.
- (6) Admittance chances varied greatly according to place and time, in part due to conscious and accepted reasons, but also because of accidental or less conscious ones. These variations, in conjunction with other factors beyond the control of Switzerland (e.g. borders that were sealed on the other side), had a deterring effect on the mass of potential refugees in Europe, including numerous non-Jews and non-persecuted groups (the S.T.O. evaders, for example).
- (7) Among the conscious or more instinctive motivations for the official policy, there could be the rational aim of enhancing the credibility of a hard and deterring line, which demanded that a largely generous and liberal practice be nonetheless variable and thus unpredictable. In any case, an unvaryingly liberal and generous admittance practice would have certainly diminished the official line’s credibility, which in turn would have led to a massive and uncontrollable influx. A diffuse and latent, but shallow and non-aggressive anti-Semitism, the distrust of the outside world (not necessarily unfounded at that time) as well as fears of an eventual *Überfremdung* were not determining factors in this particular context.
- (8) For reasons that were partly conscious and partly contingent, Switzerland opened its frontiers the widest, also to Jewish refugees, at moments of strongest influx of refugees and when pressure at the border was the greatest – therefore at the most critical junctures from a humanitarian perspective – whereas a purely selfish attitude would have demanded that all refugees be turned away at all times and all visa requests be refused.

...which was verified as much as possible...

My model has been verified through the use all the information at my disposal, be it numerical or non-numerical data (i.e. other “historical facts”). In this respect, I do not claim that the data and known facts found in this work “prove” my model.

In a certain sense, one never “proves” anything in science. All that can be hoped for or asserted is that a scientific theory²⁸² or model is not rejected by the data and facts we know; or, if one prefers, that the model is compatible with the data and facts we know. However, that will only be “until further findings to the contrary” or “until proven otherwise”. For it is always possible that new data or previously unknown facts, or even data and facts missed or misinterpreted by the researcher, will question any given model or theory. Therefore, if it is impossible to prove a given model, it is often possible to reject, refute or disprove it.

With this in mind, I believe to have established that some of the central facts and essential data analysed in the previous pages effectively reject the central interpretations proposed by the Bergier report.

... but still an interpretation that is in no way a new “revealed truth”

With regard to my model, I however wish to remain prudent. At this point, I am confident of having used all of the available information taken in large part from the report, which should be applauded for the ample data it provides. I also maintain that these facts and data, coming from the report, are compatible with my interpretations, or my model. However, it is completely possible that I have omitted facts or data that would invalidate my model, either because I overlooked them, I am unaware of them or simply did not recognise their meaning or pertinence. I am eagerly awaiting reactions to this work in the context of a general debate, as the Commission says it wishes; a debate which should remain scientific and restrained. This is hoping that such a debate takes place of course, instead of either haughty silence or an uncontrollable free-for-all.

How historians sometimes work, and how they might work

On several occasions, I presented data, both numerical and other, that the report furnishes or mentions but leaves largely unanalyzed.²⁸⁴ The same goes for the analytic tools, enumerated above, which were not used when they were evidently necessary. What are the reasons for these obvious failings?

One possible explanation, which I put forth with no arrogant intentions and no attempts to place an entire profession on trial, has to do with the training of many historians. There are of course excellent historians today, in Switzerland and elsewhere, who are completely adept at using analytic tools from modern social sciences when and where it is necessary.

²⁸² Of course, the word “theory” is not used here in the pejorative sense as described above.

²⁸⁴ In the first chapter of the report, there is a short section entitled “Figures and categories” (pp. 20-6). One has the impression that its objective is to do away with the numerical data as quickly as possible so as to concentrate on subjects considered to be more important, such as individual case histories and the principles of official policy. However, if numbers are provided, they should be sufficiently analysed as well.

To take a recent example, Niall Ferguson, a young British historian at Oxford, has just written a quite provocative (in the best sense of the word) historical book entitled *The Pity of War*.²⁸⁵ While this work contains a few counter-factual experiments and conclusions that may leave the reader perplexed,²⁸⁶ it also has a chapter on the inherently economic problem of the reparations imposed on Germany by the Treaty of Versailles, a topic I will return to below. Another example is the recent monumental book by David Kennedy, cited above, that examines American history between the end of the First World War and the end of the Second World War. In this context, the author could not ignore the economic situation in the United States in general and the Great Depression in particular.

While a professional economist who reads both of these works could certainly question one or two points of economic analysis, or regret that such-and-such a contribution from general economics or from historical economic literature was not taken into consideration, he or she would nonetheless conclude that these are outstanding works.

Scientific evaluation of the second Bergier report

Unfortunately, I had to be much less congratulatory about the first report by the Bergier Commission (on the gold transactions), which deeply shocked the majority of professional economists who examined it. Neither can I applaud today the scientific merits of the second report as I have to state once again that several central facts established throughout the present study, for example the admittance chances for refugees, are clearly incompatible with the interpretations and judgements found in the report.

If, from a scientific perspective, one attempts to strike a balance between, on the one hand, the useful contributions of the report (of which there are a few, as we have seen) and, on the other hand, its weaknesses, gaps and failings, the conclusion has to be that the endeavour is globally deficient. In this respect, it is really quite astonishing to see the report making negative judgements that are not substantiated by analysis. Moreover, if we consider its effects on the public, and consequently on the honour and image of Switzerland, this deficit means the complete failure of the whole undertaking.²⁸⁷

In addition, the negative judgements in the report, which deeply shocked quite a number of Swiss as well as former refugees who had been admitted into the country during the war,²⁸⁸ could very well provoke adversary reactions that risk in the end to defeat the noblest ambitions attributable to the Bergier Commission and those who created it: not necessarily to force a re-examination of Switzerland's past, but to encourage reflection, to develop consciences and maybe to make the modern country a bit more humane when and if necessary.

²⁸⁵ Basic Books, 1998, 563 pp.

²⁸⁶ For example, Niall Ferguson argues that England should not have entered the First World War.

²⁸⁷ Once again, I must state that my conclusion brings me no personal pleasure, however ... "judge not lest you be judged". Moreover, the report is more than a purely scientific undertaking; it is also an assessment of the historical image and honour of an entire country and a people. This is why I am, or need to be, frank and direct in my criticism, much more so than I would be in a scientific journal.

²⁸⁸ As numerous letters to the editor from former refugees have demonstrated. See also the 67 eyewitness accounts collected by Ken Newman, *op.cit.*

Waiting for the final report

All of this suggests that in order to “do” history today, one often must be trained in more than just traditional history. Thus, when it comes to studying an issue that touches on essentially economic questions, one should ideally be both a historian and an economist. There are in fact several examples of this. To mention only two authors, both of them economists who also “do” history, the recent and remarkable books by David Landes, on Europe’s role in the creation of the modern economic world,²⁸⁹ and that of Barry Eichengreen on the monetary and financial aspects of the Great Depression in the 1930s²⁹⁰ impressed and even positively enchanted historians and economists alike, even if all did not necessarily agree on every point. This is demonstrated by the very favourable critical reviews of these works, which were unanimous as far as I know, at least for the latter.²⁹¹

Why do I insist on this point? Because the final report of the Bergier Commission is yet to appear and one should never despair, even if the prognosis after the first two reports is hardly encouraging.

“Truth will triumph in the end”

My model of Swiss refugee policy and practice certainly contrasts with today’s dominant perceptions. Will this model someday become recognised, or even make itself heard, being in competition with interpretations that are flatly contradicted by important and established facts?

Nothing could be less certain, especially when we consider how certain myths are perpetuated in history even when confronted with solid counter-demonstrations. There are several examples of this phenomenon, but I will limit myself to just one, in the field of economics.

This example has to do with the reparations imposed on Germany by the Treaty of Versailles. At the beginning, there was a book by John Maynard Keynes, *The Economic Consequences of Peace* (1919). This work, which sold by the tens of thousands from the day of its publication, was extremely influential. It denounced the alleged unrealistic nature, from an economic perspective, of these “gigantic” reparations.²⁹² Its tenor is unquestionably pro-German and it contributed its part to America’s increasing isolationism immediately following the armistice, which led the United States to reject the Treaty of Versailles and refuse to enter into the military alliance with France promised at Versailles. Because of this promise, France had agreed to numerous concessions at the peace negotiations. The book also contributed to Woodrow Wil-

²⁸⁹ *The Wealth and Poverty of Nations*, London, Little Brown, 1998, 650 pp.

²⁹⁰ *Golden Fetters*, Oxford UP, 1992, 448 pp.

²⁹¹ Landes’ work was in fact criticised by a few politically correct revisionists for its alleged “euro-centrism”. – I should add that, in my opinion, it is no doubt easier for an economist, who is not a historian, to “do” history (economic or otherwise, as long as it is not a very specialised topic such as historical archaeology) than for a “pure” historian to do research or historical analysis on a subject with strong economic connotations. The non-historian economist would of course have to keep abreast of pertinent facts and existing historical literature, but he or she would already have a solid “tool box” at his or her disposal. – In regard to “pure” history, I cannot resist quoting the immortal phrase from the historian Colin McEvedy in the introduction to the *Penguin Atlas of Ancient History*: “History being a branch of biology, its ultimate expression should be mathematical”; cited by Paul Krugman, *The Accidental Theorist*, Norton & Co., 1998, p.128.

²⁹² It also introduced a classic problem into modern economic analysis, i.e. the so-called transfer problem.

son's electoral defeat in 1920 by depicting him as an idealistic and naïve leader who was duped and manipulated by Clémenceau (the "tiger") and Lloyd George (the "fox"). In the longer term, it also played a role in England's increased feelings of guilt toward Germany (and distrust of France), which eventually resulted in the pacifism, and appeasement of the 1930s. the consequences of which are well known.

Keynes' economic (and historical) analyses were however more than questionable. Etienne Mantoux first demonstrated this in his book, *La Paix calomniée ou les conséquences économiques de M. Keynes* (1946), that unfortunately appeared too late to have any influence on the circumstances described above. Recently, Niall Ferguson dedicated an entire chapter on this subject in his already cited work. A recent re-reading of Keynes and Mantoux has once again convinced me of the accuracy of Mantoux' (and Ferguson's) critical analysis.

However, in history text after history text, and in article after article, we find the same old biased and politically loaded interpretations that trace their roots to Keynes. Myths are often stronger than reality and some are unfortunately quite long-lived. We cannot therefore exclude the possibility of this occurring in the case of Switzerland's policy and practice toward refugees during the last war.

Moral judgements....

To conclude, we must ask if Swiss refugee policy and practice during the last world war deserve judgements as severe as those found in the report and disseminated by the media.

In more general terms, what judgement(s) should apply to this policy and this practice? As far as I am concerned, I would prefer to heed the advice, cited earlier, of Marc Bloch (1886-1944), one of the greatest historians, when he denounced "the obsession with judging, that satanic enemy of the true social sciences". Moral judgements are dependent on individual scales of values, and thus should be left to personal discretion. But they are not the historians' monopoly, be they appointed by the "Royal Court" or not. The "obsession with judging" of so many of today's historians however forces those who want to respond to them to follow the same path, despite their hesitation.

This is why I will dare to conclude, in a normative manner, and say that the fact that Switzerland opened its borders widely to refugees does not necessarily exonerate the country. One could easily accept the classic determination that "the country certainly did much, but it perhaps could have done even more". However, the one should not eclipse the other. Which is more important for the final moral judgement, the lives that were in danger and were not saved, but could have been; or the endangered lives that were saved, but could have been lost? Or, should we perhaps understand that, in this field, lapses must necessarily always weigh more heavily than merits?

Lausanne and Bougy-Villars, mid-December 1999 to March 2000