
such a chance was denied many European survivors who lived under communism.

Should American and Israeli institutions benefit from these funds or should they be devoted to European Jewish institutions which are less able to sustain themselves? For American and Israeli institutions, these funds are a blessing. For some European institutions, they are a necessity.

If there are to be institutional beneficiaries, should they go to the cause of Holocaust remembrance and memorialization, or toward the purpose of Jewish education? Should they aid the survivors directly or be put at the disposal of the larger Jewish community to be decided by a process of establishing communal priorities? These funds are from the Holocaust. Should they not be spent to memorialize the victims or, alternatively, to preserve the values that were an integral part of the victims' lives?

This Must Not Divide Us

Each claimant can offer persuasive arguments as to why his position should prevail. Each has *bona fide*, value-laden arguments. Each has truths to bring to her side. Each can marshal political pressures within Jewish institutional life. A mechanism must be established that can allow for the appropriate resolution of conflicting legitimate demands lest the war of the Jews—the battle for tangible resources—overshadow the larger achievements of the cause.

While we can unambivalently welcome the re-examination of national myths that is currently taking place, the battle for the return of Jewish assets, communal and individual, may be a mixed blessing unless we address serious issues and establish an appropriate mechanism to adjudicate legitimate claims. †

A proposal for the distribution of re-claimed european jewish assets

Gilbert N. Kahn

Fifty years after the greatest human atrocity ever committed, Jews throughout the world stand to become the beneficiaries of funds and resources which were stolen, confiscated, or removed from them by their murderers or their accomplices. The Nazi gold, the Swiss Bank accounts, the French art disclosures, the British Treasury

trusts, the Italian insurance indemnities, and even the Palestine bank accounts, among others, represent only part of what are assumed to be hundreds of millions of dollars worth of Jewish assets and accounts that disappeared, beginning in 1933. In addition, Jewish property claims—private and communal—now sit ready to be reclaimed. Finally, compensation and/or restitution for suffering, etc., may be forthcoming as well.

Claims Conference

Despite a history of working with restitution claims against Germany, the Jewish community is unprepared to handle the monumental task about to be thrust upon it. Given the times and the unprecedented, Herculean task they faced, the Conference on Jewish Material Claims Against Germany (Claims Conference) created a reasonably effective operation for processing the enormous number of German-Jewish claims. Yet, whatever good experiences the Claims Conference had in dealing with issues of restitution, today's challenge is significantly greater in size, scope, and urgency.

Setting Policy

Probably the most painful question that must be asked is whether indeed all survivors are and ought to be treated equally in terms of their rights to assets. The case could be made, in 1997, that one can seriously question whether all survivors should automatically be the recipients of funds and assets—especially of communal assets—even when they can make a legitimate, legal, claim. This question is even more appropriate when it is posed concerning the rights of heirs. Specifically, how should heirs be treated, up to what degree, and what are their ethical rights of inheritance?

With declining philanthropic resources and a dramatic decline in governmental funds throughout the world for the indigent, hungry, elderly, infirm and needy, it could be argued that Jews ought to be giving priority in the dispersal of whatever windfall they obtain, to the care of needy Jews; first and foremost to needy survivors.

It could also be argued that Jewish education represents the only true possible hope of preventing young Jews from totally assimilating and giving Hitler a post-Holocaust victory. Therefore, any resources that the Jewish community obtains should be designated—immediately—to create and establish an entire array of Jewish educational institutions.

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The case can also be made that any funds that world Jewry obtains should go to the maintenance and development of the State of Israel which represents the true homeland for all Jews and the absolute refuge for all Jews.

Despite the fact that it contradicts logic, there is little likelihood there will be any serious effort to deny survivors their right to full and complete compensation to any and all of their personal assets that become available. Similarly, first-degree heirs will insist on their claim to retrieved assets; but it seems appropriate to cap their restitution at a designated level.

With respect to the State of Israel, it seems that the legitimacy of their right to claim priority consideration, as was the case in the immediate aftermath of World War II, is no longer present. Survivors, heirs, and other petitioners—including the State of Israel should be treated equally. Israel is no longer in dire straits. Its survival and its place as a refuge are no longer in doubt. While it can use all the financial support that it can garner, it is no longer a needy case.

Rather, it is recommended that a Kehilla Fund be established to serve as the official recipient of all funds and resources that are obtained by the Jewish community from various governments—or from private or other public institutions—for which there are no known survivors or first-degree heirs. This fund would be the temporary steward of these resources and would invest those funds until such time that its Governing and Allocations Boards would determine their disposition. It would be the goal of this fund to move funds out as soon as possible and not to engage in program of annualized allocations.

Allocations Guidelines

The overall goal of the Kehilla Fund would be to help people, first and foremost. The following guidelines should govern allocations:

- ▶ The first priority should be to repair, improve, and/or create Jewish institutions to support and sustain survivors and survivor groups. Food, housing, and medical attention are the first concern; institutions second. Additional resources would be extended for community centers, shelters, seniors' facilities, synagogues, soup kitchens, home care services, medical assistance, and subsistence allowances.

- ▶ Claims from European communities and/or from the State of Israel for the care and support of Holocaust survivors should be considered based on the needs, the size, the nature of the community, and the services demanded.

- ▶ All groups of survivors will be considered as an overall category. There will be no preferences given to one country versus another.

- ▶ First-degree heirs should be permitted to receive sufficient resources to guarantee them a set fixed-income for life. The survivor community and the second-generation community, in particular, will undoubtedly object to any cap for any heirs. Nonetheless, "caps" seem to be an extremely reasonable approach, albeit an emotionally charged one. In 1997, the heirs of survivors are either indigent themselves, in which case they would naturally be entitled to adequate restitution up to the designated fixed-income, or they are sufficiently successful in their own right.

- ▶ Education should be made available to the existing world-wide Jewish community. This would include, but need not be limited to, the maintenance, support and/or creation of Jewish schools, curricula, programming, informal education, camps, etc. for Jewish children. An important appendage to this work would be the creation of Holocaust education material for local, state, or national educational departments to be integrated into school curricula for the general population.

- ▶ In those European countries where viable Jewish communities exist and where communal funds and assets become available, the first priority should be to provide adequately for the needs of the indigenous Jewish community. If it is determined that major, significant resources remain, in excess of the amount that can be reasonably used by that country's Jewish community, such excess funds should be put into the Kehilla Fund for dispersment.

- ▶ For unidentified claims, unclaimed assets, or those Jewish assets for which there is no identified survivor or heir, or where there is no surviving community or community claimant, the operating board of the Kehilla Fund will have to consider various possibilities. Where there are no longer Jewish communities, arrangements should be made with the local communities to sell existing Jewish communal property. The proceeds from the sales of such property, in turn, should be given over to the Kehilla Fund for distribution according to the program outlined. Where funds cannot be removed or segregated or allocated to the Kehilla Fund—those funds should be dedicated for education, or Holocaust related, community-wide, programming. Where communities insist that funds remain in the community or the state or the country, efforts should be made to follow the established priority system.

- ▶ Memorials for the victims while important for educational purposes do not present a critical demand for a major expenditure of funds. Such memorials could be

developed, especially in areas and communities within which there are still significant Jewish populations. They must not involve major expenditures of resources from the Kehilla Fund. They should require matching funds from local, state, or national governmental authorities (preferably from all three); and they should be public, visible, and modest.

► Museum and archives in Great Britain and the United States should receive only token support.

Conclusion

At all costs, the goal must be to maximize the use of the funds that now have been released. It must be the legacy of today's Jewish community to create a system that treats these funds in a way which will affirm once again that the 6 million victims will have their memory sanctified and their tradition and their values remembered and perpetuated. ✦

Endthoughts

Intermarriage: the language we speak

Richard Hirsh

Two essential positions dominate the intermarriage discussion. One holds that increasing efforts at outreach can convert [pun intended] a liability into an asset; the other holds that our limited communal resources should be devoted to strengthening the core, not the periphery.

Whatever position one takes, how we as a Jewish community react to intermarried families, and especially the language we use in relating to them, takes on a special, perhaps even determinative, significance.

What Not To Say

In a recent letter to a prominent Jewish newspaper, a no doubt sincere and committed Jew referred to intermarriage as a "cancer." This type of language is both counterproductive, and, more importantly, hurtful. Such language is unlikely to persuade intermarried couples of the willingness

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Ta sh'ma

We invite you to send us your favorite text and comment. Submissions should not exceed 200 words. Be sure to include proper citation of sources. Hebrew will appear in transliteration.

■ Dan Mosenkis

As the flesh of R. Akiva was being flayed by the Romans, the angels called out in anguish: "Is this the Torah, and this its reward?" Whereupon a voice replied from heaven: "If I hear another sound uttered I will turn the world to water, I will devastate both heaven and earth. This is my decree; accept it."

FROM THE MIDRASHIC COMPILATION ON THE TEN MARTYRS, RECITED ON YOM KIPPUR

On first reading, one might see God's response as petulant and frustrated, because God too cannot possibly justify this fate. But, on closer reading, I see more of a hint of helplessness, inevitability, resignation: "Given the way the world was set up, this fate is inevitable."

A more immediate example: In a world in which linear momentum is conserved, in a head-on crash the greater damage will usually be sustained by the smaller car, regardless of which driver was more at fault. To arrange otherwise, we would need a world with a different operating system. Similarly, God is saying that in this world, the only way to insure a different outcome would be to destroy this world and create one that used a different system.

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of the Jewish community to welcome them as they seek closer identification with the Jewish community.

Similarly, invoking comparisons between intermarriage and the Holocaust, as one prominent Jewish spokesman for a traditional organization has done repeatedly, is particularly unhelpful. It demonstrates, first of all, a remarkable insensitivity to Holocaust victims and survivors. Secondly, comparing Jewish men and women who for whatever reason may have married someone who was not born Jewish to Nazis is a violation of the *mitzvah* of *ahavat Yisrael*, the respect and affection expected of one Jew for another.