



Agudath Israel  
World  
Organization

הסתדרות אגודת ישראל העולמית

ת"ד

Professor Harry Reicher  
Director of International Affairs  
and Representative to the United Nations

July 18, 2003

Gideon Taylor  
Executive Vice President  
Conference on Jewish Material Claims  
Against Germany, Inc.  
15 East 26<sup>th</sup> Street, Room 906  
New York, NY 10010

Re: Claims Conference Review of Policy Concerning Allocations for  
Programs of Shoah Research, Documentation and Education

Dear Mr. Taylor:

I am pleased to enclose a submission, in the context of the above agenda item, on behalf of Agudath Israel World Organization (AIWO).

In this submission, AIWO expresses its strong support for the Claims Conference's policy of allocating 20% of grants to institutional applicants, for Holocaust research, documentation and education. This has historically been the case, and AIWO's position is that it should continue.

At the same time, we believe that serious consideration should be given to allocating funds toward educational and communal institutions (yeshivos and kehilos) which were thought to be destroyed during the Holocaust, and which have worked assiduously over the years to rebuild themselves in Israel, the United States, Europe and elsewhere. The case in support of this consideration is presented in the enclosed Memorandum.

I would be most grateful if you would circulate this submission to the members of the Board of the Claims Conference.

With thanks, and very best wishes.

Sincerely,

(Prof) Harry Reicher  
Director of International Affairs  
and Representative to the United Nations

HR:ld  
Enclosure



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World  
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הסתדרות אגודת ישראל העולמית

## MEMORANDUM

To: Board of Directors  
Conference on Jewish Material Claims Against Germany

From: Agudath Israel World Organization

Re: Allocations for Programs of Shoah Research, Documentation and Education:  
The Moral Basis for Including Yeshivos and Kehilos that Rebuilt Themselves After the War

Date: 17 Tamuz, 5763  
July 17, 2003

### INTRODUCTION AND SUMMARY OF PRESENTATION

- (1) This submission to the Claims Conference arises in the context of the review, currently being undertaken, of the Claims Conference's policy concerning allocations for programs of Shoah research, documentation and education. Agudath Israel World Organization respectfully urges the Claims Conference to maintain its historic commitment to devote significant funding for such programs – certainly not to reduce the current 20% allocation for these purposes. Further, as elaborated herein, Agudath Israel World Organization believes that there is a special moral imperative for the Claims Conference to provide substantial assistance to educational and communal institutions that can legitimately be seen as successors to institutions that played such an integral role in Jewish life in pre-war Europe.
- (2) The submission is founded on a basic premise, namely that, just as the Nazi regime sought to murder all the Jews in Europe, and tragically succeeded to the extent of six million, so too did they aim to destroy a whole culture, or way of life. That culture, or way of life, was embodied in, and perpetuated by, the whole range of Jewish communal institutions, organizations, congregations, and so on, which dotted the length and breadth of Europe, and which served as a central medium of transmission of the heritage that constituted the culture, or way of life, which the Nazis sought to destroy.
- (3) It follows, in our submission, that, just as it is important to support and assist individual survivors of the Holocaust, so too is it important to support the institutions, organizations, communities and congregations which were sought to be destroyed – the “institutional victims” of the Holocaust – but which have made heroic efforts, since the Holocaust, to

rebuild themselves, and thereby continue to maintain and transmit the culture, or way of life, sought to be destroyed.

- (4) The force of this submission is strengthened in view of the sad, but nevertheless real, fact that numbers of individual Holocaust survivors are dwindling, and the imperative to look to the future, and ensure Jewish survival and continuity, is commensurately greater.

#### **AGUDATH ISRAEL WORLD ORGANIZATION AND ITS ROLE IN THE REVIEW BY THE CLAIMS CONFERENCE**

- (5) Agudath Israel World Organization (AIWO) is a 91-year-old confederation of Orthodox Jewish communities in different parts of the world. It has a long and distinguished record in the realm of international human rights, with particular emphasis on freedom of religion, as well as matters relating to protection and preservation of cultural heritage and education. For over 50 years, since 1948, it has enjoyed consultative status with the United Nations, under Article 71 of the U.N. Charter.
- (6) AIWO was founded in Poland in 1912, and before the Second World War had active national constituent organizations in a range of European countries. Today, its national organizations function in Israel, the United States, England, Belgium, Holland, Switzerland, Mexico, Argentina, Russia, Austria, Canada, Ukraine and Moldova. In addition, it has representation and/or constituencies in numerous other countries.
- (7) AIWO is a constituent member of the Claims Conference and also of the World Jewish Restitution Organization.
- (8) AIWO reaffirms its support for the Claims Conference's existing policy of allocating 20% of its funding for programs of Shoah research, documentation and education. At the same time, AIWO advocates the inclusion within that 20% funding stream, to the maximum extent possible, of yeshivos (schools and institutes of Torah studies) and kehilos (religious congregations or communities defining themselves by reference to some common geographic, social or religious bond) which were sought to be destroyed during the Holocaust, and which have rebuilt themselves, in various forms and in various parts of the world, since the Second World War.
- (9) AIWO's purpose in this submission is to explain the significant moral and historical bases which underlie the claim for allocation to the aforementioned yeshivos and kehilos.

#### **AIWO'S CONTENTION IN THIS SUBMISSION**

- (10) AIWO's contention, as elaborated below, is: Yeshivos and kehilos that were sought to be destroyed during the Holocaust, and have rebuilt themselves in the years since the Second World War, have a profound moral claim to Holocaust restitution funds. They played a central role in pre-War European Jewish life; they were clearly targeted for persecution and destruction by the Nazis; they have labored assiduously and heroically to rebuild themselves in the post-War era; they play a vital role in contemporary Jewish life; and they serve as a

central factor – perhaps *the* central factor – in ensuring Jewish continuity for generations to come.

### AIWO'S HISTORICAL RESEARCH PROJECT

- (11) Per medium of the Committee to Preserve the Legacy of the Pre-War European Yeshivos, and thanks to a generous grant from the Claims Conference, AIWO has undertaken a project to research and prepare a major study of the centers of Torah learning and chassidus that were destroyed in the Holocaust, and the rebuilding of such centers in the years since 1945. This project is, at this point, still in the nature of a work in progress, although Stage One has been completed, and Stage Two will soon be launched. We have assembled, and consulted with, a team of a dozen historians and archivists, and have contacted hundreds of yeshivos, seminaries, synagogues, and kehilos in Israel, the United States, and other countries. In the course of Stage One of the project, close to 300 submissions were received from organizations representing over 1,000 institutions around the world.
- (12) Preliminary findings of the project suggest that:
- (a) There were as many as 800 yeshivos for boys and young men in pre-War Europe, at elementary, secondary and post-secondary levels (both accredited as well as non-accredited), serving a student population in excess of 200,000;
  - (b) Further, the equivalent network of Bais Yaakov girls' schools encompassed some 250 institutions, with a student population of approximately 40,000 students;
  - (c) There were several million observant Orthodox Jews who affiliated with several thousand European kehilos, and of the individual Jews, in excess of 3 million are estimated to have perished in the Holocaust. The latter figure is based on the expert opinion of the eminent Holocaust historian, Dr. Michael Berenbaum, who concludes that "we can say with certainty that a majority of the Jews who were murdered [in the Holocaust] ... somewhere between 50-70 percent ... were Orthodox." (Dr. Berenbaum summarizes his findings in a February 23, 2000 letter addressed to AIWO's Professor Harry Reicher, a copy of which is appended hereto as Exhibit A.)
  - (d) Despite the devastating destruction suffered by Jewish communities during the Holocaust, a small group of determined survivors managed to rebuild many of the yeshivos and kehilos that had existed in Europe. In Israel and in the United States, there are today hundreds of such rebuilt institutions serving many thousands of students and kehila members. And in the dozen or so years, following the collapse of communism, there has been a remarkable rebirth of vibrant Jewish schools and communities in Eastern Europe and the former Soviet Union.
- (13) To summarize: Several points clearly emerge from the work that has been done to date:
- (a) The material illustrates the central role played by yeshivos and kehilos in pre-War European Jewish life;



- (b) It demonstrates how they were targeted for persecution and destruction by the Nazis;
  - (c) It affirms how yeshivas and kehilos have labored assiduously and heroically to rebuild themselves in the post-War era.
- (14) The picture that emerges from these materials is both graphic and powerful in demonstrating these points – beginning with the names of so many of the yeshivos and kehilos themselves, which are transplanted directly from a map of Europe. So much so that, as far as the Jewish world is concerned, those European names are now indelibly associated with the places in which yeshivos and kehilos are themselves located today.

#### THE MORAL BASIS FOR THE CLAIM ADVANCED HEREIN

- (15) AIWO acknowledges, and fully endorses, the significant moral claim that Holocaust survivors themselves possess with respect to restitution funds. Indeed, many of AIWO's constituents are survivors, and have benefited from various restitution programs administered by such groups as the Claims Conference and the WJRO. This is as it should be. AIWO reaffirms its support for the Claims Conference policy of allocating the bulk of its funding (currently 80%) to survivors. Those who had their possessions taken, their surroundings destroyed and their lives uprooted, and who were forced to rebuild from the ashes, surely stand on firm moral ground in laying claim to restitution.
- (16) AIWO submits, however, that the same moral principle applies with equal force with respect to yeshivos and kehilos that had their possessions taken, their surroundings destroyed and institutions uprooted, and that were forced to rebuild from the ashes. Indeed, as elaborated below, in certain respects the claim on restitution funding of these yeshivos and kehilos occupies a uniquely compelling moral plane.
- (17) In this context, an underlying point is critical: Just as the Nazis sought to exterminate all individual Jews (and tragically succeeded to the extent of 6,000,000), so too did they seek to destroy a whole culture, or way of life, as embodied in the educational and communal institutions that promoted that uniquely Jewish way of life.
- (18) Indeed, central to the Nazis' aim of destroying the Jewish people was the object of destroying Jewish learning and education, because they identified the classical Jewish texts as the source of the essential Jewish character. Thus, Hitler's chief ideologue, Alfred Rosenberg, writing in 1930, and searching to locate the underlying character of the Jew, pointed to the Talmud itself, as well as the Shulchan-Aruch (code of Jewish law), both of which are central texts at the heart of a yeshiva curriculum. "The honorless character of the Jew", he wrote, "[is] embodied in the Talmud and in Shulchan-Aruch..." (Rosenberg, *The Myth of the Twentieth Century: An Evaluation of the Spiritual – Intellectual Confrontations of Our Age* (English translation by Vivian Bird) (Newport Beach, California, 1982), p. 368.)
- (19) In addition, the Nazis trained their destructive sights on Jewish learning because they perceived in Jewish education, as personified by Jewish educators, the "threat" (i.e. promise) of Jewish survival and continuity. This perception is reflected in a directive issued by the

German Highest Security Office, dated October 25, 1940, prohibiting Jewish emigration from occupied Poland on the ground that an influx of Eastern European "Rabbiner", "Talmud-lehrer" and "Orthodox ostjuden" could foster "geistige erneuerung" (spiritual renewal) among American Jewry. (The October 25, 1940 directive is quoted in a November 23, 1940 circular of the Government of the German Governor of Poland to the district governors of German-annexed Poland. A copy of a transcript of this circular, which was discovered by the Israeli historian Moshe Prager, together with a rough translation thereof, is appended hereto as Exhibit B.)

- (20) The Nazis were evil, but they were not stupid. They understood that, more than anything else, Jewish education would guarantee Jewish continuity and Jewish survival – and, conversely, that their nefarious "Final Solution" objective could be furthered even in a country like the United States, if they could only prevent the rabbis and Talmud teachers from heading a spiritual renewal of the rapidly-assimilating Jewish masses.
- (21) Sadly, the Nazis' evil insight has proven substantially accurate. Where there has been no Jewish education, there has been rampant Jewish assimilation. Indeed, experience in the United States has shown that intensive Jewish education is the best guarantor of preserving Jewish identity and affiliation; the less rigorous the Jewish educational experience, the less likely the assurance of Jewish continuity. As the present editor of *The New Republic*, Peter Beinart, observed in "The Rise of Jewish Schools", *Atlantic Monthly*, October 1999:

"... [T]he supplementary [after school or Sunday] schools were supposed to inculcate sufficient Jewish identity to prevent intermarriage. Yet in 1990 the highly publicized National Jewish Population Survey made it abundantly clear that they had not. According to the NJPS, more than half of all Jews married between 1985 and 1990 married gentiles, and subsequent research has shown that graduates of supplementary schools are more than twice as likely as graduates of full-time Jewish schools to marry outside their faith."

- (22) Similarly, a major study by the Louis Guttman Israel Institute of Applied Social Research, *Jewish Involvement of the Baby Boom Generation: Interrogating the 1990 National Jewish Population Survey*, concluded in 1993 that "Jewish day schools are the best vehicle for implementing Jewish involvement and are the only type of Jewish education that stands against the very rapidly growing rate of intermarriage" in the United States. And the more recently-published study, *A Census of Jewish Day Schools in the United States*, by Dr. Marvin Schick (Avi Chai, January 2000), proclaims, in its opening paragraphs:

"After being scorned and spurned for nearly all of this century as anachronistic institutions unsuitable for the American Jewish environment, day schools [a term which encompasses both yeshivos as well as day schools] have emerged as a centerpiece of the communal strategy to promote Jewish identity and ensure Jewish continuity. Everywhere, Federations and private Jewish foundations have placed day school education high on their agenda, at times employing rhetoric about the importance of religious Jewish education that for decades was the exclusive province of Orthodox Jews.

"This change in attitude was spurred largely – but not exclusively – by the frightening statistics of Jewish loss conveyed by the 1990 National Jewish Population Survey. The most shocking news was, of course, the report that the intermarriage rate had risen above 50%. Other indicators of identity and commitment pointed in the same direction of Jewish loss. Clearly, there was a need to change course, to seek out and support activities that held the promise that somehow the trend toward Judaic abandonment could be slowed and perhaps, in some instances, even reversed. Not surprisingly, day schools were embraced as institutions that could provide a secure foundation for the Jewish future of young Jews at risk."(p.1.)

- (23) It is only fitting and appropriate, therefore, as an act of moral symmetry, that the very Jewish education that guarantees survival of the Jewish people should be assisted out of funds obtained by way of restitution. A decision along these lines by the Claims Conference would also constitute a cogent affirmation of education as the underlying guarantor of Jewish continuity.
- (24) Such a decision would further bring us full circle to the yeshivos and kehilos that were sought to be destroyed. The AIWO research project, even in its current stage, graphically demonstrates how the yeshivos and kehilos have re-built themselves, in Israel, the United States, in Europe and elsewhere. So much so, that to walk through the streets of Jerusalem and Bnei Brak, Williamsburgh and Boro Park, Toronto and Los Angeles, London and Antwerp, is to walk across a map of pre-War Europe; the names of cities and towns have been re-planted there in the form of yeshivos and kehilos that proudly bear their names, and represent what they stood for. It is in these institutions in these cities, as well as in other cities around the world, that the institutional victims and targets of Nazi persecution can be found today, and that the ultimate victory over Nazi ideology is most eloquently evident.
- (25) Deserving special note are the many institutions that have been rebuilt in Poland, Hungary, Russia, Ukraine and numerous other places in Eastern Europe where 55 years ago there was only Jewish ruin and destruction. In the former Soviet Union alone, there are now well over a dozen major Jewish schools serving several thousand students; in Moscow, St. Petersburg, Kiev, Odessa and elsewhere, Jewish communal institutions that were twin victims of Nazism and Communism are now being resurrected. Hungarian Jewry, too, has experienced revival through the establishment of yeshivos and Jewish communal institutions. In recent years, as reported in *The Jerusalem Post* of February 18, 2000, an umbrella organization--the Union of Jewish Religious Communities of Eastern Europe--has been formed to represent the over 300 communities (comprising close to four million Jews) of Russia, Ukraine, Belarus, Georgia, Azerbaijan, Croatia, Yugoslavia, Bulgaria, Hungary, Poland, Lithuania and Uzbekistan. Restitution funding directed at the Jewish citizens of these countries should not overlook the Jewish institutions of these countries.

#### LEGAL RECOGNITION OF THE CLAIMS OF YESHIVOS AND KEHILOS

- (26) The moral and historical underpinnings to the claims of yeshivos and kehilos have been accorded concrete legal recognition in the *Swiss Bank Settlement Case*. The Settlement

Agreement in that case revolves substantially around a critical phrase, namely "Victim or Target of Nazi Persecution". This is defined in the Settlement Agreement to mean:

"any individual, corporation, partnership, sole proprietorship, *unincorporated association, community, congregation, group, organization, or other entity* persecuted or targeted for persecution by the Nazi Regime because they were or were believed to be Jewish..."(emphasis supplied)

- (27) Taking yeshivos that were destroyed in the Holocaust, and subsequently rebuilt in the post-World War II era (and the same applies, *mutatis mutandis*, to kehilos, as Stage One of the AIWO Historical Research Project demonstrates):
- (a) They clearly fall within one or more of the emphasized terms in the definition of "Victims or Targets of Nazi Persecution";
  - (b) Further, in their post-War incarnations they are at a minimum "heirs", "successors" or "affiliates" of their pre-War antecedent entities.
  - (c) The foundation for (a) and (b) above is that they exhibit all, or alternatively some combination, of the following features of the pre-War entities:
    - (i) the same name;
    - (ii) the same Rosh(ei) Hayeshivah, or Dean(s);
    - (iii) alternatively to (ii), Roshe(ei) Hayeshivah who is/are sons, sons-in-law, lineal descendants, disciples or students of the pre-War Rosh(ei) Hayeshivah;
    - (iv) the same guiding philosophy;
    - (v) the same approach to study;
    - (vi) the same liturgy in prayers;
    - (vii) other common features.
  - (d) In each case, the yeshiva was persecuted, or targeted for persecution, by the Nazi regime, because it was Jewish. Indeed, as noted above, Jewish education was a special target of the Nazis' "Master Plan".

#### THE CLAIM OF YESHIVOS AND KEHILOS TO A SHARE OF RESTITUTION FUNDS

- a) The yeshivos and kehilos of today are centrally involved in rebuilding what the Nazis sought to destroy. According to the distinguished Holocaust historian Dr. Michael Berenbaum, whose analysis is referred to above, 50-70% of the six million Jews murdered by the Nazis were Orthodox (see Exhibit A). These victims lived and died as observant Jews. It is today's Orthodox institutions of education and communal life that are doing the most to ensure the survival and continuity of the very way of life that those victims, had they been given the opportunity, would have sought to perpetuate. We do not, and indeed cannot, presume to speak with certainty, but it stands to reason that those victims would have wanted a significant portion of their assets to be distributed to these institutions.



- b) In this context, it is relevant to note, and take into account, that many other causes and institutions devoted to Holocaust-related activities are already being generously funded by governments, and from other official sources, including the Claims Conference. Yeshivos and kehilos, in contrast, have thus far not benefited from any of the restitution-related funding streams. This failure to include the very educational and communal institutions that occupied such a central role in pre-War Jewish Europe, that have heroically re-established themselves in the post-War era, and that furnish the greatest hope for ongoing Jewish continuity, is both glaring and indefensible.
- c) These institutions are at once both the most ignored and yet perhaps the most needy. Dr. Marvin Schick and Jeremy Dauber's study, *The Financing of Jewish Day Schools* (Avi Chai Foundation, 1997), demonstrated that yeshiva day schools in the United States are severely underfunded in nearly every aspect of their operations, and do not receive adequate assistance from Jewish federations around the country. Dr. Schick's more recent study of Jewish day schools, *A Census of Jewish Day Schools in the United States*, (Avi Chai Foundation, January 2000), notes that in the years ahead:

"... there will be a need for thousands of additional [classroom] seats. In the first decade of the century that is about to begin, there likely will be as many as 30,000--and perhaps more--additional day school students, a circumstance that will pose a challenge to school officials and communal leaders. Many day schools--especially the larger institutions--are already operating at or near capacity, and some are above capacity."

The same growth pattern, and the same need, are evident in Israel, Europe and other parts of the world where Jews reside and seek to educate their children in a manner that will carry forward the glorious tradition and heritage that was sought to be destroyed in the Holocaust.

- d) This current policy review offers the Claims Conference an opportunity to help establish the central moral position of yeshivos and kehilos within the overall restitution framework.

Dated: New York, N.Y.  
July 17, 2003

Respectfully submitted,

**Agudath Israel World Organization  
Holocaust Restitution Steering Committee:**

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The Ronald S. Lauder Foundation;  
Member of Presidium,  
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