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## A VOICE FROM GERMANY

The publicity given in Germany to the delay of indemnification by Paul Sethe's article (reprinted on this page) will be welcomed by victims of Nazi persecution. It may also be an encouraging symptom that the article was endorsed by several letters to the editor of the "Frankfurter Allgemeine," the more so as the correspondents were not only prominent champions of the cause of indemnification, such as Professor Dr. Franz Boehm and Deputy Dr. Arndt, but also ordinary members of the German public, who expressed their indignation in strong words.

Paul Sethe's analysis of facts is reaffirmed by the observations made by the Council of Jews from Germany, which safeguards the general interests of claimants, and by the United Restitution Office, which deals with the individual claims. Many claimants pass away without having received even part of the compensation due to them. With the exception of a few isolated instances, it would be wrong to imply that the delay is due to intentional obstruction. In most cases, two other factors are at the root of the evil: a bureaucratic attitude, resulting in formalistic requirements, which could be easily dispensed with and which not infrequently reveal a lack of knowledge of the upheavals during the years of persecution; and a narrow-minded approach, to be explained by the general tendency of civil servants to save money on behalf of the Treasury, and aggravated by the fact that the highest authority in indemnification matters is the Ministry of Finance.

Other shortcomings are due to the legislative position. It was realised at the outset that the Federal Indemnification Law called for clarification and improvement; so far, however, no amendments have been promulgated. Furthermore, the realisation of several types of claims depends on implementary orders. Of the three required implementary orders the first one, dealing with Damage to Life, was published one year after the enactment of the Law (see Supplement to November issue of "AJR Information"); the second one, concerning Damage to Health, was published only recently and is described in a Supplement to this issue, whereas the third one, which is to cover Damages for Loss of Career, is still in the state of preparation. Claims against the Federal Republic for assets confiscated by the Reich cannot be settled either, because the so called "Rueckerstattungsergaenzungsgesetz" has not yet been enacted.

It has always been one of the foremost tasks of "AJR Information" to inform its readers on any developments affecting their claims and to raise the general demands of the community. Yet it would go beyond the scope of a paper written for laymen and not for lawyers if we described all the legal intricacies. These complicated details are constantly dealt with by the experts of the Council of Jews from Germany and other Jewish quarters and negotiated with the authorities in charge.

In a few months' time, ten years will have passed since the Nazi regime in Germany collapsed.

## "TRAEGHEIT DES HERZENS"

The author of the following article, Paul Sethe, is joint editor of the "Frankfurter Allgemeine Zeitung." The German original was published in the "Frankfurter Allgemeine" of January 4.

During the past few weeks, the German people have turned anxious and attentive eyes on Paris. Thus, they seem to have forgotten that memorable debate at which the Bundestag dealt with the problem of compensation for those Germans who suffered losses as a result of National Socialism, or were deprived of their means of livelihood. Meanwhile, the shorthand protocols of the debate have been published (60th Sitting of the Bundestag). They enable the ordinary citizen to follow the course of this sitting, at which one of the saddest chapters of German post-war history was debated. There is a great deal at stake: here our good name abroad, which we can only win back laboriously bit by bit, but, above all, the question how far our people can again have a clear conscience.

### Time is running short

At the debate the deputies Arndt, Böhm and Strosche, as well as Secretary of State Hartmann, spoke many good, wise and humane words. It was laudable that none of the speakers attempted to make a party issue out of this matter which, indeed, concerns the whole nation. One can always discern the will to give genuine advice and help and the men who took up this cause can, through their personalities, their past and through their objectivity and seriousness, claim the gratitude of the people. And yet, in reading the protocols, one is overwhelmed by an oppressive feeling. All were agreed that the present position was highly unsatisfactory; but yet again the only achievement was a sub-committee to make a thorough investigation into the claims made by victims of National Socialism. Meanwhile, more and more of the old people, deprived by National Socialism of their positions and belongings, are dying, many far from their homeland. And they are dying with nothing better in their hands than a scrap of paper, giving them a legal right to compensation.

This legal right is the result of the Compensation Law. Did its promulgators realise

"AJR Information" will mark this anniversary by a special issue reviewing developments and trends in the field of restitution and compensation during this decade. Expert articles will summarise the achievements, record the deficiencies and reiterate the demands, the fulfilment of which is indispensable, if it is the serious desire of the German people to undo the wrongs of their past regime, as far as this is humanly possible.

how hard it would be to carry it through, how long thousands and thousands of cases would be dragged out, what endless bitterness would result from the gap between promises made and vain expectations? The powers of bureaucracy are destroying the intentions of the law makers, not out of malice, but out of a stupor and bluntness of the senses, out of a misplaced legalism, out of that inertia of the heart which has become an ever-growing evil characteristic of our people.

### Conflicting Duties

There was no lack of explanations put forward in the debate, why the good intentions of the makers gradually run dry inside the offices, why cold indifference is eventually nullifying the value of the law. Of course, it is technically much simpler to conclude an agreement with the State of Israel on the payment of a definite sum and to pay this sum than carefully to investigate every single one of the many thousands of cases. Furthermore, although the Bund passed the law, its execution is in the hands of the Länder. The resulting differences between the Bund and the Länder regarding rights and liabilities lead only to greater hardship for the victims. German Federalism, which frequently embarrasses its supporters, has not missed yet another opportunity to stifle objective necessities in the morass of departmental confusion. Furthermore, responsibility for individual cases usually rests with officials of the various treasuries. Their loyalties conflict between their desire to save their land money and their obligation to help the needy. As Deputy Reif put it so aptly: "The German official fondly imagines that he will be forgiven by the Auditor-General if he has turned away a petitioner in the interests of the Treasury."

No, there is no lack of explanations for these regrettable conditions. But if these were somewhat unsatisfactory years ago, today they are utterly so. In another five months, ten years will have passed since the collapse of the Third Reich. And in ten years it has not been possible to fulfil an elementary moral obligation! Let no one argue that the necessary money has not been there. Of course it is, and its payment has long since been agreed. But there is no real urgency, no burning desire for our nation to right the grievous wrongs it has inflicted, at least in so far as this is within its powers. And this brings us to the cases themselves, some of which Deputy Arndt described. On that occasion he spoke, not for his party, but as a citizen and as a defender of an injured sense of justice; nor did he spare the

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## "TRAEGHEIT DES HERZENS"

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Länder, ruled by his own party colleagues. He told the story of the sixty-seven year old man who had been granted a compensation of five thousand marks in Kassel, and who was then informed by the Regierungspräsident that the sum could not be paid over to him because the funds allocated for indemnification in the annual budget were already exhausted. If the President had the slightest understanding for what is at stake each time such a decision is taken, he would have travelled to Wiesbaden and kicked up a row; and Mr. Zinn (the Prime Minister of Hesse—The Ed.) certainly would have helped the good work. Arndt then told of the young man in Wetzlar who had lost his mother and two sisters in the concentration camp, had been imprisoned for six years himself, and who was told by the Labour Exchange to go to some other country. Finally, Arndt talked about the young Jew, who had lived behind bars since his thirteenth year and was now to be excluded from receiving compensation because he had been found guilty by a French court martial of boxing some fellow prisoner's ears! Every German newspaper could contribute examples from its files, which should make us all feel ashamed. But perhaps the worst thing of all is the feeling that is gradually spreading among the victims of National Socialism, that the authorities are deliberately delaying compensation until the applicants, mostly elderly people, have passed away, thus saving their department the entire sum. This is surely not the case, but the mere fact that this feeling was able to spread is terrible enough for us. All one's pride in the miraculous economic recovery of the country and in the admission of the Bundesrepublik into the Atlantic Pact evaporates when faced with such things.

### Appointment of a Senior Official

What is to be done? A moral appeal, unfortunately, is of no use whatsoever. A proposal was made in the Bundestag to appoint a Representative for Compensation from the Bund, to see that the authorities fulfil their obligations. We believe that this is an excellent proposal. The Länder would be well advised and it would redound to their credit, if they granted such a man a certain authority. But even if he were to have no official authority, he could do much good. He would certainly have to be a man with a strong personality, possessed by his task, who would not fight shy of a violent battle with slow-moving authorities and who would not hesitate, when necessary, to rouse the Bundestag and the public. The subcommittee is empowered to decide whether to create such a post. We hope that it will act quickly. The words "national honour" have been so abused in the past decades that one hardly dares use them. But this is truly a matter of a stain on our national honour. Let us eradicate it as quickly as possible.

PAUL SETHE.

## DARLEHEN AN RUECKERSTATTUNGSBERECHTIGTE

Entscheidungen und Vergleiche, in denen die Schadensersatzpflicht des fruheren Deutschen Reichs wegen der Entziehung von Vermoegenswerten (z.B. Lifts oder Bankwerten) festgestellt ist, werden erst realisierbar sein, wenn in dem erwarteten Gesetz zur Regelung der rueckerstattungsrechtlichen Geldverbindlichkeiten des Deutschen Reichs ("Rueckerstattungs - Ergaenzungsgesetz") festgelegt werden wird, in welcher Art die Bundesrepublik derartige Verpflichtungen des Deutschen Reichs zu erfuehlen hat. Seit laengerer Zeit gewaehrten jedoch die Oberfinanzdirektionen den Berechtigten bereits in gewisser Hoehe Darlehen fuer solche rechtskraeftig festgestellten Schadensersatzansprueche, sofern die Beduerftigkeit nachgewiesen wurde.

Nach neueren Richtlinien sollen diese Darlehen auch dann gewaehrt werden, wenn der Rueckerstattungsberichtigte das 60. Lebensjahr vollendet hat oder wenn er durch Krankheit oder Gebrechen in seiner Erwerbsfaehigkeit um mindestens 50 v.H. gemindert ist.

Die Darlehen koennen bis zur Hoehe von 50 v.H. des insgesamt festgestellten Betrages,

aber nicht ueber den Gesamtbetrag von DM. 5.000.— hinaus, gewaehrt werden. Soweit Anspruchsberechtigte auf Grund nachgewiesener Beduerftigkeit bereits ein Darlehen von weniger als 50% des festgestellten Betrages erhalten haben, kann die Differenz bis zu 50%, jedoch nicht ueber einen Gesamtbetrag von mehr als DM. 5.000.— gewaehrt werden.

Fuer die Errechnung der Hoehe des Darlehnsbetrages ist von dem DM-Wert des Anspruchs auszugehen. Ist ein Schadensersatzanspruch bereits in DM. festgesetzt, so ist dieser Betrag der Darlehnsgewaehrung zugrunde zu legen. Ist nur der RM-Wert festgestellt worden, so ist falls es sich um entzogene Sachen handelt (z.B. Lifts), bei der Darlehnsgewaehrung von einem DM-Betrag in gleicher Hoehe auszugehen; fuer die Faelle der Entziehung von Wertpapieren oder Bankguthaben sind besondere Berechnungsgrundsaeetze massgebend.

Soweit hiernach die Voraussetzungen fuer eine Darlehnsgewaehrung gegeben sind, moegen sich die Berechtigten mit ihren Rechtsberatern, die Klienten des United Restitution Office mit diesem wegen der zu beachtenden Formalitaeten in Verbindung setzen.

## RESTITUTION NEWS

### COMPENSATION FOR LOSS OF CAREER

A draft of the Third Implementary Order to the Bundesentschaedigungsgesetz, which will deal with compensation for loss of career, has been approved by the German Federal Cabinet and has been submitted to the Bundesrat.

### ERWEITERUNG DES ALTSPARERGESETZES

Das Altsparger Gesetz vom 14. Juli 1953, das sich auf Spareinlagen, Bausparguthaben, Pfandbriefe und verwandte Schuldverschreibungen bezieht, sah die Anwendung des Gesetzes lediglich fuer diejenigen Personen vor, die ihren staendigen Aufenthalt im Gebiet der Bundesrepublik oder in Westberlin haben. Gemaess § 4 des Gesetzes war die Geltendmachung der Entschaedigungsansprueche von Personen, die ihren staendigen Aufenthalt nicht im Geltungsbereich dieses Gesetzes haben, einer besonderen gesetzlichen Regelung vorbehalten. Diese Regelung ist jetzt durch ein Gesetz vom 10. Dezember 1954 dahin erfolgt, dass Entschaedigungsberechtigte im Sinne des Altsparger Gesetzes, die ihren staendigen Aufenthalt im Bereich eines Staates haben, dessen Regierung bei Inkrafttreten dieses Gesetzes die Bundesrepublik anerkannt hat, denjenigen Entschaedigungsberechtigten gleichgestellt werden, die ihren staendigen Aufenthalt im Geltungsbereich des Altsparger Gesetzes haben.

### I. G. FARBEN CASE

The test case, Norbert Wollheim versus I. G. Farben, for slave labour in Buna-Monowitz, near Auschwitz, which was decided by the Lower Court in the plaintiff's favour, is now under appeal. For the second time the Superior Court adjourned the hearings; they are expected to start in March.

### EMPLOYMENT FOR BERLIN NAZI VICTIMS

The Berlin Co-ordinating Committee of Victims of political, racial and religious Nazi persecution asked the municipal labour authorities to give priority to the employment of persecutees. In a reply to the Jewish Community, the Senator for Home Affairs points out that funds for the expansion of the Berlin Indemnification Office had been allocated and that suitable applications for employment would be considered.

### JRSO AGREEMENT WITH COUNCIL RATIFIED

As reported in the December issue of "AJR Information," an agreement was concluded between representatives of the Council of Jews from Germany (of which the AJR is the British constituent) and the Jewish Restitution Successor Organisation (JRSO). This agreement, negotiated in Paris, has now been ratified by the Board of Directors of JRSO in New York and thus come into force.

### "TRIUMPH OF ILL-WILL"

Under this heading the "Sueddeutsche Zeitung" criticises that ten years after the end of the war, the "so-called indemnification" had hardly started, "to the advantage of the prospering Federal Republic, as Hitler's surviving victims gradually die out in misery and destitution." Whilst there was time to consider other groups of claimants and to indemnify war victims, returnees and dismissed Nazi civil servants, in the case of the Nazi victims, the technical difficulties are described as insurmountable, the paper writes.

### WICHTIG FUER FRUEHERE OESTERREICHER

Es wird nachdruecklich darauf hingewiesen, dass fruhere Oesterreicher unverzueglich ihre etwaigen Rechte aus der Sozialversicherung geltend machen sollten, soweit sie dies noch nicht getan haben. Der wesentliche Inhalt der massgebenden gesetzlichen Bestimmungen wurde in der Juli- und Septembernummer von "AJR Information" dargestellt. Antraege sind an die Angestelltenversicherungsanstalt Blechturmgaesse 11, Wien V, zu richten. Fuer Einzelauskuenfte steht das United Restitution Office, 8 Fairfax Mansions, London, N.W.3, zur Verfuegung.

Mit Ruecksicht auf die Tatsache, dass der Fristablauf fuer die Aufrechterhaltung der Anwartschaften in die Naehere rueckt, wird den etwa Berechtigten dringend geraten, unverzueglich alle erforderlichen Schritte zu unternehmen. Ferner werden alle Leser gebeten, diese Ankuendung unter ihren oesterreichischen Freunden zu verbreiten.

## FROM THE GERMAN SCENE

### STATEMENT AGAINST ANTI-SEMITISM

In answer to a resolution passed by the Society for Christian-Jewish Co-operation, expressing deep concern at the rise of nationalistic and anti-semitic manifestations in Germany, the Federal Chancellor Dr. Adenauer stressed that he would take action against any incidents with all constitutional and political means at his disposal.

A reply on similar lines was sent by the President of the German Parliament, Dr. E. Gerstenmaier.

### LETTER FROM JERUSALEM

One-third of the Israelis is undernourished and another third on the borderline of adequate diet, according to the latest research by the nutrition expert Professor W. Strauss, of the Hebrew University. Examinations of 3,000 people forming a cross-section of the population revealed widespread anaemia, due to lack of iron or protein, or both. It is interesting but not surprising that within the family the housewife usually showed the lowest level. Results: fatigue, with a consequent drop in productivity. Diagnosis: rationing by the purse as everything can be got—at a price. Professor Strauss suggests an extension of the present rationing system by a more equal distribution of subsidised foodstuffs.

Speaking of figures: the latest report of the "Central Bureau of Statistics" shows that proportionately more people in Egypt and Syria are employed in "productive work" than in Israel. Only 40.2 per cent of Israel's available manpower is working in agriculture, basic industries, mining and essential services. The actual percentage of the Jewish sector is still somewhat lower, as the figure includes 42,900 gainfully employed Arabs, of whom 57.5 per cent are farmers. This compares with 40 per cent in the U.S., 42 per cent in Australia, 46 per cent in Britain, Holland and New Zealand, 57 per cent in Switzerland, and 60 per cent in France. In addition to the total labour force (561,400), 254,000 housewives and 229,600 persons who are listed in the army, as students, etc., make up Israel's "working population."

Something less connected with figures than with defiguration is the brawl which has been going on in Jerusalem's streets for the past few months. Every Sabbath, learned rabbis excel themselves in stone throwing—including a vice-mayor of the city who participated in a riot—and are guilty of breach of peace outside a workers' children's home at the orthodox quarter, where the zealots object against the playing together of boys and girls.

Traffic of Sabbath has long circumvented the streets of Mea Shearim to avoid what could be construed as a provocation, but in recent months the fanatics of "Naturei Karta" have advanced into neighbouring districts, stoning vehicles on the roads and spitting at the occupants. Four synagogues have circulated notices asking their congregants to come earlier for prayer so that they could be on the street in time for the Sabbath battle. Now a "peacemaking" committee, at the instigation of the hard-pressed police, has worked out a compromise that has restored a kind of "truce" but satisfies neither party.

Nevertheless, the Naturei Karta who do not recognise the State or its jurisdiction, published posters wildly denouncing and besmirching the authorities. A clandestine document? Far from it—it bore the stamp of the Municipality, with fees duly paid, as required for all posters on public hoardings.

Postscript: Tourists in Israel may easily converse with a waiter when ordering "gefilte fish," but find it more difficult to pronounce the name of settlements. Mr. Ritchie Calder, the British science writer who visited the Weizmann Institute the other day, puzzled his friends by constantly referring to a place in Gallilee which he called "Kfar Henessy." He said he was surprised to find an Israel village named after the famous French brandy, but that it seemed a nice idea. He was disappointed to hear that Kfar Hanassi, "President's Village," had a less intoxicating background than he imagined.

HERBERT FREEDEN

### "GERMAN" NOBEL PRIZEWINNERS

In the "Sueddeutsche Zeitung" (Munich), Burghard Freudenfeld criticises Germans who claim the recent Nobel Prize winner Professor Max Born as one of their people, as if the scientist's dismissal in 1933 and his enforced emigration were nothing but a personal mishap. Between 1934 and 1950, the article points out, altogether 28 North Americans were awarded Nobel Prizes, among them not less than eight Jews, who had been compelled to leave Germany or Austria. In 1953, their number was increased by Fritz Lipmann and Hans Adolf Krebs, also Jewish emigrés. "Though it can certainly not be denied that all these scientists were decisively equipped for their achievements by the education they had received prior to their emigration, we must remain honest and stop an unfair and embarrassing practice. We must realise that we have lost far more than a number of awards in the register of national vanity. We have lost scientists and university teachers; by their emigration research work was interrupted and personal methods of teaching came to an end. Yet above all, the happenings undermined the intellectual sincerity of scientific work and thus destroyed the foundations on which the reputation of German science was once based. It is no accident that the German share in the Nobel Prize reward was lower in the dark years than it had been before."

### WHY DID THEY GO BACK?

"Why have thousands returned to the land of their persecution?" asked a visitor to Germany recently in the *New Statesman*. Having heard all sorts of answers, he found that "one and all admitted their present freedom and peace, but on the future they disagreed."

### NEW GERMAN AMBASSADOR IN DENMARK

The German Consul in Helsinki, Georg Ferdinand Duckwitz, will be appointed Ambassador in Denmark. When, during the war, Duckwitz was working with the German Embassy in Copenhagen, he took a decisive part in the rescue of the Danish Jews and also illegally co-operated with the Danish Prime Minister. "No German," the Danish paper *Berlingske Tidende* writes, "could have a better name in Denmark than Duckwitz."

### KLAGGES JUSTIFIES NAZISM

The former Nazi Prime Minister of Braunschweig, Dietrich Klagges, has published a booklet in which, *inter alia*, he quotes his final speech in the trial held against him. "I know we have aimed at great deeds and we were privileged to accomplish such great deeds. However, as our work also had its shortcomings and as at present people do not want to see anything else but these shortcomings, we have now to endure great suffering."

### PHILANTHROPIN AND ROSENZWEIG ANNIVERSARY

#### Celebration in Frankfurt

To commemorate the 150th anniversary of the establishment of the Frankfurt Philanthropin and the 25th anniversary of Franz Rosenzweig's death, an impressive meeting took place in the Assembly Hall of the Philanthropin. In a message, President Heuss paid tribute to Franz Rosenzweig, "whom I met for the first time about half a century ago and whose unique attitude during a long period of suffering always remains a consolation and an example of the strength of the human soul." In the name of the Hesse Minister of Education, Oberregierungsrat, Dr. Minssen stressed the need of bringing home to German educationists the heritage of German Jewry, symbolised by the work of Franz Rosenzweig. On behalf of the Frankfurt Municipality, Stadtrat Professor Dr. Glaess recalled the outstanding contributions of Jews to the life of the city of Frankfurt. Rabbi Dr. R. R. Geis described Franz Rosenzweig's attitude to the anti-thesis Judaism-Christianity. Tribute to the accomplishments of the Philanthropin, which had been in existence from 1804 to 1941, were paid by a former teacher of that school, Professor Dr. H. Schaumberger.

## ANGLO-JUDAICA

### Jews and Christians

Some embarrassment was caused by the decision of prominent Roman Catholics, including Cardinal Griffin, to resign from the Council of Christians and Jews. They were obeying instructions from the Vatican, which showed concern over a danger of "indifferentism" in religion.

The largely theological action did not, however, disturb relations between Jews and Roman Catholics. Their friendship was stressed by the Bishop of Leeds when he spoke at the fifth annual civic dinner held by the city's Jewish Representative Council in honour of the Lord Mayor and Lady Mayoress. It was also demonstrated by the Catholic Archbishop of Liverpool, who visited the Greenbank Drive Synagogue Cultural Society. The Liverpool Rav, Rabbi Plitnick, took the opportunity of recalling the spirited protests made by a former Archbishop, Dr. Downey, against the persecution of German Jewry.

### Jews and Gentiles

Relations with Gentiles were also the subject of a controversy about Jewish youth clubs: should only Jews be admitted? The argument turned on the question whether the main purpose of a Jewish youth club was to produce good citizens or to prevent assimilation and intermarriage.

After the subject of intermarriage had been discussed at various conferences of provincial Representative Councils, Sheffield was the first city to set up a Marriage Guidance Panel to assist those seeking secular advice in addition to that of a rabbi.

### Literature and Art

For the third time an annual Jewish Book Week was held by the Jewish Book Council, with four literary functions sponsored by the B'nai Brith, the Jewish Agency, the World Jewish Congress and the Anglo-Jewish Association. There are now five Jewish publishing houses in this country: the Soncino Press, Vallentine Mitchell, East and West Library, Ararat Publishing Society, and Mishna Press. The only Anglo-Jewish literary and art magazine in Britain, "The Jewish Quarterly," has managed to appear for two years so far.

One of the foremost younger Anglo-Jewish writers, Wolf Mankowitz, produced, at the Embassy Theatre, Swiss Cottage, "The World of Sholem Aleichem," three stories exposing the cruelties of Czarist Russia and, by analogy, social injustice anywhere at any time. The cast included some of the best Jewish actors in Britain, notably Meier Tselniker, David Kossoff, Miriam Karlin, also a Gentile, Mark Dignam, whose rabbi in the TV production of "The Dybbuk" was widely commended.

Sir Louis Sterling, chairman of New Day Furnishing Stores and President of the British Committee for Technical Development in Israel, has founded three scholarships at the Royal Academy of Dramatic Art.

### Friendly Societies

One of the principal Friendly Societies, the Grand Order of Israel, has lost, through death and erasure, a third of its membership during the last six years. The average age of the 2,524 members is about 67, and only 20 per cent. are under 50. Another Friendly Society, the Grand Order of Sons of Jacob, managed to maintain its membership of just over 2,000.

The Zionist Federation's income in 1954 of £22,232 included as its largest item a J.P.A. grant of £10,000. Members' subscriptions amounted to £5,021.

In order to become spiritual leaders of their native communities, 30 Moroccan boys are to be trained as teachers and rabbis at the Szeider Yeshiva, Clapton, E.

Mr. Basil L. Q. Henriques, J.P., was made a Knight Bachelor for his services to youth welfare.

### MAGDEBURG SYNAGOGUE DEDICATED

A new Synagogue has been dedicated in Magdeburg, Eastern Germany. Part of the funds needed for the completion has been made available by the East German Government.

### PRISON SENTENCE FOR NOVEMBER POGROMISTS

Two leaders of the 1938 pogrom measures in Kirchhain were sentenced to two years' imprisonment by the Kassel Law Court.

Robert Weltsch:

## JEWISH LIVES IN AN AGE OF TRANSITION

**Ben Gurion of Israel.** By Barnett Litvinoff. Weidenfeld & Nicolson. London, W.I. 1954. 18s.

**The Road to Mecca.** By Muhammad Asad. Max Reinhardt. London. 1954. 21s.

The two men whose lives are presented in these two books—one a Biography, the other an Autobiography—have almost nothing in common, except being Jews and being children of an epoch in turmoil where a whole generation has been completely uprooted and the society in which the Jews had been living for centuries was disintegrating.

It is not my intention, of course, to place the two men on the same level. Ben Gurion is regarded as an historical figure, a man who has made history, and his life is closely linked with a popular movement and with the history of the Jewish people. The other man is a particular and isolated case which will appear to many as a strange phenomenon. But both the popular movement and the vagaries of an individual are products of a time of transition and change in which a whole people was in search of a new way of life. When the advent of enlightenment in East Europe destroyed the old rigid Jewish community, the younger Jewish generation at the beginning of the century found their spiritual salvation in nationalism and socialism. It was a great psychological revolution and at the same time a new self-assertion of a Judaism which did not care very much to examine its own spiritual content. The most powerful product of this process was Zionism with its secular, semi-Messianic appeal. But only a combination of circumstances led to the emigration of young Jews to Palestine with all the consequences described in Litvinoff's biography of Ben Gurion. Twenty years later, the man who now calls himself Mohammad Asad, had to look for a way out of the "spiritual vacuum" which was the result of his father's estrangement from his ancestors' orthodoxy. That he landed in Islam, is also the result of a combination of circumstances in which indirectly also Zionism played a role as far as Palestine was a geographical starting point of Asad's journey to Mecca and to conversion.

Barnett Litvinoff has written the first biography of Ben Gurion and he had the benefit of obtaining most of his information directly from Ben Gurion and his wife. Naturally, the book is a short history of Zionism and of the emergence of the State of Israel with which the subject of the biography is so closely connected. There are many aspects of that story which are perhaps controversial; the time has not yet come to write a critical history of this epoch. It is also inevitable that a book devoted to a national hero should have a note of glorification, but the author also shows his own independent thinking on the underlying problem. He seems most concerned with the defence of those Western Zionists who do not comply with Ben Gurion's passionate plea for "Kibbutz Galuyot" and do not transfer their domicile to Israel. In this respect the biographer does not shun some polemical remarks. He is aware of the conflict between Ben

### ISRAEL AND GERMAN REPARATIONS

Under this heading "The Economist" of January 1 publishes a report written by a Correspondent in Tel Aviv. Deliveries of goods, he states, caused Germany's share of Israel's imports to rise from only 2 per cent. in the first eight months of 1953 to 16.8 per cent. in the corresponding months of 1954, and are paying for two-thirds of its fuel needs.

"Up to a point," the article goes on, "there is a limit to what is ordered, set by the terms of the agreement with Germany. Fifty-three million DM. per year are earmarked for metals and metal products, 90 million for steel, machinery, cars, ships, electrical equipment, optical and precision instruments, and 70 million for products of the chemical industry, building materials and raw materials for agriculture. DM. 30 million are reserved for administrative purposes, insurance and freight."

"Psychologically," the author concludes, "all has gone smoothly. The aversion to using goods from Germany, expressed when the news first broke, has had to be swallowed . . . Necessity, along with Bonn's newly acquired sovereign status, is about to force Israel into a revised relationship with Western Germany."

Gurion and Diaspora Jewry (including even most Zionists) who don't accept Ben Gurion's theory of the organic "unity" of Israel—identifying the Diaspora totally with the Jewish state. He even goes so far as to question whether Ben Gurion, had he been born in a Western country instead of under Czarist oppression, would ever have emigrated to Palestine at all. In other words, not his enthusiasm alone, but objective circumstances too, led him there. As for the present, immigration to Israel turned out not to be what it should have been. Litvinoff criticises the exaggerations and "false pretences" of propaganda which ultimately created a moral crisis, implying that the hero of the book is not without responsibility for this state of affairs.

But the bulk of the book is devoted to the narration of the lifelong effort to build a new Jewish society and later a Jewish State in Palestine. It is a fascinating story and throws light on many episodes which were not fully known to a wider public. On the other hand, one cannot expect such a book to take up all the problems of the epoch it describes. The most important of these problems, possibly underlying the tragedy of Ben Gurion, is the question whether nationalism alone is able to solve the spiritual crisis of the generation.

The spiritual crisis is the counterpoint of Assad's book: the solution offered by him is so eccentric that it has only the value of a spiritual curiosity. Some former Berliners may still remember Leopold Weiss as a figure of the Romanische Café and many Continental old-timers may remember his articles in the "Frankfurter Zeitung" in the early 'twenties. He came from Lwow, then Lemberg, an Austrian city, from a world which was destroyed by the first world war. His grandfather was an orthodox rabbi in Czernowitz, but the atmosphere in the house of his parents may remind many readers of their own similar experience: "They belonged to a generation which, while paying lip-service to one or another of the religious faiths that had shaped the lives of their ancestors, never made the slightest endeavour to conform to its practical life or even its ethical thought to those teachings. In such a society the very concept of religion had been degraded to one of two things: the wooden ritual of those who clung by habit—and only by habit—to their religious heritage, or the cynical insouciance of the more "liberal" ones, who considered religion as an out-moded superstition to which one might, on occasion, outwardly conform, but of which one was secretly ashamed, as of something intellectually indefensible . . ." Judaism had ceased to be a real spiritual force. But also the literary and artistic circles in the Romanische Café, in spite of their great achievements in the intellectual field of that expressionist period, hardly concealed their spiritual emptiness and cynicism.

### From the "Romanische Café" to Arabia

In 1922, Leopold Weiss came to Jerusalem, where his uncle was director of a hospital. It was his first encounter with the Arab orient and also occasioned some discussions about Zionism, one even with Dr. Weizmann, who does not seem to have been much impressed by the youngster. Then, as a journalist and correspondent of the "Frankfurter Zeitung," he started his travels in Arab lands. The book describes these thrilling adventures, life in the desert, in Baghdad and Persia and Kurdistan, at the court of King Ibn Saud, involvement in the Senussi war against the Italians before their suppression in 1932, with many flash-backs to Europe, from where he took his first wife, a German Christian, with her son, to the desert (later he married several Arab wives), break with the "Frankfurter Zeitung" and going over to other papers (the "Neue Züricher Zeitung" among them); but the main subject is the search for spiritual values, which convinced him that Islam is the only possible solution of his quest for religion. The book ends with the author's departure for India in 1932; he later became the Head of the Middle East Department in the Pakistan Foreign Office and one of the representatives of Pakistan at the United Nations. It is an astonishing career of Poldi Weiss of Lemberg and of the young journalist from the Romanische Café.

It is not clear whether Mohammad Asad intends to go back to Islamic studies or whether he returned

## THE GROUND NUT SCHEME OF ISRAEL

As the Anglo-Israel Chamber of Commerce points out, the planting of ground nuts (pea nuts) has become a most important factor in Israel's agriculture and economics.

If the citrus crop takes first place in all irrigated fields, the ground nut crop has now become second in importance.

Ground nuts have been cultivated here since 1941, but until 1949 the crop was so small that it had no importance at all from an economic point of view. After 1950 that was no longer the case. Planted late in April, ground nuts were ripe for harvest in September the same year. The most successful type was the "Virginia Bush" brand, which now yields a crop of about 3,000 lbs. per acre. Experiments had already been made with the "Valencia" and "Congo" brands, but these yielded 10 per cent less than "Virginia," with the natural consequence that the latter was most cultivated. The crop of 3,000 lbs. per acre is now the highest in the world, the second being the American crop of 900 lbs. per acre. Here, as in other parts of the world where ground nuts are cultivated, no artificial irrigation is used.

At present, production costs are very high in Israel, as sowing, weeding and reaping is done by hand. When agriculture becomes more mechanised, the same work will be done more quickly and cheaply, and Israel should then be able to compete with other countries in the world markets. But even with mechanisation, the final grading by hand will remain, in order to ensure the high quality and taste which only this method of selection can produce.

Although the original idea of planting pea nuts was the production of oil, practise has shown that it is much more economical to produce for direct human consumption and for confectionery.

When the first shipments from Israel went to Europe in 1953, they proved that the fine quality was recognised there, and orders for pea nuts for eating resulted. The main reason for their superior quality is their size, which is much larger than the average of other producing countries, as well as their taste.

Up to July, 1954, some 1,100 tons have been exported, and a total of 1,800 tons of export is anticipated by the end of the season.

The United Kingdom is the chief consumer and takes two-thirds of the entire crop. Other countries importing Israeli ground nuts are Holland, Belgium, Switzerland and Austria. The total value of the exports this year is expected to be £225,000, and exporters are hoping for a considerable increase in the future.

The exporter is further helped by the fact that ground nuts have their own natural protection and, as a result, do not spoil as easily as other fruits. This means that the importer need not bring the merchandise on the market at once but can store it until there is greater demand.

The Israeli planters are hoping further to improve the already high quality, especially by more efficient methods of irrigation and more rigid pest control, whilst the agronomists are working on new methods.

Since 1949 the planted area has grown from 250 acres to 7,500 in 1953. By the end of 1954 this latter figure will have been doubled, and ground nuts will be grown on 10 per cent of the overall irrigated area of Israel. Thus there seems to be an excellent prospect of this commodity becoming one of the most valuable assets in the national economy.

K. S.

to the world of writing. There is a strange irony in the fact that he has to admit that the Arab world to which he had felt himself so much attracted, does not exist any longer. "Its solitude and integrity have crumbled under a strong gush of oil and the gold that the oil has brought. Its great simplicity has vanished and, with it, much that was humanly unique." In other words, the romanticism of Beduin life—an old Testamentarian way of life—has withstood the onslaught of European civilisation no better than had the orthodox Judaism of his ancestors. The same problems of clash between religion and secularism emerged also in the Islamic sphere.

The quest for a way of life continues and perhaps we are all in the same boat.

Lutz Weltmann:

## ON RE-READING REMARQUE

Reading Erich Maria Remarque's new novel "Zeit zu leben und Zeit zu sterben" (Kiepenheuer & Witsch, Cologne: DM 14.80) means, at the same time, re-reading his first book, which made him famous.

I still remember how captivated I was reading the proof-copy of "Im Westen nichts Neues" sent to me a couple of weeks before its publication. I did not expect its sensational success which, although greatly supported by ingenious advertising, was quite genuine and created a sudden interest in war books. Their number increased to such an extent that it soon became necessary to compile bibliographies of War Literature, 1914-1918. First, books by Left Wing and Liberal authors were the centre of discussion. For instance, Remarque's "Im Westen nichts Neues" and Ludwig Renn's "Krieg" had been published at about the same time, but the latter had not had much publicity until Remarque's success; thus both the questions which were of greatest literary value and which gave a truer picture of the front were passionately discussed. But by and by Right wing writers and Reactionaries came to the fore and scented the morning air; when the film based on Remarque's book was shown in Berlin, the vanguard of the Third Reich disturbed the first performance and the wife of Remarque's writer colleague Arnolt Bronnen let white mice loose among the audience. What a prelude to the "years between."

## Success and Come-back

As to Erich Maria Remarque's literary merits, I had the feeling that "Im Westen nichts Neues" was the one book he was bound to write, as a bequest of a personal experience, the memory of a nightmare he had to get rid of by telling about it. It was well written, too, for Remarque had learnt his craft by writing in fashionable magazines about high society. Publishers blamed their advisers who had turned down his book; reporters tried to trace his earlier works and discovered a treatise on the mixing of cocktails! The saying "Success makes suspect" was amply illustrated in the case of Erich Maria Remarque. Piercing through an atmosphere of fog accompanying and following the publication of "Im Westen nichts Neues," I believe that my first impression was true. It was success that made Remarque write other books—"Im Westen nichts Neues" had made him an international celebrity. But already "Der Weg zurück" was neither as convincing nor as well-written as its predecessor. The books he wrote in the emigration are well-intentioned with occasional flashes of the old Remarque, but, in spite of the sufferings they describe, they fail to move the reader; they tend, in parts, to generalise too much, to exaggerate and to be too personal, a danger which Remarque's severest, but not politically biased critic, Rudolf G. Binding, already discovered in the first work.

"Zeit zu leben und Zeit zu sterben," however, is

a great book, a real come-back, surpassing even "Im Westen nichts Neues." It is the story of an "average" German who was sent from school into Hitler's wars. At the beginning we find him at the Russian front. He sees both the front and the morale cracking under defeat and retreat. He is a man able to think for himself, with decent instincts; but once degraded from his corporalship, he does not protest. Courageous in battle, he is frightened of the SS and as his leave is due, he is afraid to jeopardise it. But life at home proves far more bewildering than at the front, compelling him to come to an inner decision. His home town and his parent's house have been and are being badly bombed, and on his search for them he meets a girl whom he had known as a schoolboy. It all starts as a casual affair of a soldier for whom almost any girl would have "gone," but under the circumstances their renewed acquaintance develops into true love, a love that goes through noble and tender emotions, a love most intensely lived in danger and destruction, a short happiness and a will to live being snatched from a short leave—shortly before the final breakdown and always in close touch with all types of the German people whose character is put to the test. At the end of the novel the hero kills an SS man in his attempt to save some Russian partisans, but the freed peasants shoot him; the hatred accumulated in the world through the deeds of his countrymen is boundless. Remarque writes without hating and without forgetting, and, in spite of the cruel finale, some ray of hope remains that humanity will rise again after the catastrophe.

The title of the English edition (Hutchinson) sounds more sentimental than the German: Time to love, instead of time to live. This is, of course, not the translator's mistake. On the contrary, it makes us realise how much wisdom is demonstrated in language through the close connection between love and life, Lieben und Leben. And the English title is justified for still another reason. Remarque's new book is "Eine Weise von Liebe und Tod." Rilke's prose poem was a favourite among young readers during and after the first World War, Remarque's "Zeit zu leben und Zeit zu sterben" ought to appeal to the youth (and not only the youth) after the second. Its effect on the conscience is deeper and more far-reaching. Rilke's "Cornet" was the echo of a dying aristocratic world; Remarque's work belongs to the age of the common man with his temptations, tribulations and occasional divine glimpses of triumph.

## MEMORIAL TABLET FOR LUDWIG FRANK

A tablet in memory of the Jewish Social Democratic Reichstag Deputy Ludwig Frank, who fell as the first member of the Reichstag in 1914-18 war, was fixed in Nonnenweier (Baden) at the house of his birth.

## Old Acquaintances

**German Theatre in New York:**—After an interval of several years New York has again a German theatre. It started with a production by Rudolf Weiss of Molnar's "Spiel im Schloss" ("The Play's the Thing") in the "Hunter College." Sigfried Arno and his wife, Kitty Mattern, played the leading parts with success; the two came over from the west coast especially. Once famous comedian Arno is now a painter in his spare time and has done many portraits of the famous in Hollywood. He hopes to go to Argentina, where his gifted brother, the dancer Bruno Arno, lives. The next production planned in New York in German is Hauptmann's "Biberpelz" with Grete Mosheim in the lead.

**For old-time Sake:**—When William Dieterle directed his Wagner picture, "Magic Fire," for an American company in Munich, he didn't forget his old colleagues and gave smaller parts to old-timers like Hanna Ralph, who was once Emil Jannings' wife, and Erna Morena, who now runs a boarding-house in Bavaria. And while we are remembering forgotten actresses: Russian-born Anna Sten will be in "Soldier of Fortune," in Hollywood; Asta Nielsen signed to appear in Danish television; Flockina von Platen, Eugen Kloepler's widow, played in Frankfurt; and Brigitte Helm's son, Peter, acted in the picture "Geliebtes Fraulein Doktor."

**Home News:**—Emmeric Pressburger and Michael Powell are producing "Rosalinda," a modern version of "Fledermaus," with Anton Walbrook, Michael Redgrave, Oskar Sima, Tscherina and Orson Welles; after this they will direct "Ondine" with Audrey Hepburn, also in London.—Francis Lederer, who once played "Romeo" to Elisabeth Berner's "Julia" in Berlin, arrived from the States to take over Walbrook's part in Hans May's "Wedding in Paris" here.—Josef Somlo formed a new company with Edana Romney for the production of "The Island" for Columbia.—Frederic Gottfurd, the Berlin-born story editor of A.B.P., is working with Grahame Greene on a film script.—Go and see Otto Preminger's "Carmen Jones," a modernised version of Bizet's "Carmen," with an all-coloured cast; it's an outstanding picture.—Viennese composer, Robert Stolz, has been invited to conduct the B.B.C. and will come to London in April.

**Obituaries:**—In Ohlstadt, near Murnau, died actress Gertrud Eysoldt, aged 84. Max Reinhardt brought her to Berlin, where she created the parts of Wedekind's "Lulu," Oscar Wilde's "Salome," and Shaw's "Cleopatra," not to speak of the first female "Puck." During the last thirty years, that wonderful first lady of the German theatre appeared only very occasionally. Her son, Peter Berneis, returned a few years ago from his exile in the States to Germany, where he works on film scripts.—Maria Eis, aged 58, died in Vienna. She hailed from Prague and came via Hamburg to Vienna's "Burg" in 1932.

PEM

## FAMILY EVENTS

Entries in this column are free of charge. Texts should be sent in by the 18th of the Month.

## Engagements

**Bright—Librowicz.**—The engagement is announced of Marianne, only child of Mr. and Mrs. R. A. Bright, of 39 Belsize Park, London, N.W.3, to Rudolf, only son of Mr. and Mrs. H. Librowicz, of 212 Bradford Road, Shipley, Yorks.

**Rath—Plaut.**—The engagement is announced of Erica, daughter of Mr. and Mrs. S. Rath, of 20 Warkworth Street, Cambridge, to Erwin, only son of the late Dr. E. Plaut and Mrs. Plaut, of 12a Herga Court, Harrow-on-the-Hill, Middlesex.

## Marriage

**Graetz—Fried.**—The wedding took place on January 12, 1955, between Marianne, eldest daughter of Dr. and Mrs. M. Graetz, of Buenos Aires,

Argentina, and Ludwig, only son of Mrs. Margarete Fried, of Meshek Yagur, near Haifa, Israel, and the late Dr. H. Fried, of Berlin. 4, Burnside Flats, Burnside Road, Tamboers Kloof, Cape Town, South Africa.

## Deaths

**Mr. Frank M. Martin** (formerly Martin Salomon, Berlin) died suddenly in London on December 10, 1954, at the age of 64, deeply mourned by his brother, Dr. Alfred Salomon, Berlin-Frohnau, Fuerstenstrasse 47.

**Mr. Julius Reinach** (formerly of Kassel and London) passed away on December 25, 1954, at the age of 81 years at Schenectady, N.Y., U.S.A. Deeply mourned by his wife Martha, née Ortweiler, his daughter Ruth Bacharach, his sons Walter and Frank Reinach (46 Thurlfield Road, West Bromwich, Staffs).

**Mr. Joseph Lewin**, aged 92, of Woodcote House, Epsom, passed away on January 21 after a short illness, grandfather of Susan Inga Prince, 16 Sheriff Court, Sheriff Road, London, N.W.6.

**Rabbi Dr. M. Warschauer.** We regret to announce in deep sorrow that Rabbi Dr. M. Warschauer passed away peacefully in his 84th year. Gertrud Warschauer, his children and grandchildren. 34 Claremont Avenue, Woking, Surrey. Firfield, Grove Road, Guildford, Surrey.

MISSING PERSONS  
Enquiries from AJR

**Rothstein, Heinrich**, born 15.2.95 at Bukarest, lived in Berlin, last known address, 7 Links Road, Prestwich, for Klara Diener, Berlin.

**Auerbach, Helga**, born 18.6.23, in Berlin, came with children transport, for A. Hosiosky, New York.

**Kleinmann, Josef**, born 12.7.80, and Isidor, born 31.5.84, from Vienna, for JRSO, Berlin.

**Levy, Hans Werner**, last known address, 17 Hillside Gardens, Edgware. Wanted by London Post Office, which has received a parcel from Germany (Freiburg), containing belongings of deceased relatives.

## Enquiries from United Hias Service

9 Dryden Chambers, 119 Oxford Street, W.1.

**Cohn, Richard**, born 1925 in Vienna, son of Siegfried and Hilde, for J. Weisskopf (cousin).

**Daniels, Kurt**, or wife Irmgard, née Moser, of Cologne, for her cousin Alfred Sucher, New York.

**Genzer, Leo**, born 1905, came from Vienna beginning of war, for J. Doliner, New York.

**Sheinberg, Jacob**, born 1902 in Fuerth, musician, in London until 1947, for a cousin, S. Krantz.

**Rosenberg, Sonia**, born about 1931 in Leipzig, for Rosie Rothmench, née Rosenberg, in Canada.

## Personal Enquiry

**Dorothea Henriette** and brother **Eduard Ephraim**, from Lauenburg, Pomerania, emigrated from Germany to England about 1933 and later to Australia, wanted by Irma Heinzelmann, née Roeszler, Reutlingen/Neckar Urbanstr. 25, formerly Moers.

C. C. Aronsfeld:

## German Jews in Manchester

Salis Schwabe

Conspicuous too was the public spirit in another German Jewish merchant, Salis Schwabe, a calico-printer from Oldenburg, who settled in Manchester in 1832. He not only founded one of the most efficient industrial plants, but also showed himself, as few then did, conscious of an employer's social obligations. After a visit to the factory, Baron Bunsen, the Prussian Ambassador, remarked on "the numberless arrangements for the comfort and intellectual furtherance of the workpeople".

Schwabe also took a conscientious interest in the care for the blind and particularly the insane. He travelled widely to study the different modes of treatment, and the insane patients in the Manchester Infirmary (of which he was a trustee) had cause to bless him, for until he came there had been the custom of chaining and beating them. He collected, almost by himself, £25,000 to build a lunatic asylum for the town.

No less remarkable was he as a champion of Free Trade and a patron of the arts. In his house he received Richard Cobden and John Bright, but also Chopin, Jenny Lind, Mrs. Gaskell and Mrs. Carlyle. Much of this animated social life was inspired by his wife, whose considerable energies were favoured by the fact that she survived her husband by over 40 years. Mrs. Schwabe has left a lasting name as the foundress of Froebel education in England, though her interests spread far afield among the Liberal movements of Europe, and her name is equally well remembered in Italy, where, in response to an appeal from Garibaldi on behalf of his country's poverty-stricken children, she founded in 1864 a Froebel Institute at Naples.

Another Oldenburger, Philip Goldschmidt, attained the highest civic honours: he was twice elected Lord Mayor, in 1883 and again in 1885—the first foreign-born citizen so honoured. On his death in 1889, the *Manchester Guardian* acknowledged that "amongst the most active and earnest of the public men by whose zeal and self-sacrifice the varied interests of this community are sustained, Mr. Goldschmidt had long held a distinguished place".

Sir Arthur Schuster

The Jewish consciousness lay long still but at last gently stirred (despite the sacrament of

baptism) in one of the most remarkable of Manchester's German Jews, the late Sir Arthur Schuster, F.R.S., Hon. Professor of Physics in the University of Manchester, and, from 1912 to 1920, Secretary of the Royal Society.

His main work was advanced research in spectrology, the study so essential to atomic research, and Manchester in particular has great cause to remember him with gratitude. "It was (says his colleague, Professor H. R. Robinson, F.R.S.) largely due to Schuster's foresight that Manchester became the birthplace of nuclear physics and remained for some years its chief home. Few men," the colleague attested, "laboured more unselfishly for an institution and for a branch of learning than Sir Arthur Schuster did for the University of Manchester and for physics".

His Jewish interests were more perfunctory, very much in contrast to his gentle wife, the daughter of an English clergyman. Lady Schuster always took a keen interest in Jewish affairs and, according to Dr. Weizmann, actually reproached her children for their indifference to the Zionist movement. This interest was probably due to Dr. Weizmann's discreet propaganda, though the success was admittedly qualified. In his Memoirs, the Zionist chief writes: "Sir Arthur I could not get to take an active part in Zionism, but he did become a regular contributor to the Zionist funds and left part of his splendid library to the Hebrew University." (Concluded)

### SOCIETY FOR JEWISH FAMILY RESEARCH

To commemorate the thirtieth anniversary of the foundation of the "Gesellschaft fuer juedische Familienforschung" in Germany, a celebration took place in New York, at which addresses were given by Rabbi Dr. Adolf Kober, Professor Guido Kisch, Dr. Gerhard Schmidt, Mr. Hanns Benario, and Dr. Hanns Reissner. The speakers paid tribute to the founder and President of the Society, the late Dr. Arthur Czellitzer, who was deported from Holland during the war. Messages from previous members were read by the former Honorary Secretary, Mr. Albert Phiebig. The celebration was attended by the widow of Dr. Czellitzer and other members of his family.

## AUTOBIOGRAPHY OF A JEWISH SURGEON

Professor Paul Rosenstein: "Narben bleiben zurück" ("The Scars Remain"). Published by Kindler und Schiermeyer. 1954. 316 pp.

The title is an apposite one. The scars remaining after such an eventful life, so rich in traumata, must indeed be deep and painful. Rosenstein was the head of the Surgical Department of the Hospital of the Berlin Jewish Community, until he left Germany in 1938, and has succeeded in presenting his reminiscences to the reader in a gripping and vital manner. The present writer was closely associated with him for many years and was his permanent locum at the Jewish Hospital. Thus, many of the events here described form part of his own experience. The tradition of the master-surgeon, James Israel, is brought to life for us, as is the deserving and recognised work of the hospital, towards whose international repute Rosenstein made a very considerable contribution. The hospital continued its work throughout the Hitler period, succeeding in spite of all obstacles. Worthy of special mention are the post-graduate courses for Jewish doctors, which were always filled to capacity. Indeed, the period Rosenstein deals with represents an important epoch in the history of Jewish culture, which we can only look back on with pride and melancholy.

The experiences after 1933 are very terrible and only the energy and optimism of the almost 80-year-old author enabled him to overcome and now to relive these traumata. For the Jewish doctor this book will have a special and lasting meaning. But also for every other cultured human being these memoirs will be full of interest. They are written with great charm. Every page glows with Rosenstein's happy disposition, his closeness to nature and to humanity. Exemplary are his love for his family, his reverence for his teachers (Israel and Eiselsberg), and his friendship with colleagues and his many students, who are now scattered all over the world. Thus, this book should appeal to a wide circle of readers.

DR. GEORG WOLFSOHN (Jerusalem).

### CLASSIFIED

#### Situations Vacant

LAWYER wanted to help German-Jewish Refugee in collecting data for restitution and compensation claims, temporary, part-time. Box 30.

ELDERLY COUPLE (wife semi-invalid) require Resident Cook-general, who will also give some personal attention; daily help kept; modern flat; central heating. Phone PER.6174 or write Mayer, 29 Mount View, Mount Avenue, Ealing, W.5.

WANTED, reliable Maid. £3 10s. weekly, for 5-roomed flat. Box 57.

WANTED experienced Cook for kosher kitchen, twice weekly. Box 58.

#### Situations Wanted

##### Men

BOOKKEEPER, exp., reliable, wants suitable position. Box 37.

BOOKKEEPER, elderly, good ref., wants part-time work. Box 38.

CLERK. Typist bookkeep., exp., wants position, pref. with Export firm. Box 39.

CLERK, elderly, intelligent and reliable, wants gen. office work incl. typing and figure work. Box 40.

PACKER-STOREKEEPER. Job wanted by reliable man, who came to the U.K. recently and has to improve his English. Any offer considered. Box 41.

CLERK, former lawyer, wants suitable position, incl. corresp./bookkpg. Knowledge of Italian, Czech, Polish, French. Box 42.

##### Women

DRESSMAKER wants in or outdoor work for private people, in dress-making or alterations. Box 43.

LADY SECRETARY wants spare time work of any kind in return for comfortable accommodation. Box 56.

MENDING by hand done by disabled woman. Box 44.

SEWING. Exp. and reliable woman wants work as linen keeper or machinist, part-time preferred. Box 45.

CHILDREN'S NURSE, exp., wants full or part-time work (not residential). Box 46.

COOK, good ref., wants part-time work in private household. Box 47.

DAILY HOUSEKEEPER available, full or part-time, good cook. Box 48.

ATTENDING SICK AND INVALID PEOPLE, by exp. and patient woman. Not residential. Box 49.

COMPANION-SITTER available, good ref. Box 50.

SHORTHAND TYPIST, Engl. and German, exp., wants part-time work. Box 51.

FACTORY WORKER, 44, wants work, for drilling and tapping. Box 52.

MASSAGE, medical and Beauticulture, by exp. reliable lady. Box 53.

### Accommodation

ACCOMMODATION, with or without board, wanted, pref. in the N.W. districts. AJR Social Services Department, MAI.4449.

VACANCY FOR PERMANENT GUEST, lady or gentleman, in beautifully situated well-heated country house, Continental cooking, every diet. Mrs. K. Schwarz, "Furzedown," Wood Road, Hindhead, Surrey.

FOR SALE. Ultra modern detached Corner House, with every latest comfort, situated in the best part of Golders Green, for sale. Would also be ideal for Professional. Phone Speedwell 9295.

TWO SINGLE ROOMS available in newly built private well furnished centrally heated house, close to Hampstead Heath. Full board provided. Box 55.

TO LET, charming bed-sitting room, own hot and cold basin, in mod. quiet private house, off Finchley Road. Ham.7792.

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TO LET. Ground floor Office and Basement, adjacent Finchley Road Tube Station, approx. 1,000 sq. ft. Low rent. Some office equipment to be taken over. Box 33.

### Miscellaneous

DEUTSCHE BUECHER GESUCHT! R. & E. Steiner, 64 Talgarth Rd., W.14 FUJ 7924

ADVERTISER, with modern double-fronted shop (household linens), Paddington area, and small back room/workroom, requires active partner with some capital for expansion, ladies' children's underwear, outerwear or manufacturing. Suggestions with full particulars. Box 31.

BUREAU (WRITING DESK) in good condition wanted. Box 34.

WIDOW, friendly, middle-aged, wishes to meet lady, similar position, to share holiday abroad, early reply essential. Box 36.

### Personal

WIDOWER (46), in secure position, would like to meet cultured lady, with view to marriage. Box 35.

WIDOW, 50, attractive, lack of connection, would like to meet a gentleman, sincere, age between 55-65, sociable, fond of home life. Object matrimony. Box 32.

GOOD HUSBAND wanted for friend-33, attractive, educated. Some means. Box 29.

MARRIAGE. For an attractive slim young lady, well educated, with good background. I would like to meet established businessman or Professional, aged about 40. Strictly confidential. Box 54.

# ZWEITE DURCHFUEHRUNGSVERORDNUNG ZUM BUNDESENTSCHAEDIGUNGSGESETZ (BEG)

vom 28.12.54 BGBI I. S.510 (2. DV BEG) betreffend

## SCHADEN AN KOERPER UND GESUNDHEIT

Von K. Friedlander

Die 2. DV BEG erlaeuert und ergaenzt den § 15 BEG (Schaden an Koerper und Gesundheit) in 31 Paragraphen und einer Besoldungsuebersicht. Im Folgenden soll die Rechts- und Sachlage dargestellt werden, wie sie sich aus der DV im Zusammenhang mit den Bestimmungen des BEG ergibt. Hierbei sind beruecksichtigt: die amtliche Begruendung (Bundesratsdrucksache Nr. 324/54) ("Begruendung") und der Aufsatz von Oberregierungsrat Dr. Wilden im Bundesanzeiger Nr. 2/55 ("Wilden").

### I. BESONDERE ANSPRUCHSVORAUSSETZUNGEN

#### Verfolgung

Der Verfolgte hat Anspruch auf EntschaeDIGUNG wenn er in der Zeit vom 30. Januar 1933 bis zum 8. Mai 1945 wegen seiner gegen den Nationalsozialismus gerichteten politischen Ueberzeugung, aus Gruenden der Rasse, des Glaubens oder der Weltanschauung durch nationalsozialistische Gewaltmassnahmen an seiner Gesundheit nicht unerheblich geschaedigt wurde. Nationalsozialistische Gewaltmassnahmen sind solche Massnahmen, die auf Veranlassung oder mit Billigung einer Dienststelle oder eines Amtstraegers des Reichs oder eines Landes, oder einer sonstigen Koerperschaft, Anstalt, Stiftung des oeffentlichen Rechts oder der NSDAP oder ihrer Gliederungen oder angeschlossenen Verbaende gegen den Verfolgten gerichtet worden sind. Es sollten hierbei keine zu hohen Beweisanforderungen gestellt werden. Eine gegen den Ehemann gerichtete Verfolgung muss auch als gegen die Ehefrau gerichtet angesehen werden (Wilden).

Es ist im Gegensatz zum Schaden am Leben nicht notwendig, dass eine der vorgenannten Stellen vorsaeztlich oder leichtfertig gehandelt hat. Es ist auch nicht noetig, dass die Veranlassung und Billigung im Einzelfall vorgelegen hat. Es genuegt, wenn die Massnahme im Rahmen der von Staat und Partei generell verfolgten Politik liegt (Wilden), z.B. Koerperschaeden, die waehrend des Pogroms am 10.11.38 erlitten worden sind.

#### Nachhaltige Schaeden

Als unerheblich gelten Schaeden, die weder die geistige, noch die koerperliche LeistungsfaeDIGUNG des Verfolgten nachhaltig gemindert haben und voraussichtlich auch nicht mindern werden (§ 15 Abs 1 Satz 3 BEG). Nachhaltig ist die Minderung der LeistungsfaeDIGUNG, wenn mit Wahrscheinlichkeit anzunehmen ist, dass sie nicht nur voeruebergehend bestanden hat oder nicht nur voeruebergehend bestehen bleiben wird (§ 6 DV).

#### Anlagebedingte Leiden und Verschlimmerung fruereher Leiden

Anlagebedingte Leiden gelten als durch nationalsozialistische Verfolgungsmassnahmen verursacht, wenn sie ohne diese nicht ausgeloeset oder nicht verschlimmert worden waeren (§ 4 DV). Auch die durch nationalsozialistische Gewaltmassnahmen verursachte Verschlimmerung fruereher Leiden gilt als Verfolgungsschaden (§ 5 DV).

#### Ursaechlicher Zusammenhang

Der Verfolgungsschaden muss in ursaechlichem Zusammenhang zwischen dem erlittenen Schaden und der Verfolgung stehen. Da in sehr vielen Faellen sich dies nicht mehr mit Sicherheit feststellen laesst, so genuegt es, wenn der ursaechliche Zusammenhang *wahrscheinlich* ist (§ 1 DV). Soweit bisher in einzelnen Faellen ein strengerer Masstab angelegt wurde, wird eine Nachpruefung erfolgen muessen.

Wie beim Schaden am Leben besteht fuer den ursaechlichen Zusammenhang eine *Vermutung*, wenn der Schaden waehrend der Deportation oder waehrend einer Freiheitsentziehung (politische Haft, haftaehnliche Zwangs-

### II. GESETZLICHE ANSPRUECHE

Das Gesetz sieht als Ansprueche vor: Heilverfahren, Rente und Kapitalentschaedigung.

Bei der Rente und Kapitalentschaedigung ist Voraussetzung, dass das verfolgungsbedingte Leiden die Erwerbsfaehigkeit um mindestens 30% beeintraehtigt. Der Anspruch auf Heilverfahren haengt nicht davon ab, dass der Verfolgte in seiner Erwerbsfaehigkeit um mindestens 30% erwerbsbeschraenkt ist (§ 9 DV).

Die Bestimmungen ueber Heilbehandlung beziehen sich auf verfolgungsbedingte Leiden. Soweit landesrechtliche Vorschriften guenstigere Bedingungen vorsehen, sind diese durch § 104 BEG aufrecht erhalten.

#### 1. HEILVERFAHREN

##### Umfang des Heilverfahrens (§ 10 DV)

Das Heilverfahren umfasst:

- die notwendige aertzliche Behandlung,
- die notwendige Versorgung mit Arznei- und anderen Heilmitteln, Ausstattung mit Koerperersatzstuecken, orthopaedischen und anderen Hilfsmitteln, die den Erfolg der Heilbehandlung sichern oder die Folgen der Schaedigung erleichtern sollen,
- die notwendige Pflege.

##### Erfuellung des Anspruchs (§ 11 DV)

Der Anspruch auf ein Heilverfahren wird dadurch erfuehrt, dass die dem Verfolgten erwachsenen notwendigen und angemessenen baren Auslagen erstattet werden.

Der Zustimmung der EntschaeDIGUNGSBEHORDERE vor Einleitung des Heilverfahrens beduerfen:

- Kur in einer Heilanstalt (Heilanstaltspflege oder Heilstaettenbehandlung),
- Kur in einem Badeort (Badekur),
- Ausstattung mit Koerperersatzstuecken,
- Ausstattung mit orthopaedischen und anderen Hilfsmitteln.

##### Hausgeld (§ 12 DV)

Erleidet der Verfolgte durch das Heilverfahren einen Verdienstausschlag, so kann er unter gewissen Voraussetzungen ein Hausgeld bis zur Hoehe seines Verdienstausschlags erhalten.

arbeit oder Strafhaft) oder im unmittelbaren Anschluss daran erlitten worden ist. Ein unmittelbarer Anschluss liegt nicht vor, wenn der Schaden spaeter als 6 Monate nach Beendigung der Deportation oder der Freiheitsentziehung in Erscheinung getreten ist (§ 3 DV).

Die Vermutung erstreckt sich nicht auf ein durch die Verfolgung verursachtes Leben in der Illegalitaet. Hier muss also festgestellt werden, dass das bestehende Leiden durch das Leben in der Illegalitaet verursacht ist. Ein Unterschied zwischen illegalem Leben in- und ausserhalb der Bundesrepublik und Westberlin besteht hier nicht.

Die Vermutung erstreckt sich auf die *Verursachung* des Schadens durch nationalsozialistische Gewaltmassnahmen. Sie erstreckt sich nicht auf den ursaechlichen Zusammenhang zwischen dem verursachten Schaden und dem jetzigen Gesundheitszustand des Mandanten. Wenn z.B. ein Verfolgter im KZ oder im unmittelbaren Anschluss daran an einer Lungentuenzung erkrankt ist, so wird vermutet, dass diese Lungentuenzung durch Verfolgungsmassnahmen verursacht ist. Wenn sich spaeter eine Lungentuberkulose entwickelt hat, so muss insoweit der ursaechliche Zusammenhang dargetan werden. Es muss also festgestellt werden, dass es wahrscheinlich ist, dass die Tuberkulose eine Folge der Lungentuenzung ist (s. "Begruendung").

#### Amtsverfahren

Die EntschaeDIGUNGSORGANE haben die erforderlichen Feststellungen von amtswegen zu treffen und die erforderlichen Ermittlungen von amtswegen anzustellen. Es liegt aber im Interesse des Verfolgten die EntschaeDIGUNGSORGANE hierbei zu unterstuetzen, da diese zu einer Abweisung des Anspruchs kommen muessen, wenn sie die den Anspruch begruendenden Tatsachen nicht feststellen koennen.

#### Aerztliche Gutachten

Da es sich um koerperliche Leiden handelt, spielen die aertzlichen Gutachten eine hervorragende Rolle. Es wird daher hier eine Mitwirkung des Verfolgten verlangt. Dieser hat sich einer von den EntschaeDIGUNGSORGANEN angeordneten aertzlichen Untersuchung zu unterziehen. Die aertzliche Untersuchung und Beobachtung soll der Feststellung der Ursaechlichkeit zwischen Verfolgung und dem Schaden, sowie der Feststellung des Grades und der voraussichtlichen Dauer der Beeintraehtigung der Erwerbsfaehigkeit dienen. Da der Gesundheitszustand schwankend sein kann, ist der Verfolgte verpflichtet, sich auch Nachuntersuchungen zu unterziehen. Hat er aber das 65. Lebensjahr (bei Frauen das 60. Lebensjahr) vollendet, so darf die Nachuntersuchung nur auf Antrag des Verfolgten stattfinden. Weigert sich der Verfolgte, sich einer von der EntschaeDIGUNGSBEHORDERE angeordneten Nachuntersuchung zu unterziehen, so kann sein Anspruch abgelehnt und es koennen schon bewilligte Renten ganz oder teilweise eingestellt werden (§ 7 und 8 DV).

#### Verfolgte im Ausland (§ 13 DV)

Uebersteigen die einem Verfolgten, der seinen Wohnsitz oder dauernden Aufenthalt im Ausland hat, erwachsenen notwendigen und angemessenen baren Auslagen fuer das Heilverfahren die Kosten eines entsprechenden Heilverfahrens im Geltungsbereich des Gesetzes (Westdeutschland oder West-Berlin), so darf der zu erstattende Betrag die doppelte Summe dieser Kosten nicht ueberschreiten.

Mit vorheriger Zustimmung der EntschaeDIGUNGSBEHORDERE kann der Verfolgte sich im Geltungsbereich des Gesetzes einem Heilverfahren unterziehen.

#### 2. RENTE

##### Grundlage der Berechnung (§ 14 DV)

Die Rente wird vom ersten des Monats ab gewaehrt, der dem Monat folgt, in dem die Voraussetzung fuer den Rentenanspruch erfuehrt ist, fruehestens aber vom 1.11.53 ab.

Die Rente wird in monatlich vorauszahlbaren Teilbetruegen unter Zugrundelegung der GehaeLTER eines Beamten festgesetzt, die sich aus der, der DV beigefuegten Besoldungsuebersicht ergeben. Die drei seit Kriegsende eingetretenen BesoldungserhoeHUNGEN, sind hierbei beruecksichtigt. Die Besoldungsuebersicht ergibt folgende GehaeLTER, die nach dem Lebensalter am 1. Mai 1949 bis zum 30., und vom 30., 35., 40., 45., 50., 55. Lebensjahr gestaffelt sind. Die Hoehe der GehaeLTER ist nach jetzigem Stand folgende:

Hoeherer Dienst	... DM 6.468.—bis 15.180.—
Gehobener Dienst	... DM 4.752.—bis 9.504.—
Mittlerer Dienst	... DM 3.696.—bis 6.072.—
Einfacher Dienst	... DM 3.168.—bis 4.356.—

##### Art der Berechnung (§ 15 DV)

Fuer die Einreihung in eine Besoldungsgruppe und die Berechnung der Rente ist die oben erwaeHnte Besoldungsuebersicht zugrunde zu legen. Massgebend ist das DienstehALTER, das dem Verfolgten bei der Einreihung nach seinem Alter am 1. Mai 1949 zugestaeNDEN HAEETTE.

##### Einreihung in eine vergleichbare Beamtengruppe (§ 16 DV)

Fuer die Einreihung des Verfolgten in eine vergleichbare Beamtengruppe ist seine wirtschaftliche und soziale Stellung im Zeitpunkt der Verfolgung, die den Schaden an Koerper oder Gesundheit verursacht hat, massgebend.

Die wirtschaftliche Stellung bestimmt sich nach dem Durchschnittseinkommen des Verfolgten in den letzten drei Kalenderjahren vor dem Beginn der gegen ihn gerichteten Verfolgung. Durchschnittseinkommen im Sinne dieser Vorschrift ist der durchschnittliche Gesamtbetrag der Einkünfte aus Land- und Forstwirtschaft, aus Gewerbebetrieb, aus selbstständiger Arbeit und aus nichtselbstständiger Arbeit. Eine Minderung des Einkommens durch vorausgegangene Verfolgung bleibt ausser Betracht.

Einkünfte aus Land- und Forstwirtschaft und aus Gewerbebetrieb bleiben insoweit ausser Betracht, als sie nicht auf der eigenen Arbeitsleistung des Betriebsinhabers beruhen. Bei der Ermittlung des Wertes der eigenen Arbeitsleistung ist zum Vergleich die Vergütung heranzuziehen, die einem Dritten als Arbeitsentgelt üblicherweise gewährt worden wäre.

War ein unselbstständig erwerbstaetiger Verfolgter mit Ruecksicht auf seine verwandtschaftlichen Beziehungen zum Unternehmer nicht gegen Entgelt oder gegen unverhaeltnismaessig geringes Entgelt taetig, so ist die tariflich oder sonst uebliche Verguetung zugrunde zu legen.

Die soziale Stellung des Verfolgten bestimmt sich nach der auf seiner Vorbildung, seinen Leistungen und seinen Faehigkeiten beruhenden Geltung im oeffentlichen Leben.

Bei der Einreihung einer Verfolgten, die als Hausfrau taetig war, ist von der wirtschaftlichen und sozialen Stellung ihres Ehemannes auszugehen.

#### Beeinträchtigung der Erwerbsfaehigkeit (§ 17 DV)

Die Beeinträchtigung der Erwerbsfaehigkeit ist nach der koerperlichen Beeinträchtigung des Verfolgten im allgemeinen Erwerbsleben zu beurteilen. Der vor dem Beginn der Verfolgung ausgeuebte Beruf oder eine vor diesem Zeitpunkt bereits begonnene oder nachweisbar angestrebte Berufsausbildung ist zu beruecksichtigen.

#### Mehrere Ursachen der Beeinträchtigung der Erwerbsfaehigkeit (§ 18 DV)

Ist die Erwerbsfaehigkeit des Verfolgten auch durch andere Ursachen als durch die verfolgungsbedingte Schaedigung beeinträchtigt, so wird bei Bemessung der Hoehe der Rente die durch die verfolgungsbedingte Schaedigung herbeigefuehrte Beeinträchtigung der Erwerbsfaehigkeit zugrundegelegt, wobei der vor dem Beginn der Verfolgung ausgeuebte Beruf oder eine vor diesem Zeitpunkt bereits begonnene oder nachweisbar erstrebte Berufsausbildung zu beruecksichtigen ist. Dies gilt natuerlich nur, wenn die anderen Leiden mit dem verfolgungsbedingten Leiden in keinem Zusammenhang stehen (Wilden). Wenn das bestehende Leiden Mitursache fuer das verfolgungsbedingte Leiden ist, so ist die aus den beiden Leiden sich ergebende Erwerbsbeschaerung zu beruecksichtigen. Wenn z.B. ein Verfolgter, dessen Erwerbsfaehigkeit durch den Verlust eines Beines bereits beschaernt war, auf dem Transport zum KZ faellt und sich ein weiteres Leiden zueht, so ist die Erwerbsbeschaerung auf Grund dieser beiden Leiden zu beruecksichtigen, da wahrscheinlich ist, dass ohne den bereits bestehenden Verlust eines Beines der Verfolgte nicht gefallen waere.

#### Bemessung des Hundertsatzes (§ 19 DV)

Die Rente ist in einem Hundertsatz der in der Besoldungsuebersicht gegebenen Gehaelter festzusetzen. Sie betraegt bei einer Beeinträchtigung der Erwerbsfaehigkeit:

- von 30-39 v.H. mindestens 15 und hoechstens 40 v.H.
- von 40-49 v.H. mindestens 20 und hoechstens 45 v.H.
- von 50-59 v.H. mindestens 25 und hoechstens 50 v.H.
- von 60-69 v.H. mindestens 30 und hoechstens 55 v.H.
- von 70-79 v.H. mindestens 35 und hoechstens 60 v.H.
- von 80 und mehr v.H. mindestens 40 und hoechstens 70 v.H.

Fuer die Bemessung des Hundertsatzes des Dienststeinkommens sind die persoelichen, wirtschaftlichen und sozialen Verhaeltnisse des Verfolgten im Zeitpunkt der Entscheidung massgebend.

Zu den persoelichen Verhaeltnissen gehoeren insbesondere Art und Schwere der koerperlichen Versehrtheit.

Bei der Wuerdigung der wirtschaftlichen und sozialen Verhaeltnisse sind insbesondere folgende Umstaende zu beruecksichtigen:

- a) gesetzliche Unterhaltspflichten,
- b) eigener Arbeitsverdienst und eigene Dienstbezuuge,
- c) eigener Arbeitsverdienst, den der Verfolgte zwar nicht erzielt, aber durch zumutbare Arbeit erzielen koennte,
- d) Leistungen aus privaten Versicherungsverhaeltnissen,
- e) Vermoegensertraegnisse,
- f) Rentenleistungen auf Grund sonstiger Vorschriften des BEG,
- g) sonstige Versorgungsbezuuge.

Erzielte oder erzielbare Einkuenfte werden nur insoweit beruecksichtigt, als sie den Betrag von 150 Deutsche Mark monatlich uebersteigen.

Nicht zumutbar ist eine Arbeit, die bei der sozialen Stellung des Verfolgten nicht ueblich ist. Einer Verfolgten ist eine Erwerbstaetigkeit insbesondere dann nicht zuzumuten, wenn sie:

- a) fuer ein Kind unter 14 Jahren zu sorgen hat oder
- b) das 45. Lebensjahr vollendet hat oder
- c) keine Berufsausbildung besitzt und bisher nicht erwerbstaetig war oder
- d) in ihrer Erwerbsfaehigkeit um mindestens 50 vom Hundert gemindert ist.

#### Mindestrente (§ 21 DV)

Bei den nach den vorstehenden Ausfuehrungen zu berechnenden Renten fuehren folgende Mindestbetrage nicht unterschritten werden:

von 30 bis 39 v.H. ... ..	100 DM
von 40 bis 49 v.H. ... ..	125 DM
von 50 bis 59 v.H. ... ..	150 DM
von 60 bis 69 v.H. ... ..	175 DM
von 70 bis 79 v.H. ... ..	200 DM
von 80 und mehr v.H. ... ..	250 DM

Der Anspruch des Verfolgten, der das 65. (bei weiblichen Verfolgten das 60.) Lebensjahr vollendet hat und in seiner Erwerbsfaehigkeit um mindestens 50 vom Hundert gemindert ist, hat nicht zur Voraussetzung, dass die Minderung der Erwerbsfaehigkeit von 50 vom Hundert ausschliesslich auf einer Verfolgung beruht. Die Vorschrift des § 15 Abs. Nr. 2 BEG bleibt unberuehrt. Es muss aber eine Erwerbsbeschaerung von mindestens 30% durch ein verfolgungsbedingtes Leiden vorliegen.

#### Verteilung von anzurechnenden Leistungen (§ 22 DV)

Nach § 4 BEG sind Leistungen anzurechnen, die im Zuge der EntschaeDIGUNG fuer Opfer des Nationalsozialismus bewirkt worden sind. Wenn aber solche Leistungen fuer einen bestimmten Zeitraum oder fuer einen bestimmten Schadenstatbestand bewirkt worden sind, so sind sie auf die EntschaeDIGUNG fuer diesen Zeitraum oder diesen Tatbestand anzurechnen.

Bei Anrechnung von Leistungen auf laufende Renten soll der anzurechnende Betrag derart verteilt werden, dass dem Verfolgten mindestens die Haelfte des ihm gesetzlich zustehenden Mindestbetrages der Rente verbleibt.

#### Erloeschen der Rente (§ 23 DV)

Im Falle des Todes des Verfolgten erlischt die Rente mit dem Ende des Monats, in dem der Verfolgte stirbt.

#### Anzeigepflicht (§ 24 DV)

Der Verfolgte ist verpflichtet, der zustaeNDigen EntschaeDIGUNGSBEHORDERE die in § 15 Abs. 3 BEG genannten Arbeitsverdienste, Leistungen und Ertraegnisse und die Aenderung der Einkommensverhaeltnisse unverzueglicH anzuzeigen.

Hat der Verfolgte einen gesetzlichen Vertreter, so obliegt diesem die Anzeigepflicht.

#### Verletzung der Anzeigepflicht (§ 25 DV)

Kommt der Verfolgte oder sein gesetzlicher Vertreter der nach § 24 bestehenden Anzeigepflicht nicht nach, so findet § 95 BEG entsprechende Anwendung.

#### Aenderung der Verhaeltnisse (§ 26 DV)

Haben sich die Verhaeltnisse, die der Bemessung der Rente zugrunde gelegt waren, nach deren Festsetzung so geaendert, dass die auf Grund der veraenderten Verhaeltnisse neu errechnete Rente um mindestens 10 vom Hundert von der festgesetzten abweicht, so kann die EntschaeDIGUNGSBEHORDERE einen neuen Bescheid ueber den Anspruch erlassen.

Eine Erhoehung der Rente wird wirksam mit dem Ersten des Monats, der dem Monat folgt, in dem die Verhaeltnisse sich geaendert haben. Eine Minderung oder Entziehung der Rente wird wirksam mit Ablauf des auf die Zustellung des Bescheides folgenden Monats. Hat der Verfolgte diesen Bescheid schuldhaft verhindert oder verzoegert, so kann die Rueckzahlung der infolgedessen ueberzahlten Rente angeordnet werden.

Ueber die Neufestsetzung oder die Ablehnung einer Neufestsetzung der Rente entscheiden die EntschaeDIGUNGSBEHORDEREN durch Bescheid.

#### Umschulung zur Wiederherstellung oder Besserung der LeistungsfaeHigkeit (§ 20 DV)

Dem Verfolgten, der bereit ist, sich einer Umschulung fuer einen anderen Beruf zu unterziehen, koennen Beihilfen zu den entstehenden Kosten bewilligt werden, wenn mit Wahrscheinlichkeit zu erwarten ist, dass die Umschulung zu einer Wiederherstellung oder Besserung seiner LeistungsfaeHigkeit fuehren wird.

Diese sehr komplizierten Bestimmungen ergeben folgendes Verfahren:

Zuerst wird die durch das verfolgungsbedingte Leiden hervorgerufene Erwerbsbeschaerung festgesetzt. Dann wird der Verfolgte in eine der in der Besoldungsuebersicht vorgesehenen Beamtengruppen eingereiht, wofuer seine wirtschaftliche und soziale Stellung zur Zeit der Verfolgung und sein Lebensalter am 1.1.49 massgebend sind. Dann wird errechnet, welcher Prozentsatz des Gehalts als Rente festzusetzen ist. Hierbei sind die Schwere seiner Verletzung und seine jetzigen wirtschaftlichen Verhaeltnisse zu beruecksichtigen.

Darueber, in welcher Form auslaendische Einkommen zu beruecksichtigen sind, trifft die DV keine besondere Regelung. Die amtliche BegrueNDUNG sagt, dass bei Einkuenften des Verfolgten im Ausland die Kaufkraft, die diese Einkuenfte am Wohnsitz des Verfolgten haben, nicht ausser acht bleiben darf. Es muss als allgemeiner Grundsatz gelten, der schon bei verschiedenen Gesetzen in der Praxis angewandt wird, dass bei auslaendischen Einkommen die Kaufkraft und der Lebensstandard am Wohnsitz des Verfolgten in Betracht gezogen werden muessen. Dies muss auch fuer den Schaden an Koerper und Gesundheit gelten.

#### 3. KAPITALENTSCHAE DIGUNG

Die KapitalentschaeDIGUNG (§ 27 DV) wird in der Weise berechnet, dass fuer jeden vollen Monat, der vom Zeitpunkt der Beeinträchtigung der Erwerbsfaehigkeit um mindestens 30% bis zum 31. Oktober 1953 verlossen ist, der auf ihn entfallende Betrag der Rente anzusetzen ist. Die Bestimmungen ueber Mindestrente finden hierbei keine Anwendung.

Sind zu einem vor dem 1.11.53 liegenden Zeitpunkt Erloeschungsgruende eingetreten, so ist der Bemessung der KapitalentschaeDIGUNG der Zeitraum von dem Eintritt der Beeinträchtigung bis zu diesem Zeitpunkte zugrunde zu legen.

Fuer die Zeit vor dem 21.6.48 ist der Betrag der Rente in RM anzusetzen und im Verhaeltnis 10 : 2 in DM umzulegen.

#### 4. VERERBLICHKEIT UND UEBERTRAGBARKEIT

##### KapitalentschaeDIGUNG

Der Anspruch auf KapitalentschaeDIGUNG geht auf die Erben ueber, wenn der Verfolgte am 1.1.47 oder spaeter gestorben ist. Ist er vor dem 1.1.47 gestorben, so geht der Anspruch nur auf die Ehefrau und die Erben der ersten und zweiten Ordnung (Kinder, Eltern und deren Nachkommen) ueber (§ 28 DV).

##### Renten

Der Anspruch auf Rente ist grundsaeztlich weder uebertragbar noch vererblich. Nach der ausdruecklichen Bestimmung der DV geht aber die Summe der rueckstaendigen Rentenbetrage in der gleichen Weise wie die KapitalentschaeDIGUNG auf die Erben ueber (§ 28 DV).

#### 5. FUERSORGE FUER HINTERBLIEBENE

Wenn der Verfolgte an dem durch die Verfolgung verursachten Leiden stirbt oder gestorben ist, wenn also ein ursaechlicher Zusammenhang zwischen dem Koerperschaden und dem Tod besteht, so erhalten die Hinterbliebenen Wiedergutmachungsleistungen nach den Bestimmungen ueber Schaden am Leben, mit der Massgabe, dass die Renten vom 1. des Monats an geleistet werden, der auf den Monat folgt, in dem der Verfolgte stirbt oder gestorben ist, fruehestens jedoch vom 1.11.53 (§ 29 DV).

Zum Schluss sei noch bemerkt, dass sowohl die KapitalentschaeDIGUNG wie die Renten von der Einkommen- und Lohnsteuer befreit sind.

## Letter to the Editor

## "GERMAN JEWS IN MELBOURNE"

I should like to add some remarks to the article on "German Jews in Melbourne," published by your paper in October, 1954.

As a rough guess, there are amongst the 25,000 Jews in Melbourne about 2,000 of German origin. Many of them belong to one congregation or another—from the Liberal Temple to the orthodox Agudath—others are working for or contributing to the many Jewish organisations ranging from B'nai B'rith to Zionist groups, from adult education to sport. The biggest Jewish congregation in Australia (Liberal Temple Beth Israel) is under the spiritual guidance of a former German Jew, Rabbi Dr. H. Sanger. A kind of "Lehrhaus" is conducted by Professor Billingsheimer. Other prominent immigrants are the F. B. Lippmann family (formerly Hamburg), further Dr. Benjey and Dr. Kraus, who are leaders of the local communal life.

It is also interesting to note that the German Consul-General in Melbourne, Dr. E. Aschner, is a Jew.

Yours, etc.,

Werner Graff.

80, Swanston Street,  
Melbourne, C.I., Vic., Australia.

Another correspondent draws attention to the following names not referred to in the article:—

The mathematicians Dr. F. A. Behrend and Dr. H. W. E. Schwerdfeger, the philosopher Dr. W. D. Falk, the psychologist Professor O. A. Oeser, the

## PERSONALIA

It is announced with greatest regret that Mr. Manfred Frankel, of 6, Beechwood Hall, London, N.3, passed away recently. A deeply religious man, Mr. Frankel was throughout his life closely associated with many Jewish causes. He took an ardent interest in the work of the AJR since its inception and was a member of the AJR Board. Our sympathy goes to his wife, who is an active communal worker in her own right, and to his children. By all those who knew him, Manfred Frankel will be remembered with gratitude as a noble man and upright Jew.

Dr. F. P. Horowitz passed away on January 9. He was not only an excellent physician as specialist at the Charterhouse Rheumatism Clinic, but also took a deep human interest in the well-being of his patients. In various cases he acted as a selfless adviser to the AJR Social Services Department.

Director for Physical Education Dr. Fritz Duras, all at Melbourne University. The teaching staff of Sydney University also includes immigrants from Germany, amongst them Dr. Kurt Singer, formerly Professor in Hamburg and editor of the "Wirtschaftsdienst." Outside the orbit of the University life the former Professor of Dentistry at Hamburg University, Dr. Seefeld, should be mentioned, who is now working as a dental surgeon in Melbourne.

On December 14 Reg. Rat a.D. Dr. Hugo Jacobi died in Zurich. Born in Strasbourg in 1883, he belonged to the circle of Stadler, Schickele and Flake, but was not, as poet, so well known as these. Yet his immense interest in, and memory of, people created an extraordinarily large circle of friends and acquaintances in many parts of the world. His last lectures were on Albert Schweitzer, whom he had recently visited.

He was a kindly, humorous man, not afraid of a joke against himself, with a deep sense of responsibility and a sensitive poetical nature: a most lovable person!

W. M. S.

After this issue had gone to print, the sad news was received that Rabbi Dr. M. Warschauer passed away. An obituary will be published next month.

## THE HYPHEN

Sunday, February 20, 7.30 p.m.—A talk on "Graphology" by Dr. M. Lowengard, at Zion House, 57 Eton Avenue. Visitors 1s. 6d.

Saturday, February 26, 3 p.m.—Visit to Public Record Office Museum, Chancery Lane.

The Hyphen is a group of young people, mostly Continental and Jewish. For further details of other functions this month, send a stamped addressed envelope to Miss Helen H. Eisner, 26 Arthur Court, Queensway, W.2.

## THE DORICE

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