

## **Conclusion**

The Jewish successor organizations and their confrontation with the Jewish communities in Germany left a multi-faceted impact on the Jewish as well as the non-Jewish world. It provided a yardstick to measure the state-minority relationship. The implications of their impact shall be examined in three different contexts: 1) in the Allied (American/British/French) context, 2) in the German-Jewish context, 3) in the global Jewish context.

### **In the Allied Context**

The history of the successor organizations could not be written had it not been for the moral and political support of the Allied authorities. The role played by the United States government was crucial in this issue. It was the first to acknowledge that the Jewish victims of National Socialism should be treated separately regardless of their nationality. The “collective” approach adopted by the U.S. government made it possible to react to the Jewish situation as it was. It further provided the driving force of inserting the special provisions for the stateless Jews in the Paris Reparations Agreement of 1945, and, despite the differing views among the Allies, it went ahead to establish the first Jewish successor organization, the JRSO. The creation of the JRSO on a theoretical level signified the acceptance of the Jews as a separate category, defined through its distinct history, culture, religion, and above all, by the recent catastrophe. It broke the invisible barrier which had existed in the conventional nation-states, which had precluded them from dealing with the problems that the Jews had collectively faced.

The recognition of the Jews as a distinct category in fact ran counter to the political trend of the immediate postwar world. After witnessing the complicity of certain

minorities in Nazi aggression, the international society turned away from the interwar notion of national minority rights as a means of safeguarding the political rights of minorities and promoting their cultural and religious life. Minority rights was a double-edged sword, which on one hand protected the minorities but on the other hand destabilized the regions by encouraging nationalistic aspiration and secessionism. The expression of ethnicity was considered the indirect cause of the greatest misery of that century. Minority rights were replaced by the all-embracing human rights,<sup>1</sup> which absolved the nations from dealing with the complicated questions of self-determination, secession of territories, ethnic and cultural identity, and more. The problems which particular minorities faced were absorbed into the general questions of individual human rights, while the collective character of the problem retreated into the background.

What was the reason for the American authorities to swim against the tide and support an organization of such a specific nature as the JRSO? There were, first of all, the gigantic problems concerning Jewish victims of National Socialism and the exorbitant mass of heirless property. It was foremost a measure necessitated by the actual needs of the Jews, and then a logical legal consequence since one could not kill and then take possession of the victims' property. It was also assumed to serve the American interests in solving the DP problems. Nonetheless, there was an understanding in the administration of the nature of the Nazi persecution of Jews and of their extraordinary postwar situation. In brief, there was sympathy toward the Jews. Yet, the birth of the JRSO should be seen in a specific American setting in which the various ethnic groups made up a melting pot society without giving up their peculiarity. There was also an established pattern of state-minority relations in which the lobbying by the ethnic groups was a part of the

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<sup>1</sup> Inis L. Claude, *National Minorities: An International Problem* (Cambridge, MA: Harvard University Press, 1955), pp. 152-163; Jennifer Jackson-Preece, *National Minorities and the European Nation-States System* (Oxford: Clarendon Press, 1998), pp. 95-106.

politics. The American authority was more receptive than, for example, the French government, toward the representation of distinctly Jewish interests. Needless to say, it was also a result of successful Jewish lobbying in the United States.

France sat on the other end of the spectrum. As the personification of the modern nation-state which set Jews free from century-long inequality, it saw in the specific Jewish demands an element which could undermine the Republican principle. In the European nation-states, the suppression or exclusion of ethnicity had been the binding element of national ideology. In between the Americans and the French were the British, who showed understanding toward the nature of the Jewish claims, yet their action was bound by political and economic predicaments. Its reservation seemed to have been abandoned when the state of Israel was born and the Anglo-American cooperation gained more importance in the intensifying Cold War. To sum up, the American precedent was a determinant factor in bringing the two Allies to accept the idea of a Jewish successor organization.

Even after the successor organizations were authorized in each zone, the Allies remained as key players. Not only did they offer material support, they also exerted political and juridical power to realize the objectives of the Jewish successor organizations. In the face of growing German influence in the international arena and the strong domestic anti-restitution movement, they could have opted for political expediency and curtailed the rights of the successor organizations. Yet, they remained the guardians of the restitution and corrected from time to time the German deviation. An important role was played by the Allied restitution courts. They functioned as a shield against the German attempts to topple the restitution from below. One further recalls that the decisions of the Allied courts were crucial in definitively settling the inner Jewish

disputes. These decisions made the discontinuity of the Jewish communities before and after the war an “official” interpretation. They were, in their essence, the expression of the Allied will to do “the greatest good for the greatest number of victims,” as CORA formulated in the Augsburg case.

Were the Jewish successor organizations a form of collectivism? In a limited sense, it can be answered in the positive. However, the collective approach to the Jewish situation was not completely identical with the acceptance of collectivism proper. It may be also wrong to apply this collective approach, which the three governments had taken toward the issue of the heirless property in Germany, to their general policy toward the minorities inside their own countries. It shall not be forgotten that the Jewish successor organizations acted within a limited geographical scope called Germany, which was, after all, responsible for this particular problem. It is safe to say that the influence of the successor organizations on the state-minority discourse at home was minor, since the Jews who demanded special rights for the persecuted brethren were usually the faithful citizens of the Jewish faith.

### **In the German Jewish Context**

The issue of successorship had a profound impact on the Jewish community in Germany in many respects, which could be felt long after the disputes had subsided.

First, it made a legal fait accompli of the identity of the postwar Jewish communities as newly constituted entities. On the practical level, it had administrative consequences, such as the registration of property ownership in the land registry or the renewed recognition of the communities as corporations of public law. Internally, this brought conflict in the self-understanding of the German Jews, for it did not conform with their feeling of

continuity. For those who had witnessed the rise and fall of the Third Reich on German soil, they themselves were the proof of continuity. Although the continuity they would have liked to believe was factually contested by the sociological discontinuity brought about by the DPs, the legal discontinuity imposed upon them from outside was difficult to accept. It was a question which touched upon the core of their existence. Their German identity was put to an abrupt end by Hitler, and their search for a new Jewish identity was still insecure. The self-perception of the postwar communities as the continuation of the prewar communities was a bridge to the past glory of German Jewry, a past which gave them pride and a source of identity. They attempted to “re-establish” what was once destroyed, and only on the premise of continuity, could their devotion have significance. Yet, the confrontation with their foreign brethren remained a bitter experience which formed a symbolic memory of the turbulent decade following the war. One can only assume that it contributed to the making of the complicated texture of the postwar Jewish identity in Germany, which could be characterized by the emotional defense of their life in Germany, by the rejection of tutelage by foreign Jews, and by the ambivalent relations with the German environment.

Secondly, there was an economic aspect to the issue. The agreements with the successor organizations and the eventual creation of the Communal Funds guaranteed the continued existence of the Jewish communities. There is a legitimate question as to whether the restitution and indemnification of the communal assets contributed to the development of the postwar Jewish community in Germany. Schreiber, for instance, attributes the communities’ “success in building a permanent existence” to the fast economic growth achieved by a significant share of the communal assets they obtained

from the successor organizations.<sup>2</sup> As seen in chapter 3, the communities were bound to the agreements with the successor organizations which ruled out free disposal of the assets unless otherwise provided. With the limited use for communal purposes (excepting the cases where the leasing of the objects was permitted), they could not substantially contribute to the revenue of the communities. The postwar communities were not “enriched” by the restitution, as the Jews outside Germany occasionally accused, but they received, assuredly, properties somewhat disproportional to their actual size. The restitution of the communal property proper could not be the sole reason for the consolidation of the postwar communities, however, it was surely one of the attributing factors. It was rather the German Wiedergutmachung indeed, which led to their development. The indemnification to the individual victims based on the BEG, coupled with the booming economy of West Germany, made possible the considerable amelioration of the economic situation of the Jews.<sup>3</sup>

Thirdly, the successor issue highlighted the ambivalent relations between the Jews and the Germans. The German authorities desired to see the revival of the local Jewish communities, in which the Jews found room to make approaches. On the other hand, the German opponents of restitution thought that the dissenting Jewish communities shared their antagonism toward the international successor organizations, however, the fundamental difference between them was that the former’s animosity was often cloaked Anti-Semitism. A delicate picture emerged in which the German political and juridical establishment on one hand and the Jewish leadership on the other sought the possibility of an alliance based on their mutual interests, although this remained a mere possibility in

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<sup>2</sup> Schreiber, op. cit., p.168.

<sup>3</sup> Institute of Jewish Affairs, *European Jewry Ten Years After the War: An Account of the Development and Present Status of the Decimated Jewish Communities of Europe* (New York: Institute of Jewish Affairs of the World Jewish Congress, 1956), pp. 130-131.

the 1950s. Close ties factually developed between the German and Jewish establishments in later years, ties whose origin could be partly traced to the disagreements with the foreign Jews in earlier days.

### **In the Global Jewish Context**

The successor issue marked a definite shift in ideology in the post-Holocaust Jewish world. To the outside, it represented their affirmation of differentiation as Jews. The demarcation between the Jews and non-Jews which the Jewish leadership had been hesitant to apply publicly prior to the catastrophe was recognized as the requisite to effectively deal with the situation of Jewish victims. Because the Jews had been singled out for persecution for a longer period of time, they should be given preferential treatment, i.e., “favorable discrimination”<sup>4</sup>: this argument was accepted by the Western Allies only after strenuous efforts were made by the Jewish leaders. This, in effect, signified a departure from the commitment to the principle of the nation-state in Jewish political thinking. The concept that men are equal as citizens before the law regardless of race and religion – a credo cherished by the Jews in the fight for their rights since the French Revolution – lost its validity with the Holocaust. The unspeakable loss brought on by the Nazis proved the limit of civic equality. The slogan of Emancipation, “To the Jews as a Nation, nothing: to the Jews as individuals, everything” became meaningless. When they were wronged as Jews, they should not demand remedy as German citizens of Jewish faith or *israélites*, but as Jews. There should be no guise of citizenship, since it proved so defenseless against the aggression which had intentionally done away with such a principle. The articulation of their interests as Jews broke the anonymity inherent in

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<sup>4</sup> Oscar Karbach, “The Evolution of Jewish Political Thought,” in *The Institute Anniversary Volume 1941-1961* (New York: Institute of Jewish Affairs, 1962), p.43.

equality, in which the Jews had been confined and in which they themselves had comfortably taken refuge. Those persecuted as Jews demanded “equity” as Jews, rather than “equality” as citizens.<sup>5</sup> A politically defined notion of “Jewish collectivity,” rather than a universalistic notion of “Man,” served as the basis of postwar Jewish thinking and formed the moral and political foundation of the state of Israel. It is possible to see that the special rights and interests, which this “Jewish collectivity” was believed to possess, were expressed in the form of the Jewish state. It was a *Jewish* state – although it proclaimed full social and political equality of all its citizens without distinction of race, creed, or sex – that was created in Palestine.

It should be noted, however, that while the mainstream of Jewish thought headed in the direction of affirming Jewish peculiarity, there was another stream which headed for the promotion of universal ideas. As those who had been subjected to the worst form of discrimination and persecution, the Jews became the champion of human rights and led the fights for the oppressed. The WJC, for example, was deeply involved in the writing of the Universal Declaration of Human Rights (1948) and the adoption of the Genocide Convention (1948) by the United Nations. At first sight, however, asserting particular Jewish rights and committing to the universal ideas which were by their nature non-discriminatory, seemed contradictory. Yet, these views were not conflicting but indeed coexisted and substituted each other in the Jewish thinking.<sup>6</sup> Affirming Jewish

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<sup>5</sup> Karbach, *op. cit.*, p.42.

<sup>6</sup> A good example was a memorandum submitted by the WJC, the American Jewish Conference and the Board of Deputies at the United Nations Conference on International Organization at San Francisco in April 1945. The memorandum proposed the international protection of human rights and fundamental freedoms. The delegation, however, submitted another memorandum entitled “Memorandum on Certain Matters of Specific Jewish Interest,” and they advocated the continuation of the protection of minorities by the 1919 minority clauses, together with the protection of human rights and fundamental freedoms. (WJC, American Jewish Conference and the Board of Deputies of British Jews, *Memorandum submitted to the United Nations Conference on International Organization at San Francisco*, April 25, 1945, and *Memorandum on Certain Matters of Specific Jewish Interest submitted to the United Nations Conference on International Organization at San Francisco*, April 25, 1945.



peculiarity did not hinder the Jews from engaging in the cause for general human good. This was a distinct feature of the Jewish thinking after the Holocaust.

Inside the Jewish world, it signified the emergence of an idea that the interests of Jews as a whole should take the first preference. Reducing the differences of opinions and interests among Jewish groups for the sake of the larger interests of the Jewish people was a symbol of a new self-understanding of postwar world Jewry. This meant foremost, in the political configuration of the time, supporting Israel where the majority of the Jewish victims immigrated. In the period 1947-1972, the JRSO allocated approximately DM 114 million to the Jewish Agency.<sup>7</sup> They were used for various aid endeavors for the Holocaust victims, its scope widely ranging from the physical and spiritual care of individual victims to the purchase of irrigation pipes and construction equipment for new settlements inhabited by the victims.<sup>8</sup> A definitive proportion of the allocation of the JRSO proceeds was set in 1956, in which 56.95 percent was set aside for the Jewish Agency, 28.05 percent for the JDC, 11 percent for the Council of Jews, and 4 percent for the religious projects in Israel.<sup>9</sup> The amount used in Israel or for the immigration to Israel undoubtedly made up the majority of the JRSO distribution, since the JDC as well as the Council of Jews spent considerable sums in Israel.<sup>10</sup> Heirless property became a resource with which to “rebuild” the Jewish people, which was transformed into a part of the Jewish state’s infrastructure.

The centrality of Israel in this regard accompanied, inevitably, negative attitudes

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<sup>7</sup> JRSO, *The Report*, p.36. The allocation to the JDC was less than a half of the amount for the Jewish Agency.

<sup>8</sup> *Ibid.*, p.35.

<sup>9</sup> *Ibid.*, p.37.

<sup>10</sup> After the last Jewish DP camp in Germany, Föhrenwald was closed, the allocation toward the JDC was mostly spent in the program for aged and handicapped immigrants called MALBEN. The Council of Jews distributed a part of allocation to its Israeli branch, Irgun Olej Merkaz Europa, although its weight was placed more on the activity in the Unites States.

toward the representation of the *Landsmanschaften* outside of Israel. Priority in the collective Jewish benefit was readily accepted by the greatest majority of world Jewry, including the German-Jewish groups, and there was a readiness to sacrifice a part of their rights for the sake of the former, however, some felt that their legitimate demands were neglected. The successor issue could boil down to the manifestation of such dissatisfaction.

Lastly, and perhaps most importantly, the successor organizations' disagreement with the communities signified the acceptability of a new ideology, namely that of the Jewish people as a whole succeeding the destroyed communities and inheriting their properties as "national assets." The property transferred outside of Germany through the activities of the successor organizations were not only assets in material terms but also the historical and cultural values which they represented. One recalls that the archives of the German Jewish communities before 1870 found their way to Israel. The Augsburg community too agreed to give the religious objects and books which were no longer in use to the JRSO, with the purpose of its transfer to the National Archives in Jerusalem. The Jewish Cultural Reconstruction (JCR) also gave Israel first priority in the distribution of the cultural and religious objects which it had recovered. 40 percent of the books, museum objects, synagogue materials and others were sent to Israel.<sup>11</sup> The United States, with the biggest Jewish population, received the second largest bulk. It was an act of transplanting the European Jewish tradition to the new Jewish centers elsewhere. Yet, the allocation policy of the JCR clearly favored distribution outside of Europe. Aside from the objective factor that Israel received the largest number of the Holocaust victims, there was an obvious will to rebuild Jewish life nowhere else but in Eretz Israel. Here Israel emerged as the

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<sup>11</sup> Michael J. Kurtz, op. cit., pp.214-216. The remainder went to Great Britain, South Africa, and the European countries.

successor of the culture and history of the destroyed Jewish world.

In the end, the debate was a test of the legitimacy of the state of Israel as the moral heir to the annihilated European Jewish communities. The new State of Israel successfully claimed the moral authority to inherit the heirless assets in the name of all Jews.