

World Union For Progressive Judaism

האיגוד העולמי
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28 Kislev 5760
December 7, 1999

Judah Gribetz, Esq.
Special Master, Distribution
In re Holocaust Victim Assets Litigation
C/o Richards & O'Neill
885 Third Avenue
New York, NY 10022-4802

Dear Mr. Gribetz,

I have the honor of submitting the enclosed memorandum on behalf of the World Union for Progressive Judaism in support of its claim of entitlement to a fair and appropriate portion of the Settlement Fund in the above-referenced action. Specifically, we seek a share of that portion of the fund that will be available for distribution after accounting for "Matched Assets" as defined in the Settlement Agreement, i.e., after the disposition of Deposited Assets that are determined to belong to particular claimants.

Our memorandum is supported by three appendices, including evidence and analysis from two experts, Michael A. Meyer, Adolph S. Ochs Professor of Jewish History at Hebrew Union College-Jewish Institute of Religion, Cincinnati, and Professor Jonathan Cohen of the same institution.

In the interest of time, I am faxing a copy of this letter, the memorandum, and its exhibits directly to your New York office. The original will follow by Fedex. Thank you very much for your careful consideration of our claim.

Sincerely,

Rabbi Richard A. Block
President and CEO

Cc: Ms. Shari C. Reig

**Memorandum of the World Union for Progressive Judaism
In re Holocaust Victim Assets Litigation
US District Court, EDNY
December 7, 1999**

**1. Liberal Jews and their Institutions Numbered Prominently
Among the Victims of the Nazis and of those who Abetted or
Benefited from the Nazis' Crimes.**

The definition of "victim" in the instant action embraces individuals and a wide range of institutions, including businesses, congregations, communities, groups and organizations that were "persecuted or targeted for persecution by the Nazi regime because they were or were believed to be Jewish..."

The Settlement Agreement sets forth a broad definition of assets, embracing virtually every conceivable kind of property whether personal or commercial, tangible, intangible, or intellectual. The assets subject to this settlement include victims' deposit accounts, assets looted by the Nazi regime and its agents, including cloaked assets, and profit from the use of slave labor, as well as claims arising from a range of abuses of members of the Refugee Class.

To what extent were Liberal Jews and their institutions, and Liberal Judaism itself, among the victims in this case and their assets among those subject to the settlement? The World Union holds the answer to be: **overwhelmingly.**

The basis of this assertion is simple and straightforward. As Professor Meyer's research and analysis make clear,¹ Liberal Judaism was the

¹ Letter of Professor Michael Meyer, November 30, 1999, Appendix A. (Hereinafter, "Meyer.")

predominant expression of Jewish identity in Germany and prominent in much of the rest of Central and Western Europe.

Consider the following:

- In Berlin, which had more Jews than the rest of Germany combined, Liberal Jews received 53.9% of the votes in the 1930 elections to the Jewish communal body.
- Of the thirteen synagogues supported by the Berlin community, nine, including the largest and most prominent, were Liberal, and an independent Reform congregation also existed with its own substantial premises and endowment.
- Most of the community's rabbis were Liberals.
- Of the 34 community-funded high holy day supplemental services held in 1926, 25 were Liberal in character.
- The Berlin Jewish community received taxes collected from members of the community and also administered various privately funded endowments.
- Liberal Jews were the largest contributors, in terms of tax payments, voluntary donations and endowments.

Beyond Berlin, "In virtually all of the major united Jewish communities [of Germany] the Liberal faction held the governing role in community affairs. Similarly, in Austria, especially in Vienna, most Jews were liberal in their religious orientation, as they were in Prague."² The vast majority of the

² Meyer, p1.

70,000 members the largest Jewish defense organization in Germany were Liberal Jews.³

Perhaps even more important than **numerical predominance** and **generosity** of Liberal Jews was their **affluence**. "Throughout Central Europe, Liberal Jews were among the most affluent and they generously supported cultural and welfare institutions...[They] were the principal supporters of communal activities."⁴

Thus, whether one speaks of individual, business, or communal property, of deposited, cloaked, or looted assets, these certainly belonged predominantly to Liberal Jews and their religious, educational, and cultural institutions. Whatever the class of victims, they, too, must have been predominantly Liberal Jews. The conclusion is inescapable that **an overwhelming percentage of the assets that are the subject of this action came from Liberal Jews, their business enterprises, and the religious, educational, and cultural institutions of Liberal Judaism in Central and Western Europe.**

2. Liberal Judaism itself was a victim.

In determining the distribution of the Settlement Fund, it is essential to remember that the Nazis' ultimate goal was not merely to exploit and kill Jews, and to profit from the seizure of their personal and communal property while doing so, but to destroy Judaism and Jewish civilization in Europe and, if possible, the world. They succeeded to an almost incomprehensible extent.

³ Meyer, p.2

⁴ Meyer, p.1

As US Under Secretary of State Stuart Eizenstat observed, "The loss was, and remains, incalculable. Priceless Jewish scholarship, Jewish artistry, Jewish traditions, and Jewish teaching were lost forever."⁵ In Central and Western Europe, these were the scholarship, artistry, traditions and teaching of Liberal Judaism. What the Nazis, their collaborators, and their beneficiaries wrought was the near eradication of Liberal Judaism in continental Europe, one of the richest, most vibrant religious and cultural achievements of the Jewish people and of modernity.

3. The World Union for Progressive Judaism is the Recognized Representative of European Liberal Jews, their Institutions, and Liberal Judaism

Founded in 1926, the World Union for Progressive Judaism⁶ is the international body of Reform, Liberal, Progressive, and Reconstructionist Jews.⁷ Representing more than 1.6 affiliated persons in 43 countries, and an even greater number of Jews who identify with Liberal Judaism, the World Union is the world's largest organization of religiously affiliated Jews. It is a non-profit, tax-exempt organization incorporated in the United States with its international headquarters in Jerusalem. The World Union has official NGO status at the United Nations.

⁵ Remarks before The Conference on Jewish Material Claims Against Germany and Austria, Annual Meeting, July 14, 1999, New York

⁶ Hereinafter referred to as "the World Union."

⁷ "Liberal Judaism" is a generic term that expresses the common outlook and shared values of a group of Jewish religious entities that use different names in various countries, but unite in the World Union for Progressive Judaism, their international body. "Liberal Judaism" embraces the organizations and individuals associated with that world movement. While that term is used most often in this memorandum, the terms "Liberal Judaism," "Reform Judaism," and "Progressive Judaism" are virtually synonymous.

As early as 1914, the leaders of the German Liberal Association urged the formation of an international body of Liberal Jews, but the initiative had to be postponed because of WWI. The first official international gathering of the World Union took place in Berlin in August, 1928. Liberal German Jews were active in that conference and "to the extent that it was able, German Jewry continued to play a major role in the WUPJ even during the Nazi years."⁸

"With the rise of Nazism to power, a Liberal rabbi, Leo Baeck, was chosen to be the leader of a united German Jewry during its darkest hours."⁹ During the same period, Rabbi Baeck served as the president of the World Union, a position he held from 1938-1953, including his years of internment by the Nazis at Theresienstadt.

The World Union encourages and nurtures the development of Liberal Judaism and serves the entire Jewish community by organizing and supporting the development of synagogues and regional associations of congregations, recruiting and helping to train and place professional and lay leaders, producing and distributing religious and educational materials in a variety of languages, convening international and regional conferences and educational seminars, sponsoring a wide range of educational and cultural programs, and representing the worldwide Liberal Jewish movement in the international arena, as in the present case.

Since WWII, the World Union has occupied itself intensely with reestablishing Liberal Judaism in Central, Western, and Eastern Europe,

⁸ Meyer, p.3

⁹ Meyer, p. 1

including Germany and Austria, France, Hungary, and the Czech Republic, as well as Israel and states of the former Soviet Union. "On a worldwide basis, [the World Union] has represented the ideals to which Liberal Judaism in Central Europe was devoted in the years before the Holocaust destroyed so many of its adherents."¹⁰

Therefore, the World Union for Progressive Judaism is the recognized representative and spiritual heir of Liberal Jewish institutions of continental Europe that were destroyed, damaged, or looted by the Nazis, and of the many unidentified individual members and supporters of these institutions who numbered so prominently among the victims.

4. Jewish Law Provides that Heirless Property be Restored to the Owner's Community

Principles of Jewish property law offer guidance for the structuring of a just distribution of the Settlement Fund. While they may not be binding in this action as a matter of law, they carry immense moral authority. The analysis of Professor Jonathan Cohen, attached hereto, and upon which this section of the memorandum is based, demonstrates that most clearly.¹¹

Firstly, **Jewish law firmly establishes that it is a positive duty to restore property, including communal property.**¹² In the restoration of property to its rightful owner, or compensation for its loss, theft, despoilment or destruction, the substantiated claims of identifiable victims and their legal

¹⁰ Meyer, p.3

¹¹ Letter of Professor Jonathan Cohen, December 5, 1999, Appendix B. (Hereinafter, "Cohen")

¹² Cohen, p.1, "The duty to restore."

heirs have highest standing, as a matter of common sense, civil law, and Jewish law.

Secondly, where **"heirless property" is concerned**, i.e., when assets cannot be returned to their specific owners or their identifiable legal heirs, as is certainly the case with most of the assets represented by the Settlement Fund, **Jewish tradition designates the community to which the owners belonged as their successor in interest.**¹³

The designation of communities as successors in interest to their heirless members is a product of justice, logic, equity, and experience. Those who build, lead, and sustain community institutions and religious organizations are motivated by profound commitment and personal identification. The meaning and satisfaction that derive from affiliation and involvement with such bodies is the knowledge that they promote and perpetuate our most cherished values, help inculcate them in others, and do so in a more effective and enduring way than any individual can do.

Thirdly, **the restoration of property to communities is required in order to honor the wishes of the deceased persons who created them.**¹⁴ The material investments of individuals in communal institutions become *hekdesht*, they are consecrated to the community and the purposes for which it exists.

Experience teaches that those who support and nurture religious, educational, and cultural institutions and movements hope and expect that

¹³ Cohen, p.2, "The duty to restore to natural and legal persons."

¹⁴ Cohen, p.3, "The duty to fulfill the wishes of the deceased."

these institutions will outlive them, continuing their vital work in future generations. In the absence of legal heirs, most people, and certainly most Jews, would want a substantial share of their property, or damages paid for injuries and indignities they suffered, to be used to ensure the continuity of the institutions, organizations, and movements that embodied their profoundly held beliefs. That desire is codified in Jewish law.

The collective aspect of property restoration and damages is even more imperative where **communal-owned property** is at issue. Clearly, not just the assets of Liberal Jews as individuals, but those of the communities and organizations of Liberal Judaism in which they invested so much were appropriated, concealed, and looted by the Nazis and those who benefited from the Nazis' crimes. The entitlement to communal compensation is further compounded when the organizational infrastructure of a community and the existence of the religious heritage it represents are themselves among the intended victims.

In the case of the Liberal Jews of Europe, most of their particular communities and institutions, the synagogues and schools in which they prayed, studied, served, and suffered, were looted, damaged, or destroyed along with their members. However, the World Union for Progressive Judaism, which they were instrumental in creating and leading, with which they affiliated and identified, and which embodies their most deeply held values, continues to exist and to serve. Indeed, the World Union uniquely represents the spiritual and institutional continuity between European Liberal Judaism of the pre-War period, devastated by the Holocaust, and the

reemerging Liberal Judaism of today. For the purposes of property restoration, the World Union is their community.

5. A Just Disposition of the Settlement Fund Requires a Distribution to the World Union as the Representative of Liberal Judaism

The principles of compensation for property losses articulated in Jewish law are remarkably consistent with goals articulated by Under Secretary of State Stuart E. Eisenstat for property restoration:

1. **Justice** for those communities persecuted by the [Nazi] regime.¹⁵
2. **Revitalizing religious groups** in a more tolerant and pluralistic age.¹⁶
3. Ensuring that **reemerging Jewish communities** will have the **infrastructure** needed to sustain them.¹⁷
4. Contributing to **the development of democratic and pluralistic institutions.**¹⁸

The World Union respectfully contends that these goals will be advanced materially by allocating to it a fair and appropriate portion of the Settlement Fund and that these goals cannot be attained absent such an allocation.

¹⁵ Testimony Before the Commission on Security and Cooperation in Europe, March 25, 1999, p.3

¹⁶ Ibid.

¹⁷ Remarks by Stuart E. Eisenstat, Jewish Community Relations Council of Greater Philadelphia, June 8, 1999

¹⁸ Ibid., note vii, p. 10.

Justice:

Full justice or anything resembling it is unattainable where Holocaust crimes are concerned. As indicated above, if specific property cannot be returned to its rightful legal owner, Jewish law requires that the property be placed in the hands of the owners' community. It does so to enable the community to serve the needs of its members, honor the memory of the deceased, and see to the needs of the future.

In the case of the Holocaust, meeting the needs of survivors and perpetuating the memory of Holocaust victims have understandably and rightfully been primary concerns. The vast majority of public and private reparations have been and are presently devoted to those tasks, especially the former, by the State of Israel, the German government, the Jewish Agency for Israel, the American Jewish Joint Distribution Committee (the "JDC"), and the Conference on Jewish Material Claims Against Germany (the "Claims Conference"), among others.

The Mission Statement of the Claims Conference expresses clearly the primary objectives of these organizations for the past half-century: To support and encourage organizations and institutions that shelter and provide essential services to elderly, needy Holocaust survivors; and to support and encourage research, documentation and education about the Holocaust.¹⁹

There remain survivors who require and deserve the support of the organized Jewish world, and perpetuating the memory of the Holocaust victims is a sacred task. It would certainly be appropriate for a portion of the

¹⁹ Mission Statement of the Claims Conference, 1998 Annual Report

Settlement Fund to be allocated for these purposes. **The World Union requests that it be among the organizations designated to distribute whatever portion of the Settlement Fund may be set aside for communal support purposes.**

At the same time, **the World Union urges that at least an equal portion of the Settlement Fund be allocated for the perpetuation of Judaism, and of that portion of the Fund, the World Union requests the allocation of substantial sum for the restoration and perpetuation of Liberal Judaism, for the following reasons.**

1. As indicated, existing governments and organizations are already devoting substantial resources deriving from the Holocaust era to support survivors and perpetuate the memory of the past, and that will undoubtedly continue.

2. By contrast, only a miniscule portion of those resources have been or are being used for other essential purposes, such as Jewish education and the support of synagogues, which are the primary means and guarantors of Jewish continuity and survival.

3. A proper balance must be struck between the demands of the past and present and the needs of the future, between the Jewish people's physical sustenance and its spiritual perpetuation. As Jewish tradition reminds us, "If there is no bread, there is no Torah and if there is no Torah, there is no bread." If we do not invest sufficiently in the instrumentalities that assure a Jewish future, there will not be one.

4. A just distribution of the Settlement Fund must demonstrate awareness of and respect for the beliefs, religious identity, and Jewish commitments of the victims, including the many Liberal Jews among them. This case is not just about bank accounts and assets. The victims were not mere property owners and business people. They were active, committed Jews who built and sustained vital religious, cultural, and educational institutions of a particular character. They would undoubtedly have wanted these institutions or others as much like them as possible to survive and thrive. They would certainly have been appalled to see funds deriving from their losses given to institutions who question their Jewishness or that of their descendants or who revile the Judaism they practiced.

5. Funds that are invested in communal religious and educational institutions are consecrated to the purposes for which the institutions were created. The communal institutions whose property was looted and cloaked were predominantly those of Liberal Judaism.

6. Justice demands that what was damaged or destroyed must be restored. The institutions and traditions of Liberal Judaism in Europe were assaulted and devastated in the Holocaust. They, too, represent a precious legacy of the Jewish past, a unique treasure of the Jewish people's spiritual heritage that deserves respect and is entitled to be preserved and restored.

Revitalizing Jewish Groups and Insuring that Emerging Jewish Communities Will Have the Infrastructure to Sustain Them:

While much that was destroyed is lost forever, the Jewish people lives and Liberal Judaism (now more commonly known as "Progressive Judaism") survived the onslaught of the Holocaust. Since the War, The World Union has worked to rebuild the institutional infrastructure of Liberal Judaism, establishing and supporting congregations in continental Europe, as well as Israel, where many Holocaust survivors and their descendants live and where the Jewish people's rebirth is most evident. The World Union presently has congregations throughout Europe, including Germany, as well as Budapest and Prague, and the European portion of the former Soviet Union. The most rapid growth of Liberal Judaism today is in Germany, Israel, and the FSU.

Ironically, **Germany** poses a special problem. Liberal Jewish congregations have grown in number and size in the past decade, but have yet to obtain official recognition and funding, thus hampering their ability to provide Jewish education and services.²⁰ For the most part, the newly emerging Liberal Jewish congregations and communities of Germany receive little or no financial assistance from the officially recognized institutions of the Jewish community. The latter distribute "church taxes" paid by Jewish residents of Germany as well as substantial funds provided by the German national and state governments and others, for welfare assistance and the support of religious and educational programs aimed at rebuilding Jewish life.

²⁰ Berlin, whose Gemeinde supports a Progressive rabbi, is an exception.

Regrettably, the officially recognized Jewish institutions of Germany are mainly dominated by ideological opponents of Liberal Judaism and deny financial support to its members, congregations, and communities. Thus, in its birthplace and most prominent European home, Liberal Judaism has been victimized twice.

A similar situation prevails in **Israel**, where only Orthodox Judaism receives official recognition and public funding, with rare and minor exceptions. The synagogues of Orthodox Judaism are built, staffed, and financed with public funds. Non-Orthodox synagogues receive no state funding. This discrimination stands in marked contrast to the religious identification and preferences of the Jewish population of Israel. A recent independently conducted survey, revealed that 36% of Israelis identify with Reform Judaism (as Liberal Judaism is most often referred to here) contrasted with 11% who identify with Conservative Judaism and 24% with Orthodoxy. The percentage of Israelis who would prefer non-Orthodox officiation at their wedding, thirty five percent, equals the percentage of those preferring Orthodox officiation.²¹

In the **former Soviet Union**, the situation is more complex. As in Israel, Liberal Judaism has a demonstrated appeal. In the most recent survey of Jewish identity in Russia conducted by the Russian Academy of Sciences, respondents were asked, "Which stream of Judaism is most attractive for you?" Thirty-two percent answered Reform Judaism, as compared with five

²¹ Survey by Shiluv-Konso, Researchers and Strategic Planning, August 1999

percent for Orthodox Judaism. Most of the rest lacked sufficient knowledge about the movements to answer.²²

As the survey also indicated, there is a tremendous lack of knowledge of Judaism in the former Soviet Union. Indeed, the basic infrastructure of Jewish communal life is almost entirely absent there as a result of the dual depredations of the Nazis and the Communists. The World Union is responding to that problem by organizing congregations and associations of synagogues, conducting formal and informal educational programs for children, youth, and adults, producing Jewish educational and liturgical materials in Russian, restoring synagogues when they can be obtained, and training young adults for communal leadership. Perhaps the greatest area of need is for native, Russian-speaking rabbis. The World Union is beginning to send Russian-speaking rabbis to the FSU and, together with our Movement's two rabbinical seminaries, is seriously exploring the possible establishment of a rabbinical program in Russia in the near future.

Our Movement is thriving in Russia, Ukraine, Belarus, and Estonia, though our communities often face hostile and entrenched opposition of ultra-Orthodox rabbis, who have used various means, including appeals to governmental authorities, to prevent our congregations from receiving funding or restituted property. The World Union's work would be greatly expanded if we had additional funds. Presently, nearly our entire operating budget must be raised anew each year through private contributions.

²² Survey by Russian Academy of Sciences, Jewish Scientific Center on "National Identity of Russian Jews, March 1993. Selected results enclosed as Appendix C.

Some Progressive FSU congregations and programs receive modest, but much appreciated, funding from the Jewish Agency or the JDC. In other places, they do not. Clearly, these organizations have their particular missions and agendas. The Jewish Agency is primarily engaged in encouraging and facilitating emigration to Israel. The JDC provides humanitarian aid and is expanding its efforts to foster Jewish community development, but mainly through independent organizations it is creating, rather than through existing congregations and religious movements.

Moreover, as indicated above, taken as a whole, governments and entities who distribute Holocaust-era reparations or Holocaust-related funds are investing only a tiny portion of those funds in efforts to revive Jewish life, revitalize Jewish groups, and insure that emerging Jewish communities have the requisite infrastructure.

Thus, if a meaningful portion of the Settlement Fund is to be devoted to those essential purposes, one fundamental conclusion emerges:

Only the distribution of a just, appropriate, and much-needed portion of the Settlement Fund to the World Union for Progressive Judaism can ensure that the institutions of Liberal Judaism fulfill their indispensable role in reviving Jewish life and creating the infrastructure of the Jewish future.

Contributing to the Development of Democratic and Pluralistic Institutions:

In religion, as in politics and commerce, monopoly power inevitably becomes authoritarian, leading to abuses and corruption. It undermines the public interest, hampers the exercise of basic human rights, and ultimately threatens democratic institutions themselves. Mature democratic societies are characterized by a multitude of religious, cultural, educational, and social organizations and movements that embrace a wide variety of viewpoints and practices.

Sadly, some democracies tolerate or even foster monopolization and authoritarianism in the religious realm when they would never suffer them in any other. Indeed, the battle between religious fundamentalism and religious pluralism rages throughout the world, including the Jewish world, and the outcome is still in doubt. As we enter a new millenium, there is growing awareness of the need to foster the development of civil society if the worldwide trend of democratization is to be encouraged and its gains consolidated. The restoration of assets to religious communities on a pluralistic, non-discriminatory basis is a key element in that process.

These insights, and the values of civil society, democracy, and pluralism, are also at the heart of Liberal Judaism. Perhaps its most original, essential, and enduring affirmation is that Jews have the opportunity and responsibility to be both passionate, active, fully committed Jews and passionate, active, fully committed citizens of their societies and of modernity.

That affirmation was never more timely, or more urgently needed by Western Civilization than today.

Conclusion:

The distribution of a fair and meaningful portion of the Settlement Fund to the World Union for Progressive Judaism is necessary to:

- Provide a measure of justice and dignity for the Liberal Jewish victims of the Holocaust, their communal institutions, and the Movement to which they were so deeply devoted;
- Restore and perpetuate Liberal Judaism's unique contribution to modern Jewish life;
- Serve the demonstrated needs, preferences, and interests of emerging Jewish communities;
- Help ensure the future of Judaism and the Jewish people; and
- Contribute materially to the advancement of democracy and civil society.

Respectfully submitted,



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APPENDIX A

HEBREW UNION COLLEGE—JEWISH INSTITUTE OF RELIGION
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November 30, 1999

Rabbi Richard A. Block
President
World Union for Progressive Judaism
13 King David Street
94101 Jerusalem
ISRAEL

Dear Rabbi Block:

In conjunction with the claim being made by the World Union for Progressive Judaism for restitution funds, I am pleased to present you with the following historical information relevant to that claim. I have divided my remarks into three sections: the extent and influence of Liberal Judaism in Europe previous to the Second World War, the specific example of the major Jewish community of Berlin, and the role of the World Union for Progressive Judaism.

Liberal Judaism

Long before the Nazi period, German Jewry had become predominantly Liberal in its approach to Judaism. In virtually all of the major united Jewish communities, the Liberal faction held the governing role in community affairs. Similarly, in Austria, especially in Vienna, most Jews were Liberal in their religious orientation, as they were in Prague. In France the governing body, the Consistoire, was officially Orthodox, but had adopted various synagogue reforms and there was a small Liberal congregation in Paris. Throughout Central Europe, Liberal Jews were among the most affluent and they generously supported cultural and welfare institutions both general and Jewish. They included prominent leaders of their communities and were the principal supporters of communal activities. With the rise of Nazism to power in 1933, a Liberal rabbi, Leo Baeck, was chosen to be the leader of a united German Jewry during its darkest hours. Five years later he also became president of the World Union for Progressive Judaism.

The Association of Liberal Rabbis in Germany (Vereinigung der liberalen Rabbiner Deutschlands), had been founded as early as 1898. Its rabbis served in the largest synagogues throughout the country. The Liberal Lay Association (Vereinigung für das liberale Judentum) was established in 1908. Its efforts were directed to furthering the cause of Liberal Judaism in the various Jewish communities in Germany. During the Weimar years and part of the Nazi period it published a newspaper called Jüdisch-Liberale Zeitung. It had its office at Wilhelmstraße 147 in Berlin.

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By far the largest Jewish organization in Germany, The Central Association of German Citizens of the Jewish Faith (Centralverein deutscher Staatsbürger jüdischen Glaubens), was composed in its vast majority of Liberal Jews. In 1927 it had 70,000 members. The Jüdisches Jahrbuch for 1932 lists its paper, the C. V. Zeitung, under "Jewish Liberal newspapers and periodicals".

The Example of Berlin

Within German Jewry of the Weimar period, Berlin was far and away the largest Jewish community. In 1925 it had 171,912 Jews. Second in size was Frankfurt a/M with 29,658, followed by Breslau (23,452) and Hamburg (16,885).

In Berlin in 1926, as noted in the Berlin Yearbook for that year, the Jewish community was a public corporation (Körperschaft des öffentlichen Rechts). All Jews living in Berlin were automatically members unless they chose to withdraw. The responsibility of the community included the maintenance of all institutions dealing with religious life. It received most of its funds from special taxes, which were based on an additional amount added to the national income tax. It also administered various privately funded endowments, some of which were intended for specifically religious purposes, most for social welfare.

The planned Berlin community budget for 1926 was set at 8,328,018.50 Marks to be paid by 67,000 taxpayers. Of this total budget, the community was planning to spend 2,441,426.60 Marks on religious matters (Kultus und Ritualwesen), of which all but 638,226.60 was expected as income from sale of High Holiday seats and the like, and the rest to be covered by Jewish tax revenues. Expenses for the maintenance of rabbis and cantors was estimated at 348,105 Marks. Expenditures for religious education were expected to come to 1,002,022.50 Marks, of which 688,702.50 was expected to come from tax revenue. 22 Pfennig of every Mark of community expenditures went to religious institutions (synagogues and the like) and 18 Pfennig to Jewish education. Liberal Jews were the largest contributors, both in terms of tax payments, voluntary donations, and endowments. The semi-independent "Reform Congregation" (Reformgemeinde) had its own substantial private endowments and owned two buildings in Berlin.

In the Berlin Jewish community, the Liberals were in office at least since the beginning of the 20th century except 1926-1931 when an opposing coalition gained power, but Liberals continued to be largest bloc with 45.9% (10 out of 21 seats in the governing body). In the 1930 election they regained a clear majority (53.9%) in an election with an extraordinarily high turnout: 77,398 Berlin Jews voted. In that election the Liberals gained 24 seats in an enlarged body of 41. Most of the remaining seats went to the Zionists (who were generally non-Orthodox in their religious orientation), with the Orthodox party getting only 2.3% of the vote.

Berlin had a local Liberal lay association called Liberaler Verein für die Angelegenheiten der Jüdischen Gemeinde zu Berlin E. V., with offices located at Hallesche Straße 1. In addition some of the individual Liberal synagogues in Berlin had their own "Synagogenvereine" which planned special activities and aided poor congregants. One example is the Verein Synagoge Fasanenstraße, which had its offices down the street from the synagogue, at Fasanenstraße 69.

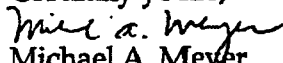
The Berlin community supported nine Liberal community synagogues and four Orthodox community synagogues. The Liberal synagogues were the following:

Liberale Synagoge ("Neue Synagoge"), Oranienburger Straße 30 (Berlin-Mitte)
 Liberale Synagoge Lindenstraße 48-50 (Kreutzberg)
 Liberale Synagoge Lützowstraße 16 (Tiergarten)
 Liberale Synagoge Rykestraße 53 (Prenzlauer Berg)
 Liberale Synagoge in der Fasanenstraße 79/80 (Charlottenburg)
 Liberale Synagoge in der Levetzowstraße 7-8 (Moabit)
 Liberale Synagoge Pestalozzistraße 14-15 (Charlottenburg)
 Synagoge Markgraf-Albrecht-Straße 11-12 ["Friedenstempel"] (Wilmersdorf)
 Synagoge Prinzregentenstraße 69/70 (Wilmersdorf)

In 1926 the Berlin community employed 13 rabbis, most of whom were Liberals. For the High Holidays halls were rented and rabbinical students employed to lead additional services. 34 such supplementary services were held in 1926. Of these, 25 used the "Neue Ritus," i.e. the services were Liberal in character, employing a mixed choir.

The World Union for Progressive Judaism

As early as 1914, the leaders of the German Liberal Association turned to Rabbi Israel Mattuck in London and suggested the formation of an international body that would include Liberal Jews from Germany, England, America and France. However, on account of the war, this initiative had to be postponed until 1926. In that year an initial organizing meeting, at which German Jews played a large role, was held in London. The first official international gathering of the World Union for Progressive Judaism then took place in Berlin in August, 1928. During this well-publicized event, Liberal rabbis from outside Germany spoke at various German synagogues and fundamental theological and ideological issues were discussed. To the extent that it was able, German Jewry continued to play a major role in the WUPJ even during the Nazi years. Scholars at the Liberal seminary in Berlin, the Hochschule für die Wissenschaft des Judentums, such as Ismar Elbogen and Max Wiener, were among the World Union's enthusiastic supporters. In 1938, following the death of Claude Montefiore, Rabbi Leo Baeck became the second president of the World Union, an indication of the centrality of German Jewry for the World Union. He continued to serve until 1953. Since the war, the World Union has occupied itself intensively with reestablishing Liberal Judaism in Central and Western Europe and creating new congregations in Eastern Europe and Israel. From its beginnings more than seventy years ago, the WUPJ has both served as the important connecting link among the European Liberal Jewish communities and provided them with a sense of common purpose. On a worldwide basis, it has represented the ideals to which Liberal Judaism in Central Europe was devoted in the years before the Holocaust destroyed so many of its adherents.

Cordially yours,

 Michael A. Meyer
 Adolph S. Ochs Professor
 of Jewish History

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Michael A. Meyer was born in Berlin, Germany and brought to the United States as a small child in 1941. He received his B.A. (with highest honors) from UCLA, his B.H.L. from Hebrew Union College, Los Angeles, and his Ph.D. from HUC in Cincinnati.

From 1964 to 1967, he taught at the Los Angeles campus of HUC. Since 1967 he has been on the faculty of HUC, Cincinnati, where he is currently the Adolph S. Ochs Professor of Jewish History. At various times has been a visiting member of the faculties of UCLA, Antioch College, University of Haifa, Ben Gurion University in Beersheba, and the Hebrew University in Jerusalem.

Professor Meyer's most recent project was editing and contributing to the four-volume German-Jewish History in Modern Times (Columbia University Press, 1996-1998; German edition, 1996-1997; Israeli edition forthcoming). The second volume won the Jewish Book Award for Jewish History in 1997. In 1990 he published Jewish Identity in the Modern World (University of Washington Press; German edition, 1992). His major work is Response to Modernity: A History of the Reform Movement in Judaism (Oxford University Press, 1988; paperback edition, 1990; reprint, Wayne State University Press, 1994), which won the National Jewish Book Award in the area of Jewish history for 1988. It appeared in a Hebrew edition in Israel in 1989. Earlier he published The Origins of the Modern Jew: Jewish Identity and European Culture in Germany, 1749-1824 (Wayne State University Press, 1967; paperback edition, 1972; Hebrew edition, 1990; German edition, 1994), which won the Jewish Book Award for the best book on Jewish thought in 1967 and the annual Hilberry Prize for the best book published by Wayne State University Press. He also edited and introduced Ideas of Jewish History (Behrman House, 1974; reprint, Wayne State University Press, 1987). This book and Response to Modernity were selected by Choice—a publication of the Association of College and Research Libraries—as among the "outstanding academic books" of 1974/75 and 1988/89 respectively. Meyer's articles and reviews in the field of modern Jewish intellectual and religious history number close to two hundred.

From 1978 to 1980 Professor Meyer was president of the Association for Jewish Studies (the American professional society of Judaica scholars). He is currently international president of the Leo Baeck Institute, a scholarly organization devoted to the historical study of German Jewry which has branches in Jerusalem, New York and London and chairman of the International Association of Historical Societies for the Study of Jewish History. He also chairs the Publications Committee of the Hebrew Union College Press, is a fellow and executive committee member of the American Academy for Jewish Research, a member of the Council of the World Union of Jewish Studies and a member of the Academic Committee of the United States Holocaust Memorial Council.

In 1996 Professor Meyer won the National Foundation for Jewish Culture's Zeltzer Scholarship Award in Historical Studies for major influence on colleagues and students in his field. In 1997 he was a fellow at the Institute for Advanced Studies of the Hebrew University in Jerusalem.

His wife, Margaret Meyer, is a Reform rabbi. They have three children, the oldest of whom lives in Israel, and four grandchildren.

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APPENDIX B

HEBREW UNION COLLEGE - JEWISH INSTITUTE OF RELIGION
Cincinnati • New York • Los Angeles • Jerusalem

Rabbi Richard A. Block
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December 5, 1999

Dear Rabbi Block,

This letter presents halachic material that is relevant to claims being made by the World Union for Progressive Judaism for restitution funds. The material outlined below concerns three principal issues that arise in the context of attempts to trace, restore and distribute property following the Second World War. The issues are addressed in the following order: the duty to restore property seized by sovereign governments or in the context of hostile occupation, the duty to restore to both natural and legal persons (and particularly to institutions such as synagogues and religious academics - *Batei Midrash*), and the duty to fulfill the wishes of the deceased in respect of funds dedicated to communal and charitable projects, and to Jewish education. For the purposes of this presentation, it is important to note that Anglo-American restitution is understood as the 'giving of something back' or the 're-vesting of title' in the person with respect to whom restitution is effected. A distinction is, therefore, drawn between 'restitutionary claims' and 'pure proprietary claims' or claims that the plaintiff 'has never been divested of title'. On the other hand, Jewish law expresses no such conceptual distinction. The notion of restitution, as it is expressed in Jewish legal sources is used in relation to both 'restitutionary claims' and 'pure proprietary claims'.

The duty to restore:

The commandments to look after and to restore property to those who lose or who are dispossessed of assets are central to the Jewish law of property and are repeated throughout the Torah¹. The Jewish law of duty to restore incorporates elements of both law and equity, and requires of the restorer an exceptional sense of duty and commitment². For the purposes of this letter, it is necessary that we focus on the issue of restitution following hostile occupation, or expropriation by order of a sovereign government.

Until the second half of this century, halachic authorities express two opposing views concerning the

¹ See Ex. 22, 26-27; Ex. 23, 4; Lev. 5, 21-25; Num. 5, 6-8; Deut. 22, 1-3.

² Rashi on *Bavli, Bava Kamma*, 103a explains that the restorer must carry the property even all the way to Media, for there is no forgiveness (כפרה) to the criminal until the property reaches the victim, and it is taught that if the process of restitution is too costly or complicated that robbed assets must be placed in the hands of the court (בית דין) who, in turn, must locate the victim and effect restitution (see, for example, *Minhat Hinukh*, Mitzvah 130).

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general issue of restitution following hostile occupation. Citing Talmudic dicta³, a number of prominent authorities rule that the Jewish victim's property rights are extinguished in cases wherein assets are seized under hostile occupation. According to this view, Jews who receive assets seized under such circumstances are not bound to restore⁴. Other *poskim* argue that the extinction of title only occurs when 'abandonment' (*ye'ush*) takes place⁵. By implication, if a disputed asset is not 'abandoned', the receiver is still bound to restore. It is understood that books (particularly Hebrew books) constitute an exceptional category of assets and are generally not 'abandoned'⁶. Therefore, books must be restored in any event⁷.

Jewish law, however, does recognize that under exceptional circumstances restitution is required, even with respect to assets seized under hostile occupation, and regardless of whether the victim abandons his or her property or not. In cases wherein:

- 1) assets are seized by hostile armies, and
- 2) gentiles rescue looted or lost Jewish property, and
- 3) the law of the land (*dina de'malchuta*) requires restitution,

receivers must comply with the law of the land, restore, and 'do the right and the good in the sight of the Lord'⁸. Further, where the law of the land defines a person in possession of looted or lost property as a thief, and such a person transfers a looted or lost object to a Jew, the Jewish receiver is deemed a 'receiver from a thief' in the eyes of Jewish law. It is important to emphasize that restitution of all types of objects is required under the circumstances listed above (R. Gershom stipulates that restitution is required in a *responsum*⁹ concerning money, or valuable gems).

Following the destruction of the Second World War and the Holocaust, the overwhelming majority of halachic authorities agree on the need for restitution, and enforce the duty to restore. It is generally acknowledged that immediately following the Second World War Allied Forces occupied much of Central and Western Europe. As the Allied Forces rescued much of the looted and lost property, and as governments in Western Europe and North America have enacted provisions for the restoration of property, it is recognized (both by the Israeli Rabbinical Courts and in the diaspora) that Jewish law requires restitution of property seized and looted immediately prior to and during the Second World War. The requirement of restitution with respect to the Jewish property that is deposited in neutral countries, transferred, placed in the hands of trustees, or disposed of so that it should not be seized by the Nazis and their allies is beyond debate. Not only can such property not be considered as belonging to the category of looted or seized assets, it is abundantly clear that both victims and their heirs never abandoned their property and still expect justice and restitution.

The duty to restore to natural and legal persons:

The duty to restore property to victims and to their heirs is, thus, firmly established in Jewish law. However,

³ *Bavli, Gittin 38 and Bavli, Sanhedrin 94.*

⁴ See for example Maimonides, *Responsa*, no. 129.

⁵ See Rashi on *Bavli, Gittin 38.*

⁶ See *Tos., Bavli, Bava Kama, 114b.*

⁷ See H"M 259:3.

⁸ See *Responsa, R. Gershom*, cited in *Mordechai, Bava Metzia, 257*, and *Rema* on H"M 259: 7.

⁹ *Ibid.*

until this century, some authorities hold that the duty does not extend to communal objects seized by a sovereign power. Maimonides¹⁰ clearly states that even if one were to acquire or possess ritual objects from the Temple one would not be required to restore, as such objects are defiled when they are looted. However, following the Second World War, a number of authorities extend the duty to restore to institutions such as synagogues, and raise the possibility of restoring objects to communities that still exist in Europe¹¹. R. Teitz, also holds that communal assets should be restored to new synagogues, or institutional heirs, where representative members, or wardens may be identified as belonging to the congregation that originally own the lost or looted assets. Similarly, R. Weinberg rules that books belonging to the library of an academy (*Beit Midrash*) have to be restored, and outlines a claim to books belonging to the institutional library that he himself is affiliated with¹². Needless to explain, R. Weinberg's intention is that the books be used in the new institution established at his new place of residence.

The duty to fulfill the wishes of the deceased:

The Jewish law duty to follow the instructions left by the deceased, and to realize them in accordance with his or her intentions, to the extent possible, is universally recognized. For our purposes, it is important to focus on the commandment to follow the wishes of the deceased particularly where there are no written instructions that may be relied upon, and where the deceased does not dispose of property in expectation of death. Jewish law clearly requires that one also follow the wishes of the deceased where there is no valid document expressing them¹³. The duty to fulfill the wishes of the deceased is particularly important in cases where the deceased dedicates funds (*hekdesh*), or expresses a wish to invest, in a communal institution, a charity, or in Jewish education¹⁴. One especially instructive responsum¹⁵ describes a dispute that arises in Tiberias following the earthquake of 1837. In that case, the heirs of the deceased (who dedicates funds to the study of *Torah* in Tiberias) argue that following the destruction of the city, the funds can no longer be used for the purpose for which they are dedicated. Therefore, they argue, the money should revert to them and to their children. The ruling in that case is unequivocal: even in a case where a city is destroyed and the disputed *hekdesh* funds can no longer be used to support Jewish study at the same location, heirs and claimants may not appropriate dedicated assets or funds, but must use them to fulfill the purposes for which they are dedicated in other places. With respect to any diversion or conversion of funds we learn that there is no expiation for such sins, for they disturb the rest of the departed.

Conclusion:

As the material above demonstrates, the duty to restore assets to the victims of violence and war is firmly established and recognized in Jewish law. Following the Second World War and the Holocaust, restitution is

¹⁰ See *Shittah Mekubbezet, Bava Metzla*, 24b.

¹¹ See R. P. Teitz' statement in 'On the Matter of Books that have Arrived from the Lands of Bloodshed' (Heb.), *Hapardes*, Yr. 25, #3.

¹² See Responsa, *Sridei Esh*, 71.

¹³ See, for example, Responsa, *Tashbetz*, Part IV, 33.

¹⁴ See Responsa, *Noda Bi'Yehuda*, H"m, 51.

¹⁵ See Responsa, *Hayim Be'Yad*, 29.

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required by the overwhelming majority of halachic authorities. It is universally accepted that assets deposited in neutral countries, or disposed of so that they would not be seized by the Nazis and their allies must be restored. Following the catastrophe of the Second World War a number of prominent authorities rule that assets that belonged to institutions such as synagogues and religious academies that were destroyed in Europe must be restored to affiliated institutions. Jewish law also requires that money dedicated to activities such as charity, or education must be used in accordance with the wishes and intentions of the deceased. Justice demands that assets and funds that belong to Jewish victims who were persecuted because they were Jewish, or were believed to be Jewish, be restored and distributed in accordance with the principles of the Jewish legal tradition.

Cordially yours,



Jonathan Cohen
Assistant Professor of Talmud and Halachic Literature

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Russian Academy of Sciences
Jewish Scientific Center

APPENDIX C

**"NATIONAL IDENTITY OF RUSSIAN JEWS"
SELECTED RESULTS**

March 1993

Number of respondents – 1,300 (Moscow –500, St.-Petersburg –500, Yekaterinburg - 300)

1. Self-identification:

- Mainly Jewish – 27%
- Mainly non-Jewish – 8%
- Jewish & non-Jewish (at the same time) – 55%

2. Nationality according to Identity Card:

- Jews – 89%
- Non-Jews – 11%

3. Personal feeling:

- As Jewish – 96%
- As non-Jewish – 3%

4. National roots (Moscow & St.-Petersburg):

- Totally Jewish – 87%
- Jewish in ¼ - 3%
- Half-Jews – 9%
- More distant Jewish ancestors – 0.5%

5. Holidays' observance:

- Rosh-ha-Shana – 18%
- Yom-Kippur – 15% (fast – 11%)
- Simchat-Tora – 15%
- Chanukka – 16%
- Purim – 17%
- Pesach – 31% (Seder – 18%)
- Yom-ha-Atzmaut – 9%
- Yom-ha-Shoah – 13%

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6. Shabbat observance:

- As a rule – 2%
- Sometimes – 10%

7. Separation between meat and milk dishes:

- Constantly – 4%
- Periodically – 3%

8. Kashrut observing – 1.5%**9. Daily prayer at home – 1%****10. Visiting synagogue:**

- Constantly – 4%
- Periodically – 34%

11. Knowledge of Jewish history (self-estimate):

- Good – 18%
- Not so good – 71%

12. Knowledge of Jewish tradition (self-estimate):

- Good – 13%
- Not so good – 71%

13. Knowledge of Judaism - religion (self-estimate):

- Good – 8%
- Not so good – 61%

14. Knowledge of Jewish literature & art:

- Literature – 15%
- Theatre – 16%
- Fine Arts – 8%
- Music – 22%

15. Relation to Jewish religion:

- Close – 19%
- Not so close – 45%

16. Closeness with Jewish history – 55%**17. Closeness with Jewish tradition – 33%**

18. Closeness with Jewish music – 66%**19. What does it mean to be Jewish?**

- to be of Jewish origin – 63%
- to feel part of the Jewish people – 68%
- to know and remember a history – 41%
- to be proud for the Jewish people – 50%
- to know a tradition – 26%
- to observe Judaism – 5%

20. Which criterion from the above-mentioned is principal?

- 1) feeling part of Jewish people
- 2) origin from Jewish parents
- 3) pride for his/her nation

21. Do you believe in God?

- yes, believe - 18%
- rather yes, than no – 24%
- rather no, than yes – 19%
- atheist – 31%
- hesitate to answer – 8%

22. What confession/dogma is most attractive for you?

- Judaism – 33%
- Christianity – 13%
- Hinduism – 1.2%
- Buddhism – 0.3%
- None – 36%
- hesitate to answer – 13%

23. Do you condemn the Jews who are converted to Christianity?

- yes – 33 %

24. Do you agree with opinion, that Jews survived as a nation thanks to Judaism only?

- yes – 51%
- partially agree – 25%

25. Which stream of Judaism is most attractive for you?

- Orthodox – 5%
- Reform – 32%
- hesitate to answer – 44%
- none of them – 17%
- both are attractive – 2%

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26. What, do you consider, is obligatory for you?

- to know more about Jewish history – 39% (more 57% consider it desirable)
- to learn Yiddish – 6%
- to learn Hebrew - 17%
- to know more about tradition and customs - 30%
- to know more about Jewish religion – 20%

27. Do you want your children to systematically study Jewish history, tradition and culture?

- yes – 78%
- indifferent – 13 %
- no – 2%

28. Do you want your children to know Hebrew?

- yes – 64%

29. Do you want your children to obtain Jewish religious education?

- yes - 9%

30. Do you want your children to be religious?

- yes - 15%