

C.V. Starr Lecture
The Legal Profession in Vichy,
With Some Lessons for Lawyers in France and the United States
February 18, 2004

“If you behave neutrally in the face of the grotesque, you are hurting many others,” said Professor Richard Weisberg in describing how the French legal profession promulgated and enforced laws that persecuted Jews living in France during World War II under the Vichy regime. Professor Weisberg – who is the Walter Floersheimer Professor of Constitutional Law at the Benjamin N. Cardozo School of Law and also founding editor of *Law and Literature* – spoke to an audience of more than 130 people during a C.V. Starr lecture on February 18, 2004, sponsored by the Law School’s Center for International Law.

According to Weisberg, in the four years that the Vichy regime governed France during World War II, its legal establishment implemented almost 200 laws, regulations, and decrees relating to the persecution of Jews on French soil, both in its own zone and in that occupied by the Germans. Some of these regulations, for example, established the definition of being Jewish, prohibited Jews from holding certain jobs and positions, and confiscated or liquidated property and other assets held by Jews. They also eventually allowed the deportation of over 75,000 Jews from France to concentration or extermination camps. The vast majority of these deportations occurred under cover of French law.

During his lecture, Weisberg said that his extensive investigation of historical records showed that, to a great extent, responsibility for initiating and enforcing anti-Jewish legal measures in Vichy France actually lay with the judiciary and legal profession of France, including its magistrates, administrative agencies, courts, private legal practitioners, and professional associations. “Whatever their political views and personal ambitions, whatever their country’s prior traditions, lawyers as a professional group were often the gatekeepers to the innovative project of genocide,” he said. “What happened [in France] had little to do with Germany, but much to do with the way these anti-Semitic laws had been received by the French legal community.” Weisberg’s research eventually culminated into a book called *Vichy Law and the Holocaust in France* published by NYU Press.

Weisberg also noted that “even as the tide of the war turned against the Nazis, the legal profession in Vichy France did not even modify their laws persecuting Jews living in France but, instead, continued to enforce them.” Although these laws may seem “grotesque” today, they were “accepted as reality during the Vichy regime,” said Weisberg.

Weisberg concluded his lecture by giving three lessons drawn from his studies of Vichy for lawyers facing similar dilemmas today. First, he urged lawyers to speak up early if they sensed that certain actions violated their professional sense of right and wrong. Second, he said that lawyers should enlist support to protest against what they perceive to be wrongful conduct. “Don’t assume that no one feels your way. Most people will actually feel the way you do, but are fearful to speak up,” he said. Third, he urged the audience not to assume that they are powerless. “Lawyers in America, like France, have considerable power. Even under the worst conditions, there were some protests that worked within Nazi Germany. They might have worked in France,” he said.